Appendix A Comment Responses

Identifying the Need for Change

Many sources were used to identify the need for change. After a list of issue/topic areas was generated from those sources, the topics were evaluated and sorted into categories. The sources, sorting process, and categories are described below:

Sources of Information

The need to change the current Management Plans came from the following sources:

- Experiences in implementing the Management Plans and working with the public.
- Public involvement in implementing projects.
- Need for Management Plan amendments as a result of implementing projects.
- Monitoring the effects of implementation.
- Understanding cumulative effects from implementing projects.
- Issues raised in appeals and litigation.
- Knowledge gained from research on prairie ecosystems.
- Discussions with employees.
- Coordination and input from other federal agencies, state agencies, and partners.
- Public feedback on values for these National Forest and Grassland units.
- Assessments which provided new information to refine revision topics.
- Changes in management philosophy for National Forest System lands.

Public Involvement

The Forest Service considers the public's understanding and direct involvement critical to the success of the management plan revision process. Involving the public in the revision was an ongoing, open, and equitable process. Public outreach efforts began well before any formal planning announcements. Forest Service employees began meeting with people both individually and in groups in 1995 to discuss the planning strategy and the need to revise the management plans.

Mailing lists from the three administrative units and their district offices were consolidated in the fall of 1995. In January 1996, the Forest Service sent the introductory issue of the *Revision Reporter* planning update newsletter to the combined mailing list. The publication discussed the planning revision strategy and the need to revise the management plans and asked for the public's input. Between February and May of 1996, the Forest Service hosted a series of public events. Most were open houses at which the Forest Service encouraged the public to discuss their interests with employees. Forest Service personnel recorded comments, if offered, or invited people to send in their comments. These early public contacts helped refine the major revision topics.

On February 26, 1997, formal public involvement was initiated with an announcement (Notice of Intent) in the *Federal Register* of the Forest Service's intent to prepare an environmental impact statement in conjunction with the revision of the management plans. In March, a special edition of the *Revision Reporter* was sent out to a mailing list of about 6,000 asking recipients to help define the scope of the analysis and identify related public issues. The newsletter included a comment form for the public's convenience. A news release requesting public participation was also sent to a regional media list. Again, the Forest Service hosted a series of public events across the four-state area (Nebraska, North and South Dakota, and Wyoming). In addition, Forest Service personnel made many contacts, briefings, and presentations. This formal phase for public comments, called "scoping," was open until July 31, 1997.

About 3,150 comment documents were recorded or received in response to public scoping. These comment documents included letters, comment forms, meeting notes, telephone messages, electronic messages, form letters, and petitions. Of the total comment documents, 65 percent were form letters.

Major Public Involvement Opportunities and Activities

The following is a list of major public involvement opportunities and activities conducted during initial scoping, and during the comment phase for the DEIS / Draft Plans. There were also numerous meetings and briefings with individuals; organizations; user groups; American Indian tribes; and county, state, and federal officials. The list of contacts is extensive.

Revision Reporter / News releases issued	January 1996
Public Open House in Pierre, SD	February 16, 1996
Public Meeting in Douglas, WY	February 29, 1996
Revision Reporter issued	April 1996
Public Open House in Rapid City, SD	April 16, 1996
Public Open House in Chadron, NE	April 18, 1996
Public Open House in Newcastle, WY	April 25, 1996
Public Open House in Thedford, NE	April 25, 1996
Public Open House in Lemmon, SD	May 6, 1996
Public Open House in Bismarck, ND	May 7, 1996
Public Open House in Lisbon, ND	May 9, 1996
Revision Reporter Issued	August 1996
Public Involvement Work Group	October 29-30, 1996
Revision Reporter issued	October 1996
Federal Register / Notice of Intent	February 1997
Lemmon, SD, Farm and Home Show (planning booth)	March 1-2, 1997

Black Hills Sports Show (planning booth)	Feb 27-Mar 2, 1997
Revision Reporter / News releases	March 1997
Public Workshop in Douglas, WY	April 21, 1997
Revision Reporter issued	May 1997
Public Open House in Wall, SD	May 19, 1997
Public Open House in Watford City, ND	June 9, 1997
Public Open House in Dickinson, ND	June 10, 1997
Public Open House in Bismarck, ND	June 11, 1997
Public Open House in Lisbon, ND	June 12, 1997
Public Open House in Halsey, NE	June 13, 1997
Public Open House at McKelvie NF Office, NE	June 13, 1997
Public Work Sessions on Wild / Scenic Rivers in western ND	June 25-26, 1997
Public Open House in Pierre, SD	June 16, 1997
Revision Reporter issued	July 1997
Public Workshop in Chadron, NE	July 22, 1997
Public Meeting in Halsey, NE	October 30, 1997
Public Workshop in Hot Springs, SD	October 30, 1997
Revision Reporter Issued	November 1997
Revision Reporter / News Release issued	March 1998
Public Meeting in Fargo, ND	March 4, 1998
Public Meeting in Minot, ND	March 5, 1998
Public Open House on Research Natural Areas in Bismarck, ND	March 24, 1998
Public Open House on Research Natural Areas in Medora, ND	March 25, 1998
Public Open House on Research Natural Areas in Amidon, ND	March 25, 1998
Public Open House on Research Natural Areas in Watford City, ND	March 26, 1998
Public Meeting in Minot, ND	April 20, 1998
Public Information Fair in Lemmon, SD	April 29, 1998
Public Information Fair in Dickinson, ND	April 30, 1998
Public Information Fair in Watford City, ND	May 1, 1998
Public Information Fair in Bismarck, ND	May 5, 1998
Public Information Fair in Fargo, ND	May 6, 1998
Public Information Fair in Lisbon, ND	May 7, 1998
Public Information Fair in Wall, SD	June 9, 1998
Public Information Fair in Pierre, SD	June 10, 1998
Public Information Fair in Rapid City, SD	June 11, 1998
Public Information Fair in Chadron, NE	June 23, 1998
Revision Reporter Issued	July 1998
North Dakota State Fair (planning booth)	July 24-Aug 1, 1998
Revision Reporter issued	July 1998
Revision Reporter issued	October 1998
Federal Register / Revised Notice of Intent	December 10, 1998
Postcard sent for public to request draft documents	December 1998
Public Open House in Minot, SD	July 15, 1999
Public Open House in Watford City, ND	July 27, 1999
Public Open House in Thedford, NE	July 28, 1999
Public Open House in Lisbon, ND	July 28, 1999
Public Open House in Dickinson, ND	July 29, 1999
Public Open House in Valentine, NE	July 29, 1999

Major Public Involvement Opportunities and Activities, cont.

Public Open House in Fargo, ND	August 3, 1999
Public Open House in Lincoln, NE	August 4, 1999
Public Open House in Grand Forks, ND	August 4, 1999
Public Open House in Bismarck, ND	August 5, 1999
Public Open House in Rapid City, SD	August 9, 1999
Public Open House in Wall, SD	August 10, 1999
Public Open House in Pierre, SD	August 11, 1999
Public Open House in New Town, ND	August 11, 1999
Public Open House in Sioux Falls, SD	August 12, 1999
Public Open House in McIntosh, SD (with event)	August 14, 1999
Public Open House in Chadron, NE	August 17, 1999
Public Open House in Douglas, WY	August 18, 1999
Public Open House in Newcastle, WY	August 19, 1999
Public Open House in Bison, SD (with event)	August 20-21, 1999
Public Open House in Hot Springs, SD	August 24, 1999

Topic Categories

Using issues gleaned from public comments during the initial scoping phase and other sources, the Planning Team grouped the issues into four broad categories, which were then further refined where appropriate.

- **Major Revision Topics** - This category includes topics for which changes in laws or regulations, resource conditions, technical knowledge, data improvement, or public opinion of National Forest and Grassland resource management have created a need for change in the Management Plans. Changes generally are important enough to affect large areas, change the mix of goods and services produced, and involve choices in management direction where there is no public consensus on the best course of action.
- **Other Revision Topics** - There are several topics that need to be addressed in Management Plan revision but do not meet the criteria for major revision topics. In general, these items represent inadequate or out-of-date Management Plan direction. These items would not require any significant amendments to the Management Plans, and rewriting and updating the direction during the revision process can best address them.
- **Legislative Topics*** - These include topics requiring Congressional action or an Executive Order to address the issue or concern. An example would be grazing fee changes.
- **Topics for Other Governmental Agencies*** - These are topics where another agency or governmental body has the primary jurisdiction required to address the issue or concern. An example would be re-introduction of native wildlife species, which is the responsibility of the US Fish and Wildlife Service.

*These topics fell outside the scope of the Revision process and were not addressed in the FEIS and Revised LRMPs.

Major Revision Topics

Seven broad topics, many with sub-topics, met the criteria to be considered Major Revision Topics:

- Community and Lifestyle Relationships
- Livestock Grazing
- Oil, Gas, and Minerals
- Plant and Animal Damage Control
- Rangeland and Forest Health
- Recreation and Travel Management
- Special Area Designations

Other Revision Topics

In addition to the Major Revision Topics, the following topics were addressed within the context of forest and grassland-wide direction or standards or guidelines in the Revised Plans.

- Fossils
- Land Use
- Heritage Resources, Treaty Rights, Tribal Relations
- Planning and Regulations
- Water Resources

Peer Reviewers and Working Groups

Three panels of peer reviewers were asked to review process and analysis methods for several topic areas, including economics, timber, and range.

Economic Peer Review Group

This group reviewed the process and methodology of the economic analysis. Members of the economic review panel are listed below:

- Dr. Marty Buetler, South Dakota State University, West River Agricultural Center
- Dr. Larry Leistritz, North Dakota State University
- Dr. Scott Stradley, University of North Dakota
- Dr. Garth Taylor, University of Nebraska
- Dr. Tex Taylor, University of Wyoming
- Dr. Fred Obermiller, Oregon State University

Range Peer Review Group

This group reviewed the Documentation of Range Analysis that was incorporated into Appendix B-Documentation of Analysis. Members of the range review panel are listed below:

- Dr. Pat Johnson, South Dakota State University, West River Agricultural Center
- Dr. Jim Johnson, South Dakota State University, West River Agricultural Center
- Dr. Jim Stubbendieck, University of Nebraska-Lincoln
- Dr. Pat Reece, University of Nebraska Panhandle Research and Extension Center
- Dr. Quentin Skinner, University of Wyoming
- Dr. Jerry Dodd, North Dakota State University
- Dr. Don Kirby, North Dakota State University
- Dr. Lee Manske, North Dakota State University, Dickinson Research Extension Center
- Ms. Kim Stine, Nebraska State Range Management Specialist, USDA-NRCS
- Mr. Rod Baumberger, USDA-NRCS, South Dakota
- Dr. Dan Uresk, USDA Forest Service, Rocky Mountain Experiment Station
- Dr. Lamar Smith, Division of Range Management, University of Arizona (retired)

Timber Peer Working Group

This group helped develop desired conditions for forest vegetation types based on the emphasis of each alternative using typical harvest removal levels. Information on this process is included in Appendix B-Documentation of Analysis. Members of the timber panel are listed below:

- Fred McCartney, Pope and Talbot Forest Products
- John Overstreet, Forester, Nebraska State Forest Service
- Doak Nickerson, Forester, Nebraska State Forest Service
- Roger Keepers, Forester, Nebraska National Forest
- Pat Irwin, District Ranger, Nebraska National Forest
- Liz Ohlrogge, Resource Coordinator, Northern Great Plains Planning Team
- Jeff Ulrich, Analyst, Northern Great Plains Planning Team
- Bob Sprentall, Range Ecosystem Coordinator, Northern Great Plains Planning Team
- Dave Cawrse, Team Leader, Northern Great Plains Planning Team

Draft EIS & LRMP Public Comment Content Analysis Process

DEIS Comment Period ended three times, to February 3, 2000, at the public's request. Nearly 25,000 commentors provided over 110,000 comments in response to these documents.

All comments postmarked or received from July 6, 1999 until February 3, 2000, the close of the comment period, were analyzed for content related to the Northern Great Plains Draft EIS and Land & Resource Management Plans. Comments received before or after this time period were not part of the content analysis process. Comments received before the release of the Draft EIS & LRMPs were not comments on these documents as they had not yet been released. Comments received after the comment period received a review for new issues but were not part of the comment analysis process.

DEIS Content Analysis

The comment analysis consists of seven parts

- Log in and number comments
- Enter the commentor's address in the mail data base
- Code substantive comments from each letter / comment received
- Enter comments in the comment data base
- Develop general or summarized comments
- Address summarized comments in the Final Environmental Impact Statement.
- As warranted by comments, reflect changes to the Draft Environmental Impact Statement in the Final Environmental Statement.

On June 2, 2000 the NGP ID Team was delivered the final set of action items from public and agency comments to incorporate into the FEIS and Final LRMPs. This list consisted of those summary comments slated for action and which had NGP Board concurrence. As each item was completed the ID Team went back to the summary comments and briefly summarized what had occurred and where in the documents the summary item was dealt with.

Comments and Responses on the Draft Revised Plans and Environmental Impact Statement

Community and Lifestyle Relationships

Comment: Manage the grasslands for multiple uses, not just commodities.

The sideboards for managing the national grasslands are defined in significant part by laws, regulations, and policies. The Bankhead-Jones Farm Tenant Act of 1937, as amended, which established the land utilization projects, many of which were later designated national grasslands, outlined the purpose for which they were established: "…in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, protecting fish and wildlife, developing and protecting recreational facilities, mitigating floods, preventing impairment of dams and reservoirs, developing energy resources, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare, but not to build industrial parks or establish private industrial or commercial enterprises."

The Multiple-Use Sustained-Yield Act of 1960, which applies to national grasslands as well as national forests, also outlines that: "It is the policy of the Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes."

Besides the Bankhead-Jones Farm Tenant Act of 1937 and the Multiple-Use Sustained-Yield Act of 1960, the National grasslands and forests are managed under a myriad of other laws including the National Environmental Policy Act of 1969, Endangered Species Act of 1973, Forest and Rangeland Renewable Resources Planning Act of 1974, National Forest Management Act of 1976, the Wilderness Act, the Wild and Scenic Rivers Act, the National Trails System Act, the Mineral Leasing Act of 1920, et al.

There are, in fact, no authorities that direct, or allow, the Forest Service to manage the national grasslands for commodities exclusively. The management area emphasis outlined in the revised plans is a comprehensive approach to integrating the various uses and values associated with the national grasslands and allocating areas to accommodate them.

Comment: Emphasize historical grassland uses—grazing, mining, hunting, etc.

Historical grassland uses such as grazing, mining, hunting will continue to be an important part of the spectrum of uses outlined in the revised plans. Because of changes in public awareness in, and expectations of, these lands, as well as changes in law, many historic uses will experience changes in the ways they are managed on the national grasslands.

Livestock grazing will remain a significant use on the vast majority of the lands within the planning area. Stocking levels may be increased in some areas to achieve specific management objectives, but overall grazing levels will be reduced somewhat in order to provide a wider range of values that are associated with more diverse vegetation composition and structure. This does not mean across-the-board reductions to all allotments. Stocking will be set to achieve desired conditions, and conditions will be monitored. Refinement of stocking will be based on monitored conditions.

Mining on the national grasslands is primarily in the form of oil and gas production and coal mining. Minerals produced from national grasslands provide important resources for the country as a whole as well as revenues to the states and counties where the extraction occurs. Mineral production will continue under the new plans.

The plans implement stipulations in the leasing agreements that allow production to take place in most areas while protecting other resources. A combination of approaches, including timing limitations (TL), controlled surface use (CSU), and no surface occupancy (NSO) will be used where appropriate to protect water, soil, fossil, and plant and animal habitats and populations, as well as reduce potential adverse effects to particular types of recreation uses, grassland scenery, and other values.

As the amount of private land available to hunting continues to diminish, and more and more private land is operated under a fee system, the public lands are becoming increasingly important as a land base for hunting related recreation. The variety of hunting experiences available on the public lands is considerable, and will be expanded by the plans. Hunters who prefer a walk-in experience will gain areas where non-motorized access will be the norm. Habitat for most game species will be positively influenced by vegetation management goals in the plans. Hunting will continue to be an important component in the mix of multiple uses available on the national grasslands and forests addressed by the plan***s.***

Comment: Focus on preserving natural appearing landscapes and amenity values when managing the grasslands.

Under previous plans only the Thunder Basin National Grassland and Little Missouri Grasslands (Northern and Southern Leasing EISs) had visual quality objectives (DEIS 3-202). With this plan revision effort, all of the planning units have been inventoried using the new Scenery Management System. Mapping under the new system incorporates viewing distances, concern level, scenic attractiveness, scenic class (determined by combining the previous three factors), and existing scenic integrity.

Scenic integrity levels were assigned to each management area based upon the intent of the management area direction. Scenic integrity levels are a set of measurable objectives that are incorporated into the management of forest and grassland resources. The five levels range from Very High—which generally provides for naturally occurring changes only; to High—where facilities and disturbance from human activities are not scenically evident; to Moderate—where the valued landscape character may appear “slightly altered”; to Low—where the valued landscape character “appears moderately altered”; and finally, to Very Low—where the landscape appears “heavily altered.” (FEIS Chapter 3, Recreation and Travel Management)

As specific activities and projects are planned under the revised plans, a detailed analysis will be required to determine the impacts to the scenic resource and whether the management activities will be permitted, or what types of mitigation will be required for the activity to comply with scenic integrity objectives. Examples of mitigation commonly used include revegetation of disturbed sites, materials and colors for structures that reduce their visibility, and placement of utilities underground.

Alternative 3 Final calls for the “High” scenic integrity level to include Dakota Prairie National Grasslands -- 176,850 acres; Thunder Basin National Grassland—35,170; and Nebraska National Forest and Associated Units—91,300. The Nebraska National Forest, Pine Ridge Ranger District includes 7810 acres in the “Very High” level. (FEIS Chapter 3, Recreation and Travel Management)

Additionally, these revised plans provide for a Management Area 3.65 Rangelands with Diverse Natural-Appearing Landscapes. Alternative 3 Final allocates 383,100 acres to MA 3.65 on the Dakota Prairie units and 83,400 acres on the Thunder Basin National Grassland. Also 23,600 acres of MA 4.22 Scenic Area, Vistas, Travel Corridors has been allocated for the Little Missouri River Corridor on the Little Missouri National Grassland in Alternative 3 Final.

Comment: Establish a large buffer zone to protect adjacent landowners from the effects of the proposed plan.

The national grasslands and forests in the Northern Great Plains plans revision process are a small part of the overall land base in the Northern Great Plains. Of the 250 million acres of prairie ecosystems in Montana, North and South Dakota, Nebraska and Wyoming, only 2.9 million acres, or just over one percent, are directly affected by the plan revisions. However, due to the intermingled nature of the land ownership, the public lands have many neighbors to consider when making land management decisions.

Since most changes brought about by the revised plans will be implemented at the project level, a separate and site-specific decision-making process will be required to determine the effects of proposed management activities. As required by NEPA, an environmental analysis of the effects of a proposed action must include a disclosure of those effects to the public and involve the public in the process. Issues brought up by the public must be addressed by the agency and alternatives considered. If possible, the agency must include mitigation measures to reduce or eliminate the adverse effects of the proposal.

While it may not be possible to completely eliminate the effects of management activities that occur on the public lands from having an affect on adjacent lands, the agency will conduct a thorough analysis to determine what they may be, and with the help of the affected parties, how to address these concerns.

Comment: Your analysis of economic impacts on individuals, communities, and states is inaccurate. It doesn't include the acres of private and state lands within the National Grassland boundaries.

The analysis has been expanded to include the impacts on intermingled commonly fenced lands. Private landowners have voluntarily given the Forest Service control of grazing use on these lands. This relationship can be ended at the private landowners discretion if they chose to fence their lands separately from National Forest System lands. The Forest Service controls grazing use on these lands because the state and private landowners have not exercised their right to fence their lands separately from National Forest System lands. The Final EIS (FEIS) determines the ratio of National Forest System (NFS) lands to state and private lands within intermingled land ownership grazing pastures. The FEIS, Chapter 3, Community and Lifestyle Relationships displays the job and income impacts on NFS lands plus the cumulative job and income impact on state and private lands. Other cumulative grazing impacts such as the impacts to ranch market value and loan value are discussed as well.

In addition oil and gas effects were considered on intermingled state and private lands through the RFD prepared for each oil and gas unit. The FEIS displays the job and income impacts from changes in oil and gas activity as well as the cumulative effects on adjoining state and private lands. The direct and cumulative effects on tax revenue are also discussed in the FEIS, Chapter 3, Community and Lifestyle Relationships.

Comment: Your economic analysis failed to address the following:

- *Private property rights of landowners with intermingled or adjacent land.*

Private landowners have the ability to exercise their ownership rights subject to other valid rights such as a right-of-way or mineral ownership by someone other than the surface owner. As explained above, the effects on adjacent private property owners are discussed in FEIS Chapter 3 Community and Lifestyle Relationships.

- *Impacts on landowners with grazing rights based on base property.*

A grazing permit does not give a rancher any permanent rights or title to National Forest System land (36 CFR 222.3 (c)). There are a number of economic impacts to grazing permittees from reductions in permitted AUMs, that are discussed in FEIS Chapter III Community and Lifestyle Relationships.

- *Impacts on ranchers operating on private land outside the grassland boundaries (e.g., effects of subsidies, grazing reductions, noxious weed programs).*

So-called grazing subsidies are not discussed in the FEIS as the absence or presence of the grazing permit system is outside the scope of the Land & Resource Management Plan decision.

Grazing reductions will benefit landowners who do not have federal permits and who are operating on private land outside the grassland boundaries, as there will be increased demand for forage, and possibly reduced available livestock at stock sales.

The success or failure in controlling noxious weeds on NFS lands can significantly increase adjacent landowner expenses, as the private landowner will then have to spend his funds to keep noxious weeds from impacting his or her land.

- *Impacts on existing ranching operations (increase transportation costs for livestock, having to lease private ground, property devaluation from AUM reductions, etc).*

Impacts on existing ranching operations are discussed in FEIS Chapter 3, Community and Lifestyle Relationships.

Reductions in NFS livestock numbers will cause an affected rancher to make adjustments to stay in business. Some ranches that are already close to going out of business may not be able to stay in business as a result a reduction in livestock numbers. “Permittees on the Bighorn National Forest were surveyed concerning adjustments they would make if USFS grazing permits were reduced by 25, 50, and 100%. The majority of permittees stated they would adjust their resources at the base ranch and keep ranching until they could no longer stay in business; then, they would sell out. A few stated they could improve some grazing lands (e.g., spray sagebrush), but the majority stated there were not many improvements they could make.” (Van Tassell et al, 1998)

Ranchers who chose to augment their operation with leased private lands may have to pay the increased cost to lease private ground, but it would a benefit to the landowner who puts the private grazing land up for lease. Numerous commentors indicated leased private grazing ground was not readily available. This type of arrangement may benefit the landowner who leases the private grazing land. Private land grazing leases would be more expensive than the federal grazing fee, but many grazing operations throughout the Midwest pay these fees.

Although a grazing permit does not give a rancher any permanent rights or title to National Forest System land (36 CFR 222.3 (c)), real property values are associated with a grazing permit by banks, real estate markets and other institutions. A grazing permit does add to the real estate value of a ranch. A study in Wyoming (Bastian et al, 2000) found a USDA Forest Service permit had an average real estate value of $68.00 per AUM with a range of $40 - $100 per AUM. The grazing permit real estate value will vary across the Northern Great Plains, but the key point is that various financial markets recognize this value. Further a rancher can obtain a loan based on a percentage of the real estate value of the AUMs in a Forest Service grazing permit. The ability to borrow working capitol may determine whether some ranches are able to stay in business.

- *Impacts of wilderness designation on ranching operations (increased operating costs due to motorized travel restrictions).*

Impacts of wilderness designation are discussed in FEIS, Chapter 3 and FEIS Appendix C. Depending on how wilderness legislation is written, wilderness designation may cause some ranchers to switch to non-motorized operations as was common when the grasslands were first grazed by domestic livestock. This may make it difficult to maintain watering facilities, maintain fences, and move livestock. Increased costs would be in the form of increased expenses for a horse herd, decreased efficiency of labor, and depend on a rancher's physical ability to ride and work off a horse or hire laborers who can.

- *Impacts to hunting and recreation and the jobs that depend on them when motorized access is restricted.*

Impacts to hunting and recreation are discussed in FEIS, Chapter 3, Recreation and Travel Management. Motorized hunting and motorized recreational use will be prohibited in wilderness, areas recommended for wilderness, backcountry nonmotorized areas, and some SIAs & RNAs; however other forms of nonmotorized recreation which currently do not exist are expected to occur in these areas.

Off-road motorized access restrictions are not expected to have a significant impact on hunting and other forms of recreation. Although people will not be able to drive off-road in many areas, there are still miles of roads and trails to enjoy.

- *Impacts to local communities, oil and gas industry, small businesses, small ranchers, mineral and the lumber industries, and the regional trade areas (e.g., declines in school enrollment, reduced funding for schools).*

The new management proposals for Alternative 3 will not cause serious economic loss to the economic impact areas where those National Grasslands are located or to Montana, Nebraska, North Dakota, South Dakota, or Wyoming. The FEIS job and income assessment indicates no economic impact area will experience increasing or decreasing impacts greater than 1% from National Grassland or Forest decisions. Generally communities that are in decline will continue to decline as communities that are growing will continue to grow independent of the alternatives. New management direction for National Grasslands, including those embodied in the more restrictive Alternative 4 are likely to support the ongoing diversification and development of the local and state economies. See the discussion in FEIS Chapter 3, Community and Lifestyle Relationships.

- *Impact of losing federal oil and gas revenues on affected North Dakota counties?*

Economic impacts are disclosed in the FEIS, Chapter 3 Community and Lifestyle Relationships. The Little Missouri National Grassland Reasonable Foreseeable Development Scenario (RFD) indicates that mineral rights outside the Federal Mineral Estate would be unaffected and the greatest impact of the alternatives would be the estimated 8% decline in payments to states and counties in Alternative 4 when compared to current management in Alternative 1. The RFD for the Thunder Basin, Buffalo Gap projects no change in payments to states and counties. The RFD's estimate the rate at which new wells are brought into production will equal the rate existing wells are closed. Generally, markets will

play a greater role in the variability of oil & gas revenues than will Forest Service decisions as has been seen in the increase in energy prices in 2000 and anticipated energy shortages in 2001. Energy price increases will not only bring more wells into production in a given period of time, but will increase royalty per-unit-of-energy payments to states and counties. Similarly a decline in price will have the opposite effect.

- *Impact of the proposed changes on tourism.*

Overall tourism is not expected to decrease; its expansion may slow somewhat but not decrease. There is considerable controversy as to whether or not restricting off-road travel to existing roads and trails will cause fewer people to visit the National Grasslands and Forests. Tourism is expected to grow (see FEIS Chapter 3 Recreation & Travel Management). In North Dakota, tourism has increased 20 to 25 percent annually over the last five years (Leistritz, 1999). The recently released Off-Highway Vehicle FEIS (USDA Forest Service, USDI Bureau of Land Management 2001, pp 51-52) indicates that out of the estimated 960 jobs dependent on off-road travel in 2005 that 9 jobs would be lost under the most restrictive assumptions. By 2015 off-road travel related jobs are estimated at 1,100 without restrictions and 1,089 jobs under the most restrictive assumptions. Tourism will continue to increase and the effect of off-road travel restriction will be to slow the growth in jobs and income related to off-road travel.

- *Benefits from eco-tourism and recreation associated with wilderness and wild and scenic rivers, non-motorized recreation, and wildlife viewing.*

See response above.

- *The relative contribution of permitted livestock use and wilderness uses.*

No wilderness is recommended in the Dakota Prairie and Thunder Basin LRMPs. This change was made to respond to public comments and the desires of the States. The relative contributions of wilderness and livestock use are dependent on the types of uses people are looking for. These two uses are compatible on the same piece of land, so it follows that an attempt should be made to provide the experience and uses that wilderness provides. This was done in all three plans though recommending wilderness was handled differently in each plan.

Many comments received during the DEIS comment period questioned how tourism could replace the livestock industry. A study in Wyoming examined this issue (Fletcher et all, 1998). The study compared the relative value of 1000 Animal Unit Months (AUM) of domestic livestock grazing versus 1000 Tourism Visitor Days (TVD). The study found that it takes roughly 1.2 TVD to equal 1 AUM on a personal income basis and roughly 1.07 TVD to equal 1 AUM on an employment basis. See the additional discussion in the FEIS, Chapter 3 Community and Lifestyle.

Comment: Projected tourism increases under Alternative 3 are not substantiated. In addition, the DEIS shows no tourism increase under current management when in fact it has increased 20-30% annually under current management in western North Dakota.

The FEIS does not project increases or decreases in tourism by alternative as there isn't supporting evidence that would indicate the management alternatives would significantly alter tourism levels. It does display the effects of projected increases in tourism including a projected 20% annual increase representative of the last 5 years in western North Dakota. (FEIS, Chapter 3, Community and Lifestyle Relationships.)

Comment: The plan doesn't recognize the following:

- *North Dakota section line law.*

It is true that the federal and state governments have different perspectives on this. However, it need not be a divisive issue. The Forest Service pledges to work with counties to grant county ROWs where they would be compatible with Land & Resource Management Plan direction.

In 1866, Congress enacted a statute offering states a statutory right through the following language: The right of way for the construction of highways over public lands not reserved for public uses, is hereby granted. This same law was repealed in 1976.

Roads which were constructed after land surveys were made under the Act of July 26, 1866 and roads existing at the time the Government acquired the lands are recognized as public roads unless the roads have since been vacated by the public road agency having jurisdiction.

The major question is whether section lines resulted in the establishment of road rights-of-way even where no construction has occurred remains a question. It is the Forest Service's opinion that the state cannot accept the federal offer by establishing highways pursuant to state laws that do not satisfy the requirements of the federal statute. In this case the unsatisfied requirement is construction of the road. (FEIS Chapter 3, Recreation and Travel Management)

- *The grasslands were acquired for the purpose of demonstrational grazing projects.*

The grasslands were acquired under a variety of authorizations beginning in the 1930's with the "land utilization program." This program started as a submarginal land purchase program and evolved and expanded into a program designed to manage land for its most suitable use. The Land Utilization Project culminated with the passage of Bankhead Jones Farm Tenant Act in 1937.

None of these acts refer to "demonstrational grazing" programs. To the contrary, Bankhead Jones Farm Tenant Act is one of this country's first conservation laws focusing on conserving a variety of resources. See response to first comment under Community and Lifestyle Relationships.

- *The reserved 6 1/4% royalty interest of minerals on lands purchased from the counties.*

The Forest Service acknowledges that Billings, Golden Valley, & McKenzie counties do have 6 ¼% royalty interest in the oil and gas production of certain mineral estates. Some of the decisions made in this plan may defer mineral leasing production on some parcels of land for long periods of time. In some cases, this could result in the deferment of royalty payments to the counties.

In the event that oil and gas development is deferred for extended periods of time in areas where the counties have a 6 ¼% royalty interest, the counties can either wait until the oil and gas production is developed, or suggest mineral exchanges from the federal government to areas where the oil and gas will be developed sooner. If mineral exchanges are requested, such exchanges will be based on appraised values and will be exchanged on an equal value for equal value basis. See FEIS Chapter 3, Community and Lifestyle Relationships for additional discussion.

Comment: Your economic analysis is flawed for the following reasons:

- *You didn't use a sound, peer-reviewed verifiable economic assessment model*

Peer review was used in the DEIS model. That model was further peer reviewed through comments received during the DEIS comment period. Further peer review occurred after the public comment period working with researchers in Wyoming. The economic model used in the DEIS and the FEIS does abide by standard economic methodology. Changes in total jobs, personal income, and number of residents, and total net economic value created are displayed. It is in those terms that the national economy is evaluated.

- *Your data is misleading and unsubstantiated.*

The IMPLAN modeling process is used by researchers, and county, state, and Federal economists across the country as part of accepted economic modeling methodology. Model parameters were tested against similarly constructed models using local data and found to be within 5 percentage points of the local models. The assumptions for data going into the IMPLAN model were the key element for change in the FEIS economic analysis, such as considering the indirect impacts on intermingled land for job and income impacts.

As a result of reviews by outside economic experts, the FEIS analysis uses updated industry data, includes indirect impacts, and was compared against available census data.

Refer to FEIS, Chapter 3, Community and Lifestyle Relationships and FEIS, Appendix B.

Comment: Your economic analysis should be reviewed by outside experts.

The DEIS and FEIS economic analyses were reviewed by outside experts as part of the DEIS development process, the DEIS comment period, and during the development of the FEIS. Comments were received from David T. (Tex) Taylor, Department of Agricultural Economics, University of Wyoming; Brett R. Moline, Extension Specialist, Department of Agricultural Economics, University of Wyoming; Martin Beutler, South Dakota State University; and F. Larry Leistritz, Professor, North Dakota State University. See FEIS, Chapter 3, Community and Lifestyle Relationships and FEIS, Appendix B.

Comment: The economic impact of the grazing cuts (in the DEIS) is incorrect. Based on an analysis by an Agricultural Economist at the University of WY, loss in AUMs under Alternative 3 will cause more than $3 million economic loss and a loss of 62 jobs in the local community. The FS figures show only a $100,000 economic loss and 8 jobs lost when comparing Alternative 3 with Alternative 1.

The analysis completed by the Agricultural Economist at the University of Wyoming overestimated the indirect impacts of National Forest and Grassland management by assuming all acres within the Thunder Basin National Grassland were influenced by Forest Service administered grazing. Within the National Forest or Grasslands in the Northern Great Plains there are many state and private pastures that are unaffected by Forest Service grazing decisions. The DEIS analysis did not consider this aspect of indirect impacts. The FEIS analysis does assess the effects associated with private and state lands within Federal pastures that are influenced by Forest Service administered grazing. The results of the analysis can be found in Chapter 3 of the FEIS in the Community & Lifestyle Relationships section. The analysis process used is documented in section II B, Appendix B of the FEIS.

Comment: Your method for calculating job losses and your job loss numbers are incorrect because you used the wrong cattle and sheep response coefficients in your analysis.

As explained in section II B of Appendix B in the DEIS and FEIS cattle coefficients were developed from county data.

Comment: Alternative 3 will cause an annual loss in state net revenues from energy taxes, royalties, general taxes, and leases/bonuses of 2.4 million. Direct energy-related employment will decrease by 69 FTEs, and secondary losses will be between 777 and 869 jobs. The livestock and energy losses will decrease the economic base by 7.5% on the Little Missouri National Grasslands. In Slope County, energy-related job losses are estimated at 15.8 FTEs direct employment and 87 FTE secondary job losses. Secondary grazing-related job losses in Slope County are estimated at 42-54 FTEs. The proposed 35-45%reduction in grazing in Slope County will put livestock producers out of business. North Dakota impacts would be $96 million in business volume.

"The Forest Service does not by itself control the level of oil and gas development on the National Grasslands. Energy market conditions, especially oil and gas prices, technological developments, and geological conditions, play the dominant role. … Between 1979 and 1985 an average of 175 wells were drilled each year within the boundaries of the Little Missouri National Grassland. In 1995 and 1996 an average of 12 wells were drilled each year. This decline in drilling and production was not due to changes in Forest Service management policy; it was due to dramatic changes in the market for petroleum, especially the decline in the price of crude oil" (Power, 2000). The FEIS estimates a decrease of 221 jobs and annual income of $3.9 million out of 208,691 jobs and $7,128 million in income across all the Northern Great Plains impact area; a change of less than 1% when compared to existing conditions.

Indirect & induced job (secondary) multipliers used in the Forest Service analysis from the Range Fed Cattle (sector 4) and Natural Gas & Crude Petroleum (sector 38) Sectors were no greater than 3.07 and no less than 1.797. Much of the labor for drilling comes from out of state, it takes relatively few people to run a producing oil and gas field given the value of the product, the raw material is processed out of state, and most of the profits go to out of state investors and corporations. Owners of mineral rights do usually get $1/8^{th}$ of energy related royalties and if they are local residents, corporations or governments, the local economy will likely benefit. The Federal Government returns 25% of its net $1/8^{th}$ royalty to counties. The energy industry is a significant source of local government revenues from royalties owned by local governments, profit sharing of Federal mineral receipts, severance taxes, income taxes, and property taxes on drilling and production equipment. The energy effects of Alternative 3 indicates at most 3% of jobs and 4% of income from future energy production growth would not be realized.

In 1992 approximately 16% of head months grazed in Slope County were grazed on National Forest System lands, in 1997 the percentage was approximately 12% (US Department of Commerce Census of Agriculture, 1997 & 1992). Eliminating all Forest Service grazing would only lead to a 12–24% reduction of head months in Slope County, depending on secondary impacts. (See FEIS Chapter 3 Community & Lifestyle Relationships for additional discussion).

Business volume is not an appropriate indicator of economic well-being (how people are affected) and is not reported in the FEIS. Jobs and income are appropriate indicators of economic well-being and do a good job of estimating how people will be affected by Forest Service decisions. Jobs and income are used by economists at a National level as a measure of economic well-being.

The FEIS uses the IMPLAN Input/Output model, an internationally recognized model, which is managed by the Minnesota IMPLAN Group (a private organization). The FEIS analysis developed an economic impact model using an aggregate of counties as the economic impact area for each administrative grassland unit. By doing this at the county level effects can be more accurately measured as transactions between counties are accounted for. It is unlikely that one county in this geographic region constitutes an economic impact area.

Refer to FEIS, Chapter 3, Community and Lifestyle Relationships, and FEIS, Appendix B.

Comment: The DEIS drastically underestimates economic impacts. According to a study by Dr. Larry Leistritz (NDSU), reductions in livestock and energy sector sales (from implementing the proposed plan) will decrease ND business volume by $96-100 (70 million in the Little Missouri region) million dollars annually; energy sector losses alone would be $50 million annually. This will be financially devastating to local communities and livestock producers who are already feeling the consequences of low product values and high input costs. It will also impact metropolitan areas lacking the infrastructure to handle large migration influxes. Leistritz' study says Alternative 3 will reduce livestock by 24-30 thousand head, with a corresponding decrease in gross business volume of $40-$50 million. The economic impact of the plans will be significant and adverse on a substantial number of small entities. A regulatory Flexibility Analysis should be required.

As stated above, gross business volume, which serves as the basis for the Leistriz model, is not an appropriate indicator of economic well-being and is not used in the FEIS. Also as stated above, the worst case for Alternative 3 energy impacts indicates that 97% of future job growth and 96% of future income growth from oil production would be allowed to occur under Alternative 3, but generally it will be the energy markets that will determine the level of energy production in the Northern Great Plains, not Forest Service regulations.

The DEIS and FEIS specifically calculate job & income effects at the economic impact area level (an aggregation of counties) using county level data and assert that they are valid calculations. Effects analysis at the county or community level is difficult and impractical to complete and can only be addressed in a qualitative way. Effects analysis at the county or community level in addition does not capture transactions between counties and communities. For example while Billings county does produce a relatively large volume of oil & gas when compared to other counties in the areas, there is very little employment and income generated in Billings County. A majority of the workers live in another county. The economic impact areas were designed to capture these cross county and community effects. Thus, the effects analysis discusses effects at the economic impact area level.

An updated version of the Reasonably Foreseeable Development Scenario for Oil and Gas has been prepared for the FEIS, and the economic impact analysis has been revised accordingly.

Refer to FEIS, Chapter 3, and Appendix B.

Comments on lost grazing revenues:

- *The proposed cuts in livestock grazing and other uses on the Sheyenne National Grassland would cost Ransom and Richland counties $2.5-2.7 million in revenue and 107-112 full time jobs. Business lost to surrounding communities would be $11-12.2 million. Reductions in livestock grazing could reduce state tax collection by $464,000 and $584,000 annually (Leistritz and Bangsund 1999).*

Proposed changes in grazing and the effects on jobs and income are estimated in FEIS, Chapter 3, Community and Lifestyle relationships and would under the most restrive alternative result in a loss of 70 jobs and $750,000 in income considering direct, indirect, & induced effects to the Sheyenne economic impact area. The Sheyenne National Grassland has many resource concerns which must be addressed (see FEIS, Chapter 3). To address these important resource issues, jobs, income and revenue will be affected.

- *The estimated reduction in livestock grazing will be 36 to 48 percent on the Little Missouri National Grasslands and 64 to 70 percent on the Sheyenne National Grasslands.*

The largest source of difference between grazing effects in the DEIS and the Heritage Alliance of North Dakota (HAND) analyses seems to be the use of the "no action" alternative (the grazing level recommended by existing plans) as a starting point in the DEIS as opposed to the level as shown on the grazing permit ("permit levels") used by HAND.

Traditionally, North Dakota ranchers have not been able to graze at permit levels because the conditions on the ground precluded that level of use. However, a more realistic approach is to look at the historical use patterns, which are the livestock numbers that are authorized each year by the Forest Service that can graze on the National Grasslands. In some years, the authorized numbers equal the permit levels, but in most years, they are lower than the permit levels. The FEIS effects analysis has been adjusted to use the historical authorized use levels as the reference or starting point for effects on livestock grazing.

The FEIS effects analysis now incorporates use of National Resource Conservation Service (NRCS) stocking recommendations. Applying the NRCS protocol, it is estimated that AUM reductions for the Little Missouri National Grassland would be 9% and for the Sheyenne National Grassland, 17%

A full discussion can be found in FEIS, Chapter 3, Livestock Grazing and FEIS, Chapter 3, Community and Lifestyle Relations.

- *Basic sector livestock revenues will be reduced by $1 million annually, with secondary losses estimated between $3.5 and $4.6 million. The reduced business activity will cause tax revenues to decrease by $52-69 thousand annually. A 10% reduction in AUMs would result in a private loss of $6,000. If $1.00 turns over 8 times in a small community, this equates to a community loss of $48,000.*

See discussion in ii above. Income and job multipliers for range fed cattle used in the FEIS are not greater than 2.7 (sector 4 range fed cattle) within the affected Northern Great Plains economic impact areas. See FEIS, Appendix B.

- *The Wyoming Farm Bureau Federation has determined a 1 AUM reduction in federal AUMs could cause a 3.3 AUM total reduction. Stocking rates on the 30% of federal land could determine stocking rates for 64% of private land and 6% of state land. Assuming every MAUM supports 1.16 full-time jobs on the Thunder Basin, Alternative 3 represents $2.7-$3.4 million loss in local economic activity and $722-$898 thousand loss in personal income.*

We agree that short-term effects could be realized on private lands as a result of the proposed management direction. However, it is also possible that there will be no long-term effect because grazing land of failed ranches if any, will eventually be grazed as ranches readjust and/or consolidate.

The Wyoming Farm Bureau Federation overestimated the indirect impacts to private land grazing levels by assuming all livestock stocking levels on private lands within the Thunder Basin National Grassland are determined by the Forest Service. The Forest Service makes stocking decisions only for fenced pastures with National Forest System lands (National Grassland) in them. There are many private pastures within the Thunder Basin National Grassland. The Forest Service makes no stocking level determinations for private land pastures.

When private or state lands are fenced in with National Forest System lands, the Forest Service sets the stocking levels for the entire pasture. Private or state land owners have the right to fence out their lands and would then be free to stock their lands as they see fit. When this has not occurred, stocking is determined by Forest Service decisions. The FEIS analysis indicates the Thunder Basin intermingled land effects multiplier is 2.3; put another way, for every 1 acre of National Forest System pasture, the Forest Service sets stocking levels on another 1.3 acres of private and state land

within those same pastures. See FEIS, Chapter 3, Community and Lifestyle Relationships for further discussion.

- *On the Sheyenne National Grassland, basic sector losses from grazing reductions will cost $9-11 million annually. On the Thunder Basin, the reduction in AUMs will cause the loss of 50-60 full-time jobs. It will be very difficult for the affected counties to replace these jobs.*

On the Sheyenne the alternative with the greatest decrease in AUMS (Alternative 4) projects a decrease in 60 jobs and $670,000 in income using direct, indirect, and induced factors. On the Thunder Basin the alternative with the greatest decrease in AUMS (Alternative 4) projects a decrease in 30 jobs and $621,000 in income using direct, indirect, and induced factors. Between 1990 and 1997 the Sheyenne and Thunder basin gained an average of 388 and 1,070 jobs annually (REIS).

Economic Impacts of Grazing in Wyoming Communities: An Interpretation (R. Fletcher et al. 1994, attached) was used to calculate loss of personal income to the affected ranching families and economic activity loss to the surrounding communities. One AUM represents $27.66 of direct and secondary personal income. One AUM represents $124.13 of direct and secondary economic activity. 1 AUM represents 0.00220 jobs. The 1995 Report of 161,000 AUMs minus 120,700 AUMs under Alt. 3 equals a reduction of 40,300 AUMs on the TBNG. The 40,300 AUM reduction x $27.66 = $1,114,698.00 annual loss of direct and secondary personal income to the individual permittees on the TBNG. The 40,300 AUM reduction x $124.13 = a $5,014,529.00 annual loss of direct and secondary economic activity to the local communities. The 40,300 AUM reduction x 0.00220 Jobs/AUM = a loss of 89 jobs.

Secondary personal income does not represent a loss to the permittees. Secondary income results from the rancher buying supplies, paying vet bills, etc. and the associated losses suffered by those vendors if the rancher's business is reduced. The rancher does not directly suffer these secondary personal income losses, only the direct personal income effects.

The FEIS does not present economic activity as this factor is not a good measure of economic well being.

A more recent study by Fletcher (Fletcher, 1998) indicates the direct income value of an AUM to be $31.53 with secondary income effects of an additional $32.14 per AUM, making an AUM worth approximately $63.67 / AUM. See FEIS, Chapter 3, Community and Lifestyle Relationships for a more thorough discussion. The FEIS uses .00258 jobs and $54.73 in income per AUM as total effects multipliers for the Thunder Basin. Thunder Basin grazing reductions are projected to be at most 11,560 AUMs in Alternative 4.

- *The Wyoming average value is $49.00/AUM. $49.00/AUM multiplied by the AUM reduction of 40,300 (40,300 X $49.00 = $1,974,700.00) equals a loss of value of TBNG grazing permits of $1,974,700.00 and possibly more, as this is 1986 data.*

Bastian (Bastian, 2000) indicates the average real estate value of a Forest Service AUM is now $68.00 / AUM with a low of $40 / AUM and a high of $100 / AUM. See FEIS, Chapter 3, Community and Lifestyle Relationships for a more thorough discussion. Thunder Basin grazing reductions are projected to be at most 11,560 AUMs in Alternative 4.

- *Reduction in grazing AUMs will affect the school district because of the loss of revenues 1) Bankhead-Jones payment 2) a reduction in the number of families and students living in the district because of a reduction in the number of viable ranches 3) and loss of taxable sales and income taxes.*

Some school districts would be affected by livestock reductions, especially those in South Dakota and Nebraska where Bankhead-Jones and National Forest 25% return funds are passed directly to school districts without a corresponding reduction in the Federal Payment in Lieu of Taxes payment as it does in Wyoming and North Dakota.

This may change for the counties of the Nebraska and McKelvie National Forests. Recent legislation (Secure Rural Schools and Community Self Determination Act) will give counties the choice of taking the average of the high three years of National Forest 25% return fund payments or continue with the current program. This new legislation does not affect the National Grasslands.

Many agricultural communities are in a state of decline in jobs, income, and population. This trend continues today and is most predominant in North Dakota. The AUM reductions may further accelerate this trend. Forest Service decisions will not affect more than 1% of the jobs and income in any of the Northern Great Plains economic impact areas. See FEIS, Chapter 3, Community and Lifestyle Relationships for a more thorough discussion.

- *On an average 200-cow ranch, the proposed 10% reduction in AUMs could mean a $6000 to $8000 reduction in calf sales that would come directly out of family living expenses.*

This issue is addressed in the FEIS in terms of jobs and income instead of gross sales. Jobs and income are a better measure of economic well being. See FEIS, Chapter 3, Community and Lifestyle Relations for a more thorough discussion.

Comments on lost oil and gas revenues:

- *Annual economic impact of revenue from oil and gas production in the Little Missouri Grasslands at $20/BO and $2/MCFG is as follows: Total Revenue of over $203,000,000; Royalties in excess of $25,000,000; Production and Extraction tax revenue of almost $15,000,000; More than 690 Full Time Jobs. Economic impact of oil and gas production from Federal lands in the Little Missouri Grasslands at $20/BO and $2/MCFG is as follows: Total Revenue of over $135,000,000; Royalties in excess of $16,000,000; Production and Extraction tax revenue of almost $10,000,000; More than 460 Full Time Jobs.*

Alternative 4 is projected to have the greatest impact on Little Missouri oil & gas production and will still provide 93% of existing conditions or Alternative 1. FEIS Alternative 4 projections are for a decrease of $900,000 in royalties and $300,000 to North Dakota and North Dakota counties.

The FEIS focuses on effects to personal income and local employment because those are the primary indicators that affect individuals as well as communities. Assessing the total revenue impacts solely without relating it to how it affects the individual can be misleading. By focusing primarily on total revenue, and relating lost jobs to that amount, the effects to the overall industry rather than the individual economic impact area are determined. Under a total revenue assessment, no determination is been made as to how local jobs and personal income are affected. This leaves an open-ended question on effects to local economic impact areas. Regardless, the commenter has assessed that Alternative 3 would create a 7.5% decrease in total economic base for the Little Missouri National Grasslands region over the next 10 years. This conclusion assumes that the affected industries would not change their actions to meet changes attributed to the Forest Service's proposal.

Energy markets and not Forest Service regulations will be the primary determining factor in future energy production.

See FEIS, Chapter 3, Community and Lifestyle Relationships, and Appendix B.

- *Oil and gas exploration and extraction would be reduced from 681,540 to 53,920 acres on the Little Missouri National Grassland. There would be no "no surface occupancy" restrictions on 162,650 acres.*

We agree that the level of supplemental leasing stipulations being applied will reduce oil and gas exploration and extraction. The Reasonable Foreseeable Development Scenario (RFDS) has been adjusted to account for the planned level of supplemental leasing stipulations and projects at most a 7% reduction in jobs and income from the federal mineral estate under Alternative 4. We also agree that the area to which NSO stipulations will be applied is increased over the existing situation. (FEIS Chapter 3, Oil and Gas).

When considering the impact of the level of leasing stipulations applied in the plans, there are two important points, which must be remembered. The first point is that much of the area is presently leased, and the stipulations in the new plan only apply to new leases. Existing lease rights will be honored. The new stipulations will only apply after the existing lease has expired and in the case of leases held by production this could be many years.

The second point is that a paleontological CSU stipulation applied to the Thunder Basin National Grassland and the Nebraska National Forest requiring paleontological surveys is applied to all class 3, 4 and 5 paleontological classes. This encompasses a very large area and is displayed in the FEIS as a very large amount of acreage affected by CSU stipulations. Although CSU stipulations will increase the cost of development, they do not prohibit development. Some marginal exploration activities may be forgone because of increased cost and this effect is reflected in the RFDS. Acreage affected by type of stipulation is displayed in the FEIS, Chapter 3, Oil and Gas.

In response to some public comment, the Forest Service has dropped the paleontologic stipulations in the final plan on the Dakota Prairie Grasslands and will use a lease notice to protect these resources.

Acres with No Surface Occupancy (NSO) stipulations in the DEIS represent a decrease in NSO stipulations over what is in the existing situation. These areas are larger than currently exists, and more areas are therefore unavailable for development given the current technologies. The larger areas exist primarily to preserve some areas in an undeveloped character and to protect occupied bighorn sheep and other sensitive species habitat areas. While this will reduce the area available for oil and gas development it will increase the land managers ability to provide for a diverse set of recreational experiences and meet the needs of sensitive plant and animal species and communities. In other words it will provide a more balanced mix of multiple uses on the grasslands.

- *Findings by the Oil and Gas Division show Alternative 3 will not lead to 111 more oil and gas jobs and a $3.1 million increase in oil and gas revenue over the present management plan. Leistritz and Bangsund (1999) indicate restrictions in the new management plan will result in 103 fewer wells being drilled during the 10-year span of the management plan and project a reduction in petroleum sector revenue of $26.5 million, a reduction of $24.5 million in secondary economic impacts, and a loss of about 388 secondary jobs.*

These effects are based on a different data set than the FS used. Therefore the effects will differ from those displayed by the FS. To remedy this situation, the Forest Service has worked with ND Oil and Gas commission in ND to resolve the differences in basic data sets.

The Reasonable Foreseeable Development Scenario has been adjusted to account for the level of lease restrictions applied in the Forest Plan stipulations and projects at most a 7% reduction in jobs and income from the federal mineral estate under Alternative 4. Focusing on the number of wells not drilled rather than on the number anticipated to be drilled with the planned level of stipulation fails to recognize the economic benefit to be derived from the oil and gas leasing program. Jobs, revenue and income are projected in the FEIS, Chapter 3, Community and Lifestyle.

- *Reductions in the energy sector would cause an estimated $51 million loss in gross business volume during the first 10 years under the proposed plan. Leistritz and Bangsund estimate that the state would have to recover between $35.5 and $37.7 million in annual recreation expenditures to offset basic sector losses.*

See response to comments above.

- *Use current management practices employed at the Fort Pierre National Grassland for the rest of the grasslands. Also refer to the conclusions in the study done by the Economic Chair at the University of Montana ("The Economic Impact of Changes in National Grasslands Management in North Dakota").*

Current management practices employed at the Fort Pierre National Grassland were considered in the DEIS and FEIS in the geographic area direction for the Land & Resource Management plans. The conclusions in the above mentioned paper (Power, 2000) were considered in the analysis. See FEIS, Chapter 3, Community and Lifestyle Relationships, Effects on Income and Employment. Indicators relating to gross economic activity and economic impacts based on gross market values provided by the Heritage Alliance of North Dakota were not used in the FEIS analysis. The analysis was based on net income and jobs as these are a better indicator of economic well-being.

Recreation, Travel Management, Visuals

Comment: You are using the NEPA process to deceive the public. Recreation development on the DPNG needs a full-scale EIS. When it is convenient to restrict uses like grazing or oil and gas development, you use plan revision to make the changes, but you circumvent the process to allow new recreation uses.

Recreation, grazing, and oil and gas development are all planning questions addressed in the EIS. NEPA has public disclosure as one of its requirements.

Comment: Summary, p. 32, Travel Mgmt.—By not restricting motorized travel to designated routes; you are helping to fragment the prairie. You seem to advocate unrestricted travel by mentioning the adverse effects of staying on designated motorized travel routes. If you mention three disadvantages to staying on designated routes, you should also include three advantages. Your road analysis focused on effects to human activity. What about relating road use to ecosystem preservation?

The plans differ in how they respond to off-road motorized use.

Both the Thunder Basin and Dakota Prairie plans provide direction that motorized travel occurs only on existing roads and trails.

On the Nebraska National Forest, it is planned that travel management decisions will not be made as part of the LRMP decision, but will be addressed in a later NEPA analysis and further public involvement that tiers to the LRMP direction.

Environmental Justice

Comment: Executive Order 12898 (February 11, 1994) requires federal agencies to make Environmental Justice part of their mission and to address impacts to minorities and low-income populations. The DEIS did not accomplish this.

Environmental Justice issues are addressed in the FEIS in accordance with Executive Order 12898. Minority and low-income populations were identified as part of the social analysis in Chapter 3 of the FEIS. Effects of all alternatives to minority and low-income populations are disclosed in Chapter 3 of the FEIS.

The Executive Order 12898 was signed by President Clinton in 1994 to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to aid federal agencies identify and address disproportionately high and adverse human health or environmental effects of the programs, policies, and activities on minority and low-income populations. The Order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environmental, and to provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

To be classified as an environmental justice community, residents must be a minority and/or low income group; excluded from the environmental policy setting and/or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and experience a disparate implementation of environmental regulations, requirements, practices and activities in their communities.

In determining whether there are disproportionately high and adverse environmental or human health effects, including social and economic effects, on an identifiable low-income or minority population, agencies should consider, as appropriate, such effects as: bodily impairment, infirmity, illness or death; air, noise, and water pollution an soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of availability of public and private facilities and services; displacement of persons, businesses, farms, or nonprofit organizations; isolation, exclusion, or separation of minority or low income individuals within a given community or from the broader community; and the denial, reduction in, or significant delay in the receipt of, benefits of USDA programs or activities. In determining if an effect on a minority an/or low income population is disproportionately high and adverse, agencies should consider whether the adverse effect is appreciably more severe or grater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income populations.

There are approximately 16 Indian tribes within or near the Northern Great Plains national forests and grasslands. Special efforts have been made to involve Native American tribes within the geographic areas of the planning area. Letters have been exchanged and numerous meetings have been held with tribal councils, tribal committees, tribal historic preservation offices, intertribal groups, and the Great Sioux Nation Treaty Council. Close coordination has also taken place with state and federal agencies, including the EPA, US Fish and Wildlife Service, and State agencies in ND, SD, NE, and WY. County commissioners within all affected counties have been consulted and many public meetings and open houses have been held with affected interests of communities throughout the planning area.

Communities and American Indian tribes within the Northern Great Plains identified the following issues or problem areas that may have potential environmental justice impacts. These issues were analyzed and related impacts were disclosed in the FEIS.

These problem areas are all identified and impacts to minority and low-income populations are disclosed in FEIS, Chapter 3, Community and Lifestyle Relationships. The analysis shows that no minority and/or low income group was excluded from the environmental analysis and/or decision-making process, were not subject to a disproportionate impact from one or more environmental hazards, and will not experience a disparate implementation of environmental regulations, requirements, practices and activities in their communities as a result of the plan revisions on these Northern Great Plains units.

Comment: The Americans with Disabilities Act was implemented to make places more accessible. The new allocations for Research Natural Areas, Special Interest Areas, Wilderness Areas, and roadless areas reduce accessibility by 43%. This plan will limit access and prevent people with physical disabilities from using wheelchair-equipped ATVs to hunt in some areas. The elimination of motorized travel in some grassland areas will prevent the young, elderly, people with health problems, people who are not physically fit, families with children, and the handicapped from using them. Wilderness designations and roadless areas discriminate against handicapped individuals and the elderly. Backcountry recreation non-motorized designation on the TBNG is in conflict with the Americans with Disabilities Act (ADA).

It is unclear where the 43% less accessible percentage was calculated. However the Forest service has tried to respond to this comment by eliminating the seasonal restrictions on motorized travel, and it has significantly reduced the acres where motorized travel will not be allowed on the Dakota Prairie.

It is not the intent of the National Forest to deny any user group or individual access to any part of the Forest, but rather to provide an appropriate mix of access/recreation opportunities to all users. The type of access allowed in certain areas and on certain travelways may be limited in an attempt to protect resources, wildlife, or establish an equitable mix of opportunities for all users. It is correct that Management Area direction for all Wilderness Areas MA 1.1, areas recommended for wilderness MA 1.2, Suitable Wilderness MA 1.2a, Back-country Recreation Non-motorized areas MA 1.31, National Recreation Areas MA 1.31a, Research Natural Areas MA 2.2, and some Special Interest Areas MA 2.1 will restrict motorized uses. However, non-motorized access into these areas is still allowed.

Within Grassland-wide Goal 2.a. of the Plans, an objective is developed to encourage more accessible opportunities on national forests and national grasslands. “Through partnerships, encourage, establish, and sustain a diverse range of recreational facilities and services on NFS lands. Encourage outfitters and guides who support interpretation and educational awareness of grassland ecosystems or who provide services to people with disabilities.” Also, within Grassland-wide Goal 4.a., an

objective also states "Where appropriate, encourage and authorize recreation opportunities for people with disabilities."

Also, within Grassland-Wide Management Direction, Plans, Chapter 1, Section Q, Infrastructure Use and Management, a Standard has been developed stating: "Allow motorized wheelchair use in a non-motorized area so long as that wheelchair meets the legal definition of Title V, Section 507 (c) (2) of the Americans with Disabilities Act."

Effects to people with disabilities are disclosed in FEIS, Chapter 3.

Comment: Allow handicapped hunters to use motorized assistance. Allow people in wheelchairs to use small, specially designed vehicles in wilderness and roadless areas.

It is a grassland-wide standard within plan management direction to "Allow motorized wheelchair use in a non-motorized area so long as that wheelchair meets the legal definition of Title V, Section 507 (c) (2) of the Americans with Disabilities Act." LRMP, Chapter 1, section Q, Infrastructure Use and Management

Takings

Comment: Reducing AUMs for wildlife and recreation is in violation of federal law and is a form of government takings as well as an economic loss. The authority for the Forest Service to condemn or acquire private land via the Declaration of the Taking Act is limited by the scope of the authorization found in the Federal Emergency Relief Act, and the Bankhead Jones Farm Tenant Act. The public purposes stated in these acts define the current public use of the National Grasslands as agricultural. It is therefore illegal for the Forest Service to increase wildlife, recreation, and other non-commodity uses at the expense of livestock grazing on the grasslands.

See response to the first comment under Community and Lifestyle Relationships. The public purposes stated in the Bankhead-Jones Farm Tenant Act and other acts do not define the public use of the national grasslands as agricultural.

Rather, the myriads of laws these public lands are managed under require sustainable levels of all multiple uses including wildlife and recreation.

The legal category most accurately describing a grazing permit is a license in real property. It is defined in 25 Am. Jur. 2d Easements and Licenses (123 as "a personal, revocable, and unassignable privilege, conferred either by writing or parole, to do one or more acts on land without possessing any interest therein." A distinguishing characteristic of a license in land is that it gives no interest in the land—thus fitting within the statutory constraints. Consistent with public land law, a license is "an authority to do a lawful act, which, without it, would be unlawful, and, while it remains unrevoked is a justification for the acts which it authorizes to be done."

Thus, a grazing permit is most accurately described as a license in real property. Consistent with the above discussion, the Forest Service range management regulations state: "Grazing permits and livestock use permits convey no right, title, or interest held by the United States in any lands or resources." (36 C.F.R. 222.3(b)).

As the above discussion of case law and statutes illustrates, a grazing permit does not create a possessory interest in real property. A grazing permit only authorizes the holder to use the property in some manner. Thus, the reduction or elimination of livestock grazing, pursuant to the exercise of the Secretary of Agriculture's statutory discretion, is not a taking under the Fifth Amendment.

The Fifth Amendment provides that private property shall not be taken for public use without just compensation. However, as the United states Supreme Court has held, the issuance of a grazing permit does not create a compensable property right. In United States vs. Fuller (409 U.S. 488.492 (1973)), the Court stated:

> The Government…may not be required to compensate…for elements of value that the Government has created, or that it might have destroyed under the exercise of governmental authority…It would seem a fortiori that it need not compensate for value which it could remove by revocation of a permit for the use of land that it owned outright.

Thus, because a grazing permit confers no property right, there is no compensable injury under the Fifth Amendment for government actions which affect grazing on permitted land.

Comment: Using the $75/AUM, loss in grazing permit value would be $3,022,500--a significant loss of capital assets for the TBNG ranchers and possibly a taking of individual assets. The Supreme Court ruled that the government can't arbitrarily reduce the value of an individual's property (Lucas v. S. Carolina Coastal Commission).

"Grazing permits and livestock us permits convey no right, title, or interest held by the United States in any lands or resources." 36 CFR222.3 (b) Thus reduction in permitted grazing levels is not a taking of private property right. Also, see response above.

Comment: The following two questions weren't addressed in the DEIS as required by law:

- *Will grassland users be entitled to compensation if traditional productive uses of these lands are eliminated to protect riparian habitat, accommodate endangered species, or allow expansion of prairie dogs?*
- *Will grassland permittees be entitled to compensation if a significant reduction in AUMs reduces the value of their grazing permits?*

See response to the first comment under Community and Lifestyle Relationships and response to comment #2, Takings above.

Payments in Lieu of Taxes (PILT)

Comment: The plan doesn't address loss of revenue from reduced payment in lieu of taxes (PILT). How will you replace this lost revenue?

PILT payments are generally based on a formula and for most counties in the Northern Great Plains will be unaffected by increases or decreases in revenue producing outputs. These counties are disclosed in the FEIS, Chapter 3, Community and Lifestyle Relationships.

Comment: Reducing livestock numbers will reduce payments in lieu of taxes (PILT). Presently the federal government pays approximately $.48 per acre ($45,000 on 94,000 acres in Dawes and Sioux Counties). Private landowners pay $3.76/acre in Dawes County and $1.31/acre in Sioux County. This formula needs to be changed to equalize PILT and private property taxes.

Payments generated by the Payment in Lieu of Taxes Act of 1976 (PILT) are based on the number of federal acres within Dawes and Sioux Counties in Nebraska, and not on revenue generated.

In addition to PILT funding, non-PILT payments are made on National Forest lands through the Act of March 4, 1907, commonly called the "25% Fund Act," and through the Bankhead-Jones Farm Tenant Act on National Grasslands. Both these acts return appropriatly 25% of revenues generated by recreation, grazing, mineral exploration, or other sources of revenue. The difference is that National Forest land returns 25% of the gross revenue, while national grasslands return 25%of the net revenue after Conservation Practices funding is subtracted.

Determination for funding formulas for all three laws are established by Congress and thus are outside the scope of the Forest Plan. In 1993, Congress amended the PILT Act to increase the payment formula, but the amendment has not been fully funded. A more complete explanation of revenues to counties can be found in Chapter 3 of the EIS, Community and Lifestyle Relationships.

Grazing

Comment: Eliminate all grazing. Reduce grazing levels. Maintain existing levels or increase grazing.

Various actions relating to grazing levels were analyzed in the FEIS, Chapter 3, Livestock Grazing. The estimated grazing use is dependent on the desired vegetation structural condition which varies by alternative. In accordance with the Multiple Use Sustained Yield Act, grazing has been a natural process in the prairie ecosystem and is an appropriate use on the grasslands and the FEIS considers six alternatives for various grazing levels. The Forest Service is also implementing a long-term schedule to analyze effects on a site-specific allotment level.

Comment: Uphold the mgmt. plan developed in cooperation with the Pioneer Grazing Association.

Land and resource management plans provide programmatic direction for forests and grasslands.

An allotment management plan is the primary document which guides implementation of plan direction for rangeland resources and, as such, must conform to, and be consistent with, the management direction contained in the LRMP (FSM 2212). Because the management plans developed with the Pioneer Grazing Association and others implement existing Land and Resource Management Plans, some parts of the Pioneer and other allotment management plans may have to be changed or updated to implement the revised plans.

Comment: Livestock grazing guideline #10 (Plans, p. 25) is unnecessary and based on poor range science. It could put me out of business/reduce the value of my property by 50%.

On the Thunder Basin National Grassland and the Nebraska National Forest, livestock grazing guideline #10 has been clarified to read, "Prohibit routine winter feeding of domestic livestock on NFS lands." This applies only to NFS lands, as it is not an appropriate activity on these lands. Nothing in this guideline applies to private lands. The Dakota Prairie Grasslands guideline is worded to minimize feeding and storage of hay on the NFS lands.

Comment: The importance of livestock grazing in maintaining grassland health hasn't been adequately discussed.

The environmental consequences of livestock grazing are discussed in the FEIS, Chapter 3, Rangeland Forest Health. Desired vegetation conditions keyed to composition and structure have been developed for each Geographic Area and are dependent upon type of vegetation present, soil and water concerns, and site potential. Utilization levels are estimated to achieve the desired condition. Each alternative would result in a different level of estimated available forage for livestock, depending on capable rangeland, suitable acres, rest acres and desired vegetation conditions. The FEIS further discusses the direct, indirect and cumulative effects by alternative of livestock grazing on grassland health.

Comment: Range analysis should be based on the best available science and should be peer reviewed.

The rationale and science of the livestock grazing effects analysis and management practices are discussed in FEIS, Appendix B, Documentation of Analysis. A Range Peer Review Group was formed to review and provide input to the Documentation of Range Analysis.

Comment: The DEIS rangeland capability analysis inaccurately portrays the amount of capable range.

The criteria used to determine existing capable rangelands is based on Forest Service manual direction. (FSM 1905 and 36CFR219.2) Information required to make the determination includes percent slope; forage production; accessibility; and water availability. The determination of rangeland capability may be reviewed and updated based on site-specific project level analysis. (See FEIS, Appendix B)

Comment: The Forest Service didn't adequately analyze the suitability of livestock grazing--in particular, the following concerns:

- *Whether the Forest Service properly understands the difference between suitability and capability and correctly identified these areas?*
- *Whether the Forest met the NFMA and NEPA requirements in their analysis of grazing in the revised plans?*

The NFMA implementing regulation at 36 CFR 219.20 states that "In forest planning, the suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for management of indicator species shall be determined as provided in paragraphs (a) and (b) of this section." Paragraphs (a) and (b) state:

Lands suitable for grazing and browsing shall be identified and their condition and trend shall be determined. The present and potential supply of forage for livestock, wild and free-roaming horses

and burros, and the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated. The use of forage by grazing and browsing animals will be estimated. Lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration.

Alternative range management prescriptions shall consider grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; and evaluation of pest problems; possible conflict or beneficial interactions among livestock, wild free-roaming horses and burros and wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition; and comparative cost efficiency of the prescriptions.

Capability and suitability are defined by NFMA implementing regulations at 36 CFR 219.3 in the following manner:

Capability "The potential of an area of land to produce resources, goods and services, and allow resource uses under a assumed set of management practices and at a given level of management intensity. Capability depends upon current conditions and site conditions such as climate, slope, landform, soils, and geology, as well as the application of management practices, such as silviculture or protection from fire, insects, and disease."

Suitability "The appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and environmental consequences and the alternative use foregone. A unit of land may be suitable for a variety of individual or combined management practices." (36 CFR 219.3)

The specific criteria used to identify suitable and capable rangelands during the forest plan revision process are contained in Appendix B. The suitability analysis identified where grazing was appropriate taking into consideration existing condition, and other uses or values of the area. Lands such as fenced recreation sites, administrative sites, closed allotments, and special use sites were considered unsuitable. The capability analysis identified which lands are physically or biologically capable of supporting grazing or browsing. These capability determinations were based on factors such as cover type, slope, water and roads. Lands determined to be non-capable, based on physical or biological characteristics, were also classed as unsuitable. Capability and suitability were defined and identified in accordance with the regulations.

Suitable acres identified for livestock grazing, their condition, estimates of forage for livestock, estimates of forage for selected wildlife, and the process for addressing unsatisfactory conditions, as required by NFMA is found in 36CFR219.2. These determinations and the rationale behind them are supported in the planning record Appendix B. The unit's forest determined that the land use allocations (capability) would remain constant in all alternatives. No additional lands were proposed for removal from the suitable base of grazing acres. Environmental effects were evaluated and displayed for the alternatives in the FEIS, Chapter 3, Livestock Grazing. An analysis of economic suitability by alternative is contained in the FEIS, Chapter 3 Community and Lifestyle Relationships. This analysis includes both a financial efficiency analysis considers only revenues from grazing fees as benefits, and a cost efficiency analysis which considers the full market value of grazing under permits as benefits. Agency costs in both analyses include permit administration, planning and range improvements. A summary of the economic analysis is contained in FEIS, Chapter 3, Community and Lifestyle Relationships.

Comment: The procedure for estimating livestock forage and stocking rates is based on modeling and theory rather than actual stocking rates and utilization, range condition, and soil stability monitoring.

Several methods were used to determine existing and potential graminoid herbage production on the planning units including use of the Northern Region ecosystem inventory system and the Natural Resource Conservation Service range analysis methodology. In ND, the latter was selected as the best methodology available through consultation with range scientists and the state of ND. It was selected based on comments to the DEIS. Range condition and soil survey data are factors used in the above methodologies. (FEIS, Appendix B). This information is used as a comparison for effects between alternatives and is not be used to set stocking levels on individual allotments. Standard estimates of utilization have been calculated by previous research and then categorized into three basic livestock forage use levels (light, moderate, high). Utilization estimates and the desired vegetative conditions will help determine the carrying capacity of a site. Monitoring information and stocking rate guidelines will be used to help design range management strategies for meeting plant species composition and vegetation structure objectives.

Comment: The proposed changes in stocking rates are a good start but should not be a set number. The numbers should be adjusted on a case-by-case basis to ensure compatibility with other uses on the National Grasslands.

The Forest Service agrees with this comment. This comment is consistent with the direction stated in the DEIS and FEIS. Stocking rate guidelines will be used initially to help achieve desired vegetation structure and plant species composition. The guidelines will provide for light, moderate and heavy grazing intensities creating a mosaic of vegetation structure levels across the landscape. Vegetation structure is a key factor influencing diversity of native plants and animals, watershed function and recreational opportunities. Desired vegetation conditions have been developed for each Geographic Area LRMP Chapter 2. Stocking guidelines will be implemented and monitored and adjusted as needed to attain desired conditions.

Comment: The FS proposal for setting new stocking rates using NRCS guidelines is not appropriate. Proper stocking can only be achieved through the use of historic stocking and good monitoring. Weighing livestock is a big workload that is impractical.

In describing the proper application of their initial stocking rate guidelines, the NRCS also points out the importance of knowing historic stocking and good monitoring to determine proper stocking. The FEIS Appendix I stocking guidelines that will be used by the Forest Service also acknowledge the need for this type of information and provide for the ability to site specifically adjust the stocking rate guidelines with that information. However, the monitoring information needs to be sound and comprehensive and address current conditions and trend for plant species composition, vegetation structure, riparian and wooded draw conditions, wetland conditions and watershed function. If that information is available and it demonstrates that management objectives, standards and guidelines are being met or measurable and timely progress is occurring, then the stocking rate guidelines will need to be adjusted for that area. In the case that such information is unavailable, the stocking rate guidelines will apply and implementation of a sound monitoring programs will be paramount.

Comment: Range conditions have been improving and the FS has no monitoring data that shows a declining trend in range condition. Why then is the FS proposing these reductions in stocking rates?

The Forest Service is not proposing reductions. The Forest Service is estimating that meeting the desired conditions (as outlined in the FEIS and in Appendix B) will require reductions (refer to the grazing suitability and forage and stocking rate responses above).

Comment: The FS use in the DEIS of 1600 lbs. as a figure for the average cow is wrong. A more reasonable estimate would be 1100 lbs. to 1300 lbs.

The allocation of animal unit months (AUMs) is currently based on 1000-pound cows with a calf less than 6 months of age. The Forest Service defines an AUM as "the amount of forage required to sustain a 1000-pound animal and calf for one month". Cow size will be taken into consideration when setting stocking levels. (Plans, Appendix B) The FEIS does acknowledge the fact that cow sizes have increased on some units based on genetic improvements in many breeds. FEIS Chapter 3 Livestock Grazing.

Comment: The formula for figuring AUM should be one cow-calf pair (where the cow weighs approx. 1150 lbs.), not 1 AUM for the cow and 0.32 for the calf. You should also use NRCS stocking rate guidelines.

Several definitions of an AUM are currently being used on public lands on the Northern Great Plains. The Forest Service defines an AUM as "the amount of forage required to sustain 1000-pound animal for one month." The NRCS defines an AUM as "the amount of forage required to sustain a 1000-pound animal of better-than-average milking ability with a calf less than six months' postpartum" (essentially a cow/calf pair). Because different definitions are used in different areas on the Northern Great Plains, one definition was applied for consistency's sake. Existing monitoring information and stocking rate guidelines will be used to design and implement range management strategies for meeting desired vegetation objectives. NRCS stocking rate guidelines are used in development of this strategy. (FEIS Chapter 3 Livestock Grazing)

Comment: Livestock grazing practices and overgrazing continue to reduce the biological diversity on the national grasslands and forests.

36 CFR219.19 states "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area."

Effects of livestock grazing on biological diversity is addressed in FEIS, Chapter 3, Rangeland and Forest Health and in the LMPs, Appendix H, Biological Assessment and Biological Evaluation. The livestock grazing stocking guides (Plan Appendix I) are intended to meet desired vegetation condition objectives as described in Plan, Chapter 2, Geographic Area Direction, to provide for the viability of all plant and animal species and to maintain rare plant communities. (BABE, FEIS Chapter 3 Viability Determinations)

Comment: The FS proposal would rest a mere 5% of the National Grasslands annually which would fall short of restoring land degraded by livestock grazing. We recommend one third of the Grasslands be rested annually as being a more balanced amount of rest.

Desired vegetation objectives, including objectives for acres to be rested and prescribed burned are described in Chapter 2 Geographic area Direction of the Plans. The FEIS Chapter 3 Rangeland and Forest Health and Appendix B discloses the effects of resting various percentages of the grasslands and forests. The Great Plains evolved under a combination of herbivory (grazing), rest, fire, drought, and other disturbances such as hail and grasshopper infestations. Grazing systems, fire, and rest are intended to be implemented in a scale and pattern that will help achieve the desired vegetation objectives set in for the Geographic Areas in the Plans.

Comment: The FS proposal for rest will cause deterioration of plant and animal populations. There is no science supporting rest as a way to improve range condition.

Resting a pasture from grazing may or may not be intended to improve range condition. Resting pastures may result in a higher percentage of forbs in a pasture. This result could be less desirable for livestock but more suited for wildlife due to plant variability in both species and structure. It is not a single intent to improve range condition for livestock consumption.

In the FEIS, Chapter 3, Livestock Grazing and Rangeland Health, there is discussion pertaining to the benefits of rest.

Comment: Consider other management options, such as rest and fire. Too much emphasis is put on livestock as a vegetation management tool and too little emphasis is placed on fire. Too much of the vegetation is taken by the livestock and not enough is left for the wildlife and to protect the soil, riparian areas, and woody draws. Livestock also reduces recreation opportunities and wildlife habitat.

Effects of livestock grazing on soils, riparian areas, woody draws, recreation opportunities and wildlife habitat are discussed in FEIS, Chapter 3.

A variety of management practices (including fire, rest, herbivory) that emulate ecological processes will be used to achieve desired landscape conditions. This direction is described in Goal 1.b and 1.c, Ecological Integrity, and associated objectives in Chapter 1 of the Plan. More specific management direction is found in Chapter 2, of the Plan under Geographic Area Direction. Plant species composition and vegetation structure objectives will be met through design of a range management strategy that uses fire, rest and herbivory as tools. Stocking rate guidelines will define light, moderate and heavy grazing intensities to provide a diversity of high, moderate and low structure grasslands and sagebrush communities. A diverse mosaic of vegetation conditions will help ensure quality habitats for a variety of native plant and animal species ensure healthy watersheds and provide for recreational opportunities.

Comment: Increase livestock grazing, fences, and water developments.

Various actions relating to grazing levels were analyzed in the EIS, Chapter 3. The estimated grazing use is dependent on the estimated suitable rangeland acres vary by alternative. Grazing is an appropriate use of the grasslands and we have considered alternative grazing levels in the EIS, Chapter 3. In response to public comments, Alternative 3 (Preferred) would allow an increase in water developments above current levels on most units. Alternative 3 also provides for an increase in average pasture size above current levels on most units.

Comment: Ranchers are the most knowledgeable people about grazing these lands and should be left alone to do it.

Ranchers and grazing associations shouldn't be in charge of overseeing livestock grazing on public lands.

The Forest Service is charged with administering the National Grasslands and Forests in conformance with all applicable federal laws and regulations. Forest Service regulations at 36 CFR 222.3 authorizes the agency to issue grazing permits and 36 CFR 222.7 authorizes the agency to "recognize, cooperate with and assist" local livestock associations in the administration of grazing on National Forest System lands. A grazing association operates under a grazing agreement, a type of grazing authorization to permit eligible grazing associations organized under state law to graze specified NFS lands for a period of ten years or less. Grazing agreements contain provisions for the associations' to issue grazing permits to their members. 36 CFR 222.2 (c) Forage producing National Forest system lands will be managed for livestock grazing and the allotment management plans will be prepared consistent with the land management plans.

Comment: Native predators and other wildlife shouldn't be killed to protect cattle.

The Forest Service and Animal & Plant Health Inspection Service (APHIS) – Animal Damage Control program along with the States, cooperate under the Animal Damage Control Act of March 2, 1931, as amended, to manage animal damage on National Forest System lands. A Memorandum of Understanding (MOU), September 3,1998, between the Forest Service and APHIS outlines the cooperative approach to animal damage management on National Forest System lands. The MOU outlines cooperation to ensure the protection of National Forest System resources and consistency with Land and Resource Management Plans.

These activities include actions to provide wildlife damage management through direct control, as well as technical assistance to achieve desired management objectives. APHIS carries out animal damage management activities on National Forest System lands mostly to minimize livestock losses from predation by coyotes and other predators. Most animal damage management activities on the National Forest System lands are conducted as a result of coyote predation on domestic sheep. (FEIS Chapter 3, Plant and Animal Damage Control)

We received a variety of comments on the following: The fences for the livestock are keeping recreationists out. No net gain in fences and water developments would unnecessarily remove tools from the manager. All management tools and options should remain available for use within the allotment planning and implementation process. While in general we support no net gain of fences and water developments, fencing of riparian pastures may be necessary for watershed/wildlife habitat improvement. An increasing problem on the Grasslands is the proliferation of water developments. These expand cattle use into areas important to wildlife and continue the fragmentation and loss of natural character of these areas. We would like to see an increase in secondary range by removing unnecessary fences and water developments. The water we have worked so hard at developing on the National Grasslands provides benefits to many species of wildlife. Why are you now proposing to remove them? Livestock Grazing Guideline 12 states "Prioritize for removal any fences or water developments where secondary range or high structure is desired." If proper range management principles are applied throughout the forest, then secondary range should never be utilized.

Water developments and fences are used to determine the extent of an area that could be grazed by livestock. They can also be used to create diverse vegetation conditions. Larger pastures with fewer water developments encourage patchy grazing patterns, which contribute to different vegetative structures.

To respond to these issues, the EIS, Chapter 3, considered both increasing water developments (Alternatives 2 and 3), providing no limits on water developments (Alternative 1), and decreasing water developments (Alternatives 4 and 5). No restrictions on pasture sizes (Alternatives 1 and 2), and at decreasing pasture sizes (Alternatives 3, 4 and 5) were also considered. Alternative 3 provided the best choice to meet desired conditions for vegetation structure, wildlife water, forage production, and recreational access.

Based on public comment the planning units decided to provide flexibility to add fences and water, but only where non-structural management practices will not be successful in making the needed changes

A standardized drought management guide like the one being proposed is inappropriate because precipitation is highly variable and can differ greatly between areas just a few miles apart. Instead the FS should implement adaptive management guidelines for droughts to attain desired conditions and to meet management objectives.

Based on public comment, standardized drought management guidelines (Appendix D-Proposed Plans) have been removed. Guidelines for natural processes, including drought, are contained in Plans, Chapter 1: Grassland-wide and Forest-wide Direction, Livestock Grazing.

Comment: The grazing restrictions/AUM reductions in the proposed plan will put operators/multi-generational ranching operations out of business. Ranches will be sold and subdivided into ranchettes/residential areas, which will have a detrimental effect on wildlife.

The effects to people and wildlife are discussed in FEIS, Chapter 3, Community and Lifestyle Relationships and Rangeland and Forest Health.

Actual reductions, determined at site specific plan implementation level, may force some ranches out of business. As an area becomes more attractive to outside residents some ranches are likely to be broken up and turned into ranchettes by people who make their living from something other than ranching.

Comment: The Internal Revenue Service taxes the entire value of an estate. This includes the value of the grazing permits that are a part of the estate. A grazing permit on federal / state lands is part of the capitalized value of a ranch unit. A new owner will pay and finance operating loans on the equity value of the grazing permits. Each AUM reduction of a grazing permit will reduce the value of that grazing permit.

Although a grazing permit does not give a rancher any permanent rights or title to National Forest System land (36 CFR 222.3 (b)), real property values are associated with a grazing permit by banks, real estate markets and other institutions. The financial sector does recognize that a grazing permit does add to the real estate value of a ranch even though the ranch does not have a permanent legal right to grazing on National Forest System land. A study in Wyoming (Bastian et al, 2000) found a USDA Forest Service permit had an average real estate value of $68.00 per AUM with a range of $40 - $100 per AUM. The grazing permit real estate value will vary across the Northern Great Plains, but

the key point is that various financial markets recognize this value. Further a rancher can obtain a loan based on a percentage of the real estate value of the AUMs in a Forest Service grazing permit. The ability to borrow working capitol may determine whether some ranches are able to stay in business. FEIS, Chapter 3, Community and Lifestyle Relationships.

Comment: The Robel Pole was not designed for use in the shortgrass prairies of North Dakota. A sound, repeatable, scientifically valid measurement system is necessary.

The Robel pole was first used to assess plant biomass on a study site in mixed grass prairie. Since then, this simple tool has been widely used as a way of quantifying the visual obstruction provided by vegetation. This technique has been especially useful in studies of ground-nesting birds. It has been used, with minor modifications, in a variety of grassland habitats, including shortgrass prairie. The Robel pole is a sound, repeatable, scientifically valid measurement system for monitoring visual obstruction in grasslands.

The Robel Pole has been used extensively to assess hiding cover for ground nesting birds. It measures the height / density of residual biomass to obtain a visual obstruction reading in quantifying nesting habitat quality. To this end, there is sound and repeatable scientific evidence of the validity of using the Robel Pole as an important tool in assessing structure objectives. It is a measurement of physical characteristics irrespective of vegetation composition (See Plans, Appendix H).

Comment: None of your maps show land that is inaccessible to livestock, humans, or wildlife. The word inaccessible doesn't appear in any document, appendix, or glossary. Where is the "ungrazed capable rangeland" located? This term is also not included in the glossary.

Maps that show areas not accessible to livestock did not appear in the Draft Environmental Assessment. Maps were produced that indicate, based on a model described in FEIS, Appendix B, inaccessible and ungrazed rangeland. These maps were reviewed by District personnel to make sure all water sources were identified. A process was utilized, based on a set of criteria that determines inaccessible and ungrazed rangeland, to predict preferred and suitable habitats for black-tailed prairie dogs, and to identify rangeland areas that are likely unwatered, ungrazed or lightly grazed or infrequently grazed. The terms "inaccessible" and "ungrazed" rangeland are defined by the set of criteria used in the predictive model. These definitions are found in Appendix B.

Comment: Trends can't be established in two years. Your analysis lacks range trend information.

The monitoring section of the Plan, Chapter 4, indicates that monitoring will occur every 5 to 10 years. This will establish trend information. The analysis in the Plan to determine forage outputs utilized existing productivity information. By utilizing existing production, it took into account past management that determined existing or current range conditions. (FEIS, Chapter 3, Forest and Rangeland Health and FEIS, Appendix B)

Oil, Gas, and Minerals

Comment: Discuss the impacts of scenery management objectives on existing coal mines. Will they limit exploration and production?

The scenic integrity objective for management area 8.4 Mineral Production And Development is "Low", as shown on the Scenic Integrity Objective map at the end of Plan, Chapter 2 Geographic Area Direction for the Hilight Bill geographic area. The theme for the area provides for the surface mining of minerals and the visual impacts that come with it. The scenic integrity objective of low will not place or create constraints on the existing mining operations.

Comment: Discuss the impacts of proposed changes on coal mining and the associated impacts to counties/communities dependent on regional coal mining activities. Include impacts to continued viability of coal mining on adjacent private land. Include impacts on existing mines, expansion, and future development.

Management Area 8.4 Mineral Production And Development was designed to maintain the status quo of the existing condition and provide for future expansion of the mines. Thus, there should be no change in effects to counties or communities.

Existing and future coal mines are not expected to be impacted by the LRMP decision. Expansion proposals and existing potential are not likely to expand into areas on the Thunder Basin that would cause conflicts with roadless areas, SIAs, RNAs or Black-footed ferret reintroduction areas. Coal mines are expected to expand to the north and west away from sensitive areas on the Thunder Basin National Grassland. In addition the coal mine operators have a very good working relationship with the US Fish and Wildlife Service in mitigating impacts to threatened or endangered species. Concerns about additional clean air standards were discovered to be unwarranted. All of the Thunder Basin National Grassland is a Class II area and if one of the unroaded areas became wilderness, the area would remain Class II. Visual quality was also a concern, but the US Forest Service does not use buffers in its management. FEIS Chapter 3, Community and Lifestyle Relations includes a discussion on Wyoming dependence on coal mining revenue sharing to fund state and local governments.

Comment: The DEIS doesn't adequately discuss the contributions from and effects to present and future coal, oil, and gas production on the grasslands.

The effects analysis has been reviewed and in some cases expanded. The mineral status, Reasonably Foreseeable Development Scenarios, and air quality in relation to coal have been updated and can be found in FEIS, Chapter 3.

Comment: Some management plans are proposing new wilderness areas. These new wilderness areas are relatively close to existing facilities and populated areas. The USFS contends that these will be designated as Class II areas (as opposed to federal mandatory Class I areas). However, the Thunder Basin National Grassland Management Plan proposed revision clearly states that these new Class II areas will have regulatory protection for visibility and air quality related values. This situation will place additional burdens on reducing emissions and further retard economic development. Can you explain why the USFS is proposing this new level of protection for Class II areas, even though there is not a requirement to do so (i.e. this is a policy decision)?

Under the Federal Clean Air Act, all new wilderness established after August 7, 1997 are Class II and, as such, do not receive all the special protections provided for Class I wilderness. The Clean Air Act is a tool that the Forest Service can use to provide comments to Air Quality Regulators (the States and EPA). The management goals of all (both Class I and Class II) wildernesses are found in the 1964 Wilderness Act. The Wilderness Act defines wilderness as an area "…which is managed and protected so as to preserve its natural conditions …" Based on this direction, the Forest Service tries to manage and protect all wilderness areas to the same degree.

While the Forest Service has the responsibility to protect all wilderness areas from air pollution impacts, only the states and EPA have the authority to regulate air pollution emissions. States are required to have a new source-permitting program for new air pollution sources with over certain levels of air pollution emissions. Before the state issues a permit, they must determine if the source is applying Best Available Control Technology (BACT), which is determined on a case-by-case basis balancing economics, environmental impacts, and energy costs. In the case of Class II areas, the states can, at their discretion, require the installation of additional air pollution control equipment if the state determines that the proposed new source were going to cause or contribute to adverse environmental impacts. In Wyoming, the air regulatory agencies have stated that they would consider Forest Service comments on air pollution impacts to Class II wilderness areas. However, it is strictly the states authority to determine what, if any weight, the state will give to those comments determining BACT. In the Final EIS, the Thunder Basin National Grassland analyzed changing the 1.2 Recommended Wilderness Area to 2.1 Special Interest Areas. Thus, there are no 1.2 Recommended Wilderness areas on the TBNG in Alternative 3 Final.

Comment: Will special area designations restrict/prohibit the exercise of valid, existing subsurface mineral rights that are separated from surface rights (split estate ownership)? If the answer is "yes," you should either purchase the rights or prohibit the designation.

Special area designations will not restrict or prohibit the exercise of existing rights. Reserved minerals development falls under the Secretary's Rules and Regulations, and outstanding minerals are subject to deed language and to state law. (See Plan, Chapter 1, Standards and Guidelines, D. Mineral and Energy Operations; Chapter 3, Management Area Direction.)

Comment: How will the road restrictions in Management Area 3.65 affect existing leases, private minerals, or in-holdings?

The plan will not change existing legal rights. The terms and stipulations of existing federal oil and gas leases will not be changed. Outstanding mineral rights or reserved mineral rights will be honored. The holders of those rights will be able to exercise their ownership rights.

Comment: Eliminate wilderness and other designations that restrict/prohibit mineral development.

The objectives of Forest Service minerals management are provided in FSM 2802, and discussed in the Oil, Gas, and Minerals section of the FEIS, Chapter 3. Mineral exploration and recovery is a valid use of the National Grasslands, as provided by law, regulation, and policy including the Multiple Use-Sustained Yield Act. Mineral development is only one of the many resource uses. The Forest Service tries to provide a balance between protection of areas where mineral development could have unacceptable impacts to the other resources, and areas where mineral development could be accomplished in an environmentally sound manner.

In response to public comment wilderness is not being recommended on the DPG. MA 1.2 is being replaced with 1.2a which is intended to preserve the wilderness character of these areas while giving ND time to reach a consensus on this issue.

Comment: Honor valid existing mineral rights. The proposed stipulations aren't necessary or scientifically justified; existing standard lease terms are sufficient.

The USDA Forest Service will honor valid existing mineral rights. Lease stipulations are based on the management plan standards and guidelines. They are based upon analysis, scientific information and professional judgment as displayed in the FEIS. (FEIS Appendix H, Biological Assessment)

Comment: Clearly define Conditions for Approval (COAs) for leases with valid existing rights. Don't use COAs to add restrictions beyond those in existing leases.

COAs are defined in the glossary as site-specific constraints or requirements developed at the APD (Application Permit to Drill) processing phase. They differ for each proposed development, based on the site-specific conditions particular to that proposal.

COAs may not apply or create limitations to the rights granted in the lease document. Section 6 of the standard lease terms provides a wide latitude to apply environmental and social conditions on development projects, thus many of the standards and guidelines contained in the management plan revision, but not in the plan at time of lease issuance may be applied to developments. But again, COAs cannot constrain lease rights.

Comment: The proposed restrictions on oil and gas developments could affect state and private minerals; for example, No Surface Occupancy stipulations could adversely impact drilling operations on private land.

The decisions made in the Records of Decision (RODs) for the FEIS to apply stipulations can only be for surface resource protection on federal lands. They cannot control or restrict oil and gas development on state and private minerals. But the ability to develop federal minerals can have an effect on adjacent private resources.

Comment: Severely reduce or eliminate oil, gas and mineral development on the grasslands, particularly in wilderness, roadless, and environmentally sensitive areas.

RNAs and SIAs may be protected from locatable mineral entry by withdrawal. That decision can be made for each RNA and SIA. Management Areas 2.2 (RNAs) and 2.1 (SIAs) direction states that these areas will be withdrawn from mineral entry when necessary to protect the values for which the area was established or created.

Leasing is a discretionary Forest Service decision. Lands may not be leased or leased with stipulations to protect surface resources including a stipulation which prohibits all surface occupancy. Leasing with NSO allows a degree of protection of underground mineral resources while preserving undisturbed surface resources. For specific leasing decisions, see the specific management Area direction in Plan, Chapter 3.

Roadless areas that are allocated to backcountry recreation management have a stipulation of No Surface Occupancy. This stipulation will protect the roadless nature of these areas. Any roadless areas that are allocated to management area prescriptions where surface occupancy is allowed will require an EIS to assess the impact to the roadless character before leasing is allowed.

Comment: Restrict oil, gas, and mineral activities on the grasslands. Place minimal restrictions on oil, gas, and mineral development on the grasslands.

The objectives of Forest Service minerals management are provided in FSM 2802, and discussed in the FEIS, Chapter 3, Minerals and Geology section. The General Mining Law of 1872 provides direction covering hard rock minerals on lands reserved from the public domain for National Forest

purposes. Except as otherwise provided, all valuable mineral deposits, and the lands in which they are found are free and open to exploration, occupation, and purchase under regulations prescribed by law. Withdrawals remove lands from locatable mineral entry.

The FEIS considered alternative management area prescriptions that produced differing effects on mineral activities (see FEIS, Chapter 3). Various restrictions on oil and gas development were considered. Justification for restrictions on oil and gas development is required by regulation. These justifications are disclosed in Plan, Appendix D.

Alternative 3 Final provides a balance between protection of areas where mineral development could have unacceptable impacts, and ensures mineral development will be accomplished in an environmentally sound manner.

While claims may be developed to recover the mineral resource, the Forest Service has the right to examine the claim for validity, and to contest the claim if appropriate. Claims cannot be used for activities other than mining unless they are patented (become private land).

Reducing or eliminating oil, gas and mineral developments in a management area or across a National Grassland is determined by what are the minimum measures needed to accomplish the theme of the management area or protect the National Grassland resources. The Forest Service policy is to make minerals available for development when it can be done in a manner that does not conflict with agency mission or produce unacceptable adverse affects.

Comment: Protect wildlife habitat by limiting oil and gas leasing. Protect bighorn sheep habitat in North Dakota by applying No Surface Occupancy (NSO) stipulations to the maximum number of acres.

NSO in bighorn sheep habitat isn't justified; lesser restrictions will work.

The preferred alternative 3 of the Draft Dakota Prairie Grassland Plan protected approximately 118,720 acres of bighorn sheep habitat. The final plan, FEIS Alternative 3 Final protects over 106,000 acres of occupied sheep habitat decision. Approximately 12,000 acres of unoccupied habitat have been removed from this protected status. Of the 106,000 acres, 35,600 acres will be protected through a CSU stipulation for oil and gas production. The remainder will be protected through NSO stipulations or will be unavailable for leasing. In addition, a timing limit stipulation protects areas from surface disturbance within 1 mile line of sight from bighorn sheep lambing areas from April 1 through June 15, if disturbance would likely cause displacement of bighorn sheep from the lambing area.

Some areas that fall outside of management areas 3.51 and 3.51a may also be protected from new developments through a CSU for bighorn sheep if they are within a mile of bighorn sheep lambing areas found within 3.51 or 3.51a if such activities would adversely impact lamb survival. These areas are not included in the 106,000 acres of protected sheep habitat noted above.

Comment: NSO in bighorn sheep habitat on the Little Missouri National Grassland isn't justified; lesser restrictions will work.

Numerous studies, including some conducted on the Little Missouri National Grassland, suggest that the disturbance associated with oil and gas development degrades habitat quality for bighorn sheep. The use of a No Surface Occupancy stipulation is consistent with bighorn sheep management recommendations form both agency biologists and the scientific literature.

The draft plan applied NSO stipulations to suitable sheep habitat. In a review of these stipulations in developing the FEIS, several issues came to light. The first issue was that we applied NSO to approximately 12,000 acres of unoccupied sheep habitat. Discussions with North Dakota Game and Fish indicate that sheep transplants will not focus on these unoccupied areas, but will focus on supplementing the sheep population south of I-94. These unoccupied sheep areas will be available for oil and gas leasing in the future with no special stipulations for sheep in the Final Plan.

In a second issue, it was identified that the existing mineral ownership pattern and current production facilities may not allow management of undisturbed sheep habitat in some of the bighorn sheep management areas (MA 3.51). The mineral estate is the dominant estate and the Forest Service MA cannot preclude private mineral development; consequently roads can be built to the interior portions of these areas for the purpose of developing the private mineral estate.

In the final plan it is still desired to manage the best sheep habitat possible given the current mineral ownership pattern and existing operations. A new MA was developed (3.51a). This MA covers approximately 35,600 acres. This MA recognizes that roads may be built to private wells within this MA. In the event there is oil and gas production developed on the private minerals, the adjacent federal lands may be leased if the federal development can occur without significant additional impact to the sheep. This change was made to avoid drainage of federal minerals, and allow development that will not significantly affect sheep. If significant additional impacts will occur, then no leasing of federal minerals will occur. This same logic can extend to adjacent spacing units adjacent to existing production facilities.

Comment: NSO stipulations aren't necessary in prairie dog and sage grouse habitat areas. Standard lease terms provide adequate protection.

While standard oil and gas lease provisions provide for considerable protection of natural resources they do not provide for adequately implementing the applicable prairie dog and sage grouse habitat standards and guidelines. 43 CFR 3101.1-2 only provides for moving a proposed location 200 meters and/or delaying drilling for up to 60 days. Also standard lease terms do not provide establishing adequate limits on production activities necessary to implement the applicable standards and guidelines.

The FEIS analyzed five alternatives with various leasing decisions and stipulations. (FEIS, Chapter 3, Minerals and Geology)

No NSO stipulations were attached to prairie dog towns in the DEIS or the FEIS. Direction can be found in Chapter 1 of the FEIS. There are stipulations attached to areas of prairie dog towns occupied by black-footed ferrets and burrowing owls. We do have sage grouse NSO and we need to site the sage grouse direction around sage grouse leks.

Comment: The DEIS didn't adequately address the economic impact of more leasing stipulations. The Controlled Surface Use (CSU) and Timing Limitations (TL) will create de facto NSO on much of the grasslands. More stipulations will greatly impact oil and gas development and significantly reduce revenues.

Each stipulation is different and is applied in a different way. The stipulation is the minimum necessary to protect the intended resources. This is also a good place to add logic for larger NSO circles and minimum impact on production facilities.

Economic impacts are handled in the RFD in both the DEIS and FEIS. The FEIS does contain an analysis of so-called de facto NSO.

Comment: It is too expensive to do directional or horizontal drilling for exploratory holes. The estimates in the plan-1 mile horizontally and 1 mile vertically—should be modified to reflect actual conditions. In some areas, the geologic structure doesn't allow horizontal or directional drilling. Applying NSO stipulations to large tracts in these areas prohibits oil and gas development.

We agree that it is economically impractical to drill exploration wells directionally or horizontally. The analysis has been modified to reflect more accurately these limitations on exploration by considering areas beyond 1/8 mile on the Thunder Basin National Grassland and Nebraska National Forest and ½ mile on the Dakota Prairie Grasslands from the boundary of large NSO areas as inaccessible for purposes of exploration. The effect of the large NSO areas is substantially modified because most of the lands are presently leased, and a large amount of the acreage is held by production. Existing lease rights are not affected by the stipulations in the new plan, and the new stipulations will only be applied after existing leases expire and a new lease is issued. Leases held by production can be held under existing lease terms as long as there is production. These effects are displayed in the EIS, Chapter 3, Oil and Gas.

We agree that the geologic structure affects drilling options and that large tracts with NSO stipulations may make areas inaccessible for oil and gas development. The analysis has been modified to reflect more accurately these limitations by considering areas beyond 1/8 and ½ mile from the boundary of large NSO areas inaccessible for purposes of exploration. The effect of the large NSO areas is substantially modified because most of the lands are presently leased, and a large amount of the area proposed for NSO stipulations is held by production. These effects are displayed in the EIS, Chapter 3, Oil and Gas.

Comment: The DEIS didn't discuss the impact of coalbed methane development on wells, springs, groundwater, and surface water.

The plan revision will not make decisions about the development of coal bed methane (CBM). The leasing decision for the portions of Thunder Basin National Grassland with coal bed methane potential (those areas with seams of coal 20 feet thick and less that 1,500 feet deep) will be deferred until the Powder River Basin EIS is completed. The leasing decision will be made based upon the Powder River Basin Oil and Gas EIS. Also until that time no APDs may be approved except those whose cumulative and significant impacts have been considered in a NEPA document, i.e., the Wyodak EIS, or Drainage EA or subsequent NEPA. Thus, CBM developments are outside the scope of the forest plan revision.

Comment: How will oil and gas development, particularly the presence of wastewater pits, impact migratory birds on the grasslands?

See Grassland-wide standard, Oil and Gas Operations. "Prohibit the use of production pits. New developments and reconstructed developments will not have wastewater pits."

Comment: How will mineral development on the grasslands be effected by the combined impacts from travel management policies in the plans and by the proposed national roadless and roads policies?

See FEIS, Chapter 3, Recreation and Travel Management. Travel management decisions in the plan revisions will increase the cost of developing minerals in some areas of National Forest System lands. Preparation, planning, and processing costs may increase in areas where there is restricted or limited access. There also will be instances where access development for mineral development will require eliminating existing roads in order to create a desirable road system or meet road density requirements, this will also be an increased cost.

Comment: Are the proposed plans compatible with proposed national roadless and roads policies?

The roadless area analysis has been reviewed and in some cases expanded. (FEIS Chapter 3, Roadless) The Management Plans will be amended as needed to be compatible with changes in laws, regulations and national policy. A roads analysis process will be undertaken and a separate decision will be made with further public involvement.

Comment: How will special area designations and nonmotorized management area prescriptions affect recreational rock hounding on the grasslands?

Under Plans, Chapter 1, Grassland-wide and Forest-wide Direction, D. Geology and Minerals, allows rock hounding (hunting and collecting rocks and minerals, not including fossils) on National Forest System lands without permit, (unless specified otherwise in management area direction) providing the specimens are for personal, non-commercial uses. Those management area prescriptions with motorized travel restrictions would require recreational rock hounding to be done by hiking, biking or horseback riding into the rock beds.

Comment: The DEIS doesn't adequately discuss the following alternatives: Not Available for Lease, No Lease, Standard Lease Terms (no additional stipulations).

See FEIS, Chapter 3, Minerals and Geology and Oil and Gas. The FEIS incorporated by reference previous oil and gas leasing analyses that considered the alternatives of Not Available for Lease, No Lease, and leasing with Standard Lease Terms (no additional stipulations).

Reasonable Foreseeable Development (RFD)

Comment: Include the following in the RFD analysis:

- *Coalbed methane development*
- *Evaluate impacts of all oil and gas stipulations (including those related to special area designations).*
- *County-by-county well and production information.*
- *A revised number of wells (97 vs. 80-90).*
- *Updated well and price information.*
- *Coal suitability analysis for the Little Missouri NG.*

The Reasonable Foreseeable Development (RFD) Scenario is a projection of future oil and gas development used to analyze cumulative and significant impacts. A revised version with more current information and data was used for the FEIS. The content of the RFD is based on analysis needs. County by county well and production information is not needed for the decisions. Coal bed methane development is included as it was in the original RFD. And, the most current data was utilized in preparing the forecast of well development. Dakota Prairie grasslands RFD scenario does include coalbed methane development.

Coal Suitability is not part of the RFD, but a separate process defined in 43CFR.

Comment: The explanation of drainage in the RFD and DEIS is confusing/unclear.

The concept of drainage comes from English common law, i.e., the law of capture. This is basically if you can capture the resource (red deer, game, oil, gas, etc…) while it is on your ownership, it is your property. In short, if you can drill a well on your mineral ownership causing oil and gas to migrate from another person's mineral ownership onto your mineral ownership, you own the oil or gas once it crosses the line into your ownership. (FEIS Chapter 3, Oil and Gas)

Comment: The explanation of COAs is confusing/unclear. How do they change with monitoring and inspection and new information?

Conditions of Approval (COA) to the Surface Use Plan of Operation (SUPO) do not change once they are part of an approved Application Permit to Drill (APD). If new information reflects a situation where changes are needed they are negotiated with the lease operator and may be changed via a sundry notice if the parties cannot arrive at a bilateral agreement. The prime example is, Research determined evaporation pits for produced water were causing unlawful taking of waterfowl. Operators were advised of the situation and risk involved with production pits. Many opted to mitigate the risk by netting or elimination of the pit. They then proposed the change via a sundry notice which the USDI Bureau of Land Management and USDA Forest Service approved. They could have continued to utilize the pit and expose themselves to the risk of fines for violating waterfowl laws.

Comment: Use current data in the RFD and EIS.

The Reasonable Foreseeable Development (RFD) Scenario has been revised for the FEIS using the most current data available. (FEIS Chapter 3, Oil and Gas)

Comment: Your discussion of coalbed methane was inadequate.

The Thunder Basin plan revisions will not make decisions about the development of coal bed methane. The decision to lease portions of Thunder Basin National Grassland with coal bed methane potential (those areas with seams of coal 20 feet thick and less that 1,500 feet deep) will be deferred to the completion of the PRB EIS. The leasing decision will be made based upon the Powder River Basin Oil and Gas EIS. Also until that time no APDs may be approved except those whose cumulative and significant impacts have been considered in a NEPA document, i.e., the Wyodak EIS, or Drainage EA or subsequent NEPA. However, the Dakota Prairie grasslands plan RFD scenario documents include CBM development. See FEIS, Chapter 3, Minerals and Geology.

Comment: Mineral exchanges need to be shown on the FEIS maps and discussed in management area direction in the plans.

This Mineral exchanges are the result of land ownership adjustments. They are site-specific projects regarding what the USA owns. While they were discussed at Guideline #2 Minerals and Energy Resources in Management Area 3.51 Bighorn Sheep, they are discussed in concept. Until site-specific projects are proposed, this is adequate analysis for decision and management plan direction.

Comment: Paleontological surveys are expensive for the minerals industry and are not justified by laws and regulations.

In response to comments such as this, the paleontological stipulation on the Dakota Prairie Grasslands was dropped. It was determined that paleontological resources can be protected through a lease notice.

Paleontological surveys are justified under the auspices of NEPA, Antiquities Act and FLPMA. The procedure for paleontological surveys, outlined in Appendix J, should be done in areas with the high potential to produce fossils, prior to any ground disturbing activities to prevent needless destruction or damage to significant paleontological resources. National Environmental Policy Act requires Federal Agencies to assess impacts of any project to any resource. Paleontological resources are natural, nonrenewable, scientifically important resources that have many values such as recreational, educational, interpretive, and scientific. The Forest Service views fossil resources as valuable and non-renewable and requires paleontological surveys prior to ground disturbing activities in areas with the potential to produce significant fossil. The requirement is for all permittees, who may impact paleontological resources. These nonrenewable and scientifically important resources will likely be impacted by construction of pits, derricks, roads, etc. Therefore, conducting paleontological resource inventories (surveys) is a prudent practice to avoid damage and/or loss of significant fossils to the public and scientific community.

Comment: The proposed plan/DEIS emphasized recreation, wildlife, and special area designations over oil, gas, and minerals.

Each of the six alternatives displayed in the FEIS were developed to respond to the seven major revision topics and public comment on the DEIS. Each of the alternatives has some similar features to the others, but each is also distinctly different from the others in how it addresses the revision topics. Each alternative is, in effect, a stand-alone management plan if it is selected. All alternatives considered differing levels of oil and gas development.

While all of the alternatives provide a wide range of multiple uses, goods, and services, some alternatives give more or less emphasis to particular ones. Multiple-use Alternative 2, for example, would emphasize production of commodities such as livestock, minerals, oil and gas, and timber. Multiple-use Alternative 5 would emphasize recreation opportunities and non-commodity services and modify commodity outputs so as to complement recreation objectives.

Alternative 3 Final in the FEIS, the Forest Service preferred multiple-use alternative, is designed to be a blend of commodity uses while adopting additional special area designations and placing added emphasis on native plants and animals as well as recreation opportunities.

Comment: Clarify valid existing rights, including lease rights.

The Plan, Appendix G, Glossary defines "Valid Existing Rights (Minerals)" as **"**Legal interest that attaches to a land or mineral estate and that cannot be divested from the estate until interest expires or is relinquished."

Valid exiting rights, including lease rights are legal rights. They are rights that will withstand a legal review affirming the rights alleged to be owned by the party. Some examples of items that are typically "valid existing rights" are federal oil and gas leases, outstanding mineral rights, reserved mineral rights, outstanding and or reserved easements, and easements from the USA,

Planning

Comment: Some comments stated that the planning process does not conform to the planning regulations. The reasons given included: (1) local and state governments were not involved in the planning process and regional and national issues were not considered, and (2) the multiple use mission required by NFMA was not maintained.

The Northern Great Plains Management Plans Revision team has followed the NFMA regulations in conducting the planning process. The public and local and state governments have been consulted and their concerns evaluated and considered in the development and analysis of the draft and final Revised Plans and FEIS. The Forest Service has tried to balance the concerns from a variety of interests and develop a plan that provides for sustaining forest and grassland ecosystems while providing for desired uses and outputs. Local and state agencies and the public often do not agree with each other so the Forest Service is forced to make the best choice among conflicting commodity and amenity uses with the information available. FEIS, Appendix A describes the process in more detail and list many of the people and agencies contacted. Some participants in the process mistakenly equate involvement with the ability to make the final decision. The Forest Service has the responsibility to make the decision. The fact that some counties were unresponsive to requests for information does not mean the Forest Service has not met its responsibility to provide opportunities for comment and involvement.

The National Forest System is composed of public land that belongs to all citizens of the United States. As such, any citizen, organization or local government has the right to comment on a Plan. Regional and National issues, such as issues of biological diversity, water yield, timber suitability, aquatic and riparian health, are just a few examples that were evaluated in the course of this process. The ID team went through several analysis processes to determine the overall scope and significant issues to be analyzed in depth. *(Note: The planning record contains many documents and letters documenting this process. Summary of Public and Internal Comments, Planning Action No. 1: Identification of Purpose and Need, Planning Action No. 2: Planning Criteria, and Analysis of the Management Situation are formal documents that summarize the overall process used.)*

The Revised Plans provide for multiple use. The preferred Alternative 3 Final balances the need for maintaining viable and sustainable ecosystems and the desire of people to use the forest for recreation, obtain forest products, mine, extract oil and gas, and graze livestock. The other alternatives also provide for multiple use but result in different levels of these uses. Multiple use does not mean that all uses are equally provided on all acres of the public land (reference Section 4 (a) of the Multiple Use Sustained Yield Act of 1960).

Comment: You cited very few recent scientific publications in your documents.

While recognizing that not every reference in the DEIS was cited that could have been, the FEIS updated and improved its citations. Of the 83 dated publications listed in the DEIS, 57% were produced after 1995. Seventy-five percent were produced after 1990. The Biological Assessment/Evaluation, (DEIS-Appendix II, H) lists 209 references of which 20% were produced after 1994 and 53% were produced between 1990 and 1999. References for this section doubled in the FEIS. References for the Habitat Descriptions for Management Indicator Species (DEIS-Appendix II, L) lists 34 references of which 20% were produced after 1994.

Refer to the FEIS, and Appendix H (BABE) for a disclosure for scientific publications used in the FEIS.

Comment: The No Action Alternative doesn't accurately reflect current management practices on the grasslands.

The No-action Alternative (Alternative 1) represents the current Land and Resource Management Plans direction and emphases. In some cases, management outlined in those documents has not been achieved. The FEIS displays the comparison between existing LRMP direction and actual management accomplishments.

Alternative 1 provided a clear reflection of current management practices in all areas except in the area of livestock use projections. However, the draft management plan clearly stated in the DEIS, that projections of livestock use were only valid for comparison among the alternatives, and that this plan would not set stocking rates. These statements are still true. The projected livestock use was developed to provide an estimate of economic impacts that was requested by the public.

To respond to public comment, Alternative 1 was also modified to more closely reflect the current condition. In projections of livestock use, the 20-year average authorized use was inserted to provide a base for comparison of the alternatives. NRCS forage production estimates were used as a basis for the projected livestock use. This was done to respond to the concern that the estimate in the DEIS was too conservative. The results of these changes make the projected livestock use much more comparable to the 20 year average.

Comment: The Purpose and Need for the plan doesn't support the proposed changes or the anticipated effects of implementing the plan.

FEIS, Chapter 1 spells out the purpose and need for change for plan revisions for these Northern Great Plains national grasslands and forests. To respond to this concern, the Purpose and Need in the DEIS was reviewed and revised to more fully describe the need for change.

Over a decade has lapsed since the current Management Plans were approved. Implementation of these Plans has shown us the need for changes in management direction for some resources or programs on these ten grassland units. Several sources have led us to believe we have a need to change our current Management Plans through revision. New issues and changing public values have been identified through public interaction. New information and knowledge has been gained through scientific research and effectiveness monitoring. Management concerns have been derived through implementation experience of the current plans. And, a decade of experience in implementing current Management Plans has provided insight into relationships between prairie vegetation and other resources and better ways of accomplishing desired outcomes.

Based on the information sources identified earlier, we have determined that the combined effect of the needed changes demand immediate attention through Management Plan revision. The discussion In Chapter 1 of the FEIS fully articulates the identified need for change--need for management plan revisions—on these national grasslands and forests.

Comment: Site-specific changes in management area boundaries should accommodate particular unique features, current uses or wildlife habitat.

Management areas are defined as parts of the Forests or Grasslands that are managed for a particular emphasis or theme. To respond to this concern, National Forest and Grassland managers reviewed management area boundaries based on public comments and made adjustments in FEIS, Alternative 3 Final to accommodate particular unique features, current uses, and wildlife habitat.

Comment: You use a NE publication for your drought mgmt. guidelines. You use decision criteria to reduce livestock grazing in dry years, but you don't use the same criteria to increase grazing in wet years. This is unethical use of scientific literature.

The use of drought management guidelines has been dropped from the final Land and Resource Management Plans. Since precipitation does have a direct impact on forage production, timing of and amount of precipitation will be considered when setting stocking rates during Allotment Management Plan revision and in the Annual Operating Instructions specific to each allotment.

Comment: The monitoring section in the plan is too generic and of little value. It doesn't have links to goals and objectives or standards and guidelines.

Plans, Chapter 4, Monitoring has been revised to reflect changes in management direction contained in Plans, Chapters 1-3. The level and intensity of monitoring and analysis will vary with the budget and other management priorities. Table 4.2 Management Plan Monitoring Questions refers to the specific goals and objectives as outlined in Chapter 1, Grassland-wide (and Forest-wide) Direction.

Comment: The Forest Service claims that the grasslands are in danger but fails to provide scientific proof of or statistical support for this position. The Heritage Alliance of North Dakota requested scientific review of the proposed plan.

Some of the components of North Dakota grassland ecosystems that have been identified as at risk include the black-tailed prairie dog and several species associated with them, the western prairie fringed orchid, native plant communities due to invasions of leafy spurge, the tall grass prairie, species (some birds and butterflies) dependent on high structured grasslands, some raptors, plants, fish, amphibians, and reptiles. The Forest Service presented monitoring data on the extent of prairie dog towns, the lack of structural heterogeneity on the grasslands, and the condition of the riparian and woody draws of the grasslands. (Reference the Analysis of the Management Situation for the Northern Great Plains Revision Process, and Chapter 3 of the FEIS).

In the preparation of this document, the Forest Service assembled an interdisciplinary team of scientists. Each member of the team brought knowledge and experience in land management to develop a sound plan that balances the resources and uses of the public lands. The plans are based on this scientific interdisciplinary interaction. The Forest Service better documented scientific references in the final plan, and the reasons for proposing changes in management direction.

Comment: Several large buffalo ranches are currently replacing interior fences to manage grazing timing and frequency (North Am. Bison Journal, September 1999). Amend the buffalo alternative to include this information.

The DEIS disclosed that all action alternatives (2-5) will include "bison friendly" policies, where bison grazing can occur under the current livestock grazing permit process. Alternative 4 would allow for "bison-only" grazing on a minimum of 5% of the lands administered by each of the three units. In this alternative, bison will be treated as a type of livestock, not as free-roaming herds. Several factors will be considered when evaluating the suitability for bison grazing including livestock structures. A site-specific NEPA analyses will be done to determine if an area is desirable and suitable for bison grazing. The best information available on bison grazing will be used in development of a range management strategy for the area. Allotment specific grazing management practices are beyond the scope of the LRMP process and will be addressed at the site-specific allotment planning level.

Comment: Your glossary contains an incorrect definition of the term "range management." Use the following accepted definition (SRM 1998):

The following definition will be used for the term "range management" as defined by the Society for Range Management 1998, "A distinct discipline founded on ecological principles and dealing with the use of rangelands and range resources for a variety of purposes. These purposes include use as watersheds, wildlife habitat, grazing by livestock, recreation, and aesthetics, as well as other associated uses." See Plan, Appendix G, Glossary.

Comment: Consider the following new information:

- *A recent study completed at the request of North Dakota Governor Edward Schafer regarding the condition of Dakota Prairie Grasslands.*
- *Summary of the impacts of various grazing systems on grassland ecosystems by Dr. Lee Manske at the North Dakota state University.*
- *Information on predation as a factor limiting wildlife recruitment (see the Predation Avian Recruitment Task Force website at www.predation.org).*
- *Ongoing, unpublished research on the effects of rest (2 yrs in 7) and sharply reduced stocking rates on grasslands in South Dakota (Rice and Carter).*
- *Research and field trials on allowable forage utilization by Holechek, Gomez, and Galt (1999).*
- *Christensen's research on successful prairie grouse nesting habitat in grassland systems.*
- *University of WY economics model that incorporates various recreation user-day values. WY Game and Fish user-day values for hunting and fishing.*
- *National Research Council methods for monitoring range ecosystem condition (in Rangeland Health).*

These references have been considered and are part of the project file.

Comment: The DEIS doesn't adequately address impacts to air quality.

The Air section in the FEIS has been expanded. See the FEIS, Chapter 3. .

Comment: Proposed buffers may often exceed the boundaries of the grasslands. The revision should clearly state that the proposed buffers wouldn't be applied to private surfaces outside the grassland boundaries.

The proposed buffer zones for wildlife species listed in Plans, Chapter 1: Standards and Guidelines under Biological Resources: F. Fish, Wildlife and Rare Plants apply only to the National Forest System lands and federal mineral ownership.

The plans clearly state in many areas that valid existing rights, including private property rights will be maintained.

Comment: There are major discrepancies in the acres of land involved and the AUMs permitted between the 1995 Monitoring Reports and the NGP DEIS.

Information from the 1995 Monitoring Reports was used in development of the April 1998 Analysis of the Management Situation (AMS) document which focused on the revision topics. Much of this information was incorporated into the DEIS and FEIS.

Comment: MA 1.2, Guideline states that natural insect and disease outbreaks will only be controlled when outside resources are affected. How will you determine this?

Management area 1.2 is recommended for Wilderness. The concept is to allow natural processes to occur within this area without human interference. Some natural insect and disease outbreaks may or may not be harmful to values or resources on lands outside of the recommended wilderness areas.

Evaluating if insect or disease outbreaks will affect resources outside of recommended wilderness management areas will require identifying the type and extent of the outbreak at the time it occurs and evaluating the risks and impacts to adjacent lands and resources. (Plan Chapter 4)

Comment: "Are the lease stipulations working and are they necessary?"

Stipulations related oil and gas exploration and development are necessary in order to meet the Land and Resource Management Plan's purpose and need, goals and objectives, and desired conditions. The rationale for each stipulation is given in Plan, Appendix D, and references a standard or guideline in Plan, Chapters 1-3.

Based on the best scientific information available, the proposed and existing stipulations are thought to be effective.

In response to pubic comment, the paleontological stipulation on the Dakota Prairie national Grasslands was dropped. These resources will be protected with a lease notice rather than a lease stipulation.

We agree that the stipulations need to be monitored and have added this to our monitoring questions in Chapter 4.

Comment: TB plan, Ch 3, p. 15, MA 3.65—the material in this section is arguable and should be deleted.

Management Area 3.65 is Rangelands With Diverse Natural – Appearing Landscapes.

The argument about what National Forest System lands are managed for is the reason for land and resource planning. Resolving that argument is the purpose for these plans. All management area prescriptions are open to argument, as to their content and when they should be applied. The arguments (in the form of comments to the plan) help Forest Service managers understand what mix of resources, uses, and desired conditions the public wants for these lands. It is the USDA Forest Service responsibility to make an informed decision as what mix of management area designations, provides the greatest "public benefit." The laws that apply to the National Forest System lands provide for a mix of amenities and commodities to be produced. There is great discretion in how these lands are managed to produce this balance and mix of amenities and commodities as directed by law.

Comment: Plans, Ch4, Monitoring and Evaluation--each of the monitoring questions needs to be referenced to the appropriate standard or guideline to which it applies.

To respond to public comment, each monitoring item was referenced to the appropriate goals and objectives to which it applies.

Monitoring and Evaluation questions respond to goals and objectives, which are referenced in Chapter 1 of the FEIS. Standards and guidelines in turn were developed to achieve the goals and objectives. It is the condition of the land (goals and objectives) that the focus of our monitoring, not the tools (standards and guidelines) to be applied. (FEIS, Chapter 4.)

Comment: Prominently mention and display the North Country National Scenic Trail in the final planning documents. Add the trail to the list of Sheyenne NG unique attributes (Dakota Prairie Grasslands Plan, Sheyenne GA, page 2-14). Include the trail on key maps.

The North Country National Scenic Trail is in fact a unique attribute for the Sheyenne National Grassland. We have incorporated this as such in the Final LRMP and appreciate being informed of this oversight. Due to increased precipitation and rising water tables in the geographic area of the Sheyenne NG, much of the current route of the trail is underwater. We are in the process of rerouting many miles of the trail across the grassland over the next several years. Because the route is being changed, we are not displaying it on the maps at this time.

Comment: Appendix K – National Goals, Noxious Weed Management – 2080.2, Item 1—how do you plan to prevent the introduction and establishment of noxious weed infestations?

The Revised Plans, Chapter 1 Grassland (and Forest-wide) Direction, states several standards and guidelines we will implement, such as allowing only weed-free products for feed or revegetation projects, using only native plants in revegetation efforts, utilizing integrated management techniques (chemical, biological, and mechanical), requiring weed-free clauses in our revegetation contracts, allowing haying only when noxious weeds are not present, and prohibiting feed storage and regular and routine feeding of livestock.

Comment: Appendix K – National Goals, Recreation – 2302—how do you intend to keep these areas free from trash and litter? What kinds of problems do you anticipate, given the cost of maintaining and policing these areas? Regarding Item 4, explain how you intend to shift landownership patterns?

All direction in the Revised Plan will be implemented according to budgets received from Congress. Maintaining clean and safe recreation facilities and opportunities remains a high priority. We will use all the ownership adjustment tools we have available, i.e., land exchange, land purchase, and land donation to meet landownership adjustment goals as directed in Appendix K - Landownership Adjustment - 5402.

Comment: The DEIS is full of contradictions. In one section, you propose wilderness areas and in another, you say that off-highway driving is expected to increase by 37% in the Rocky Mountains. This is twice the national average.

The revised plans cover an area that includes nearly 2.9 million acres of national grasslands and national forests in four states. Within that area, there are many uses that currently occur. The revised plans attempt to respond to changes in public attitudes regarding the uses that occur on the pubic lands. There are currently no congressionally designated wildernesses existing on national grasslands. Public comments suggested that prairie wilderness designation recommendation is an idea that the Forest Service should consider.

The 1994-95 National Survey of Recreation and Environment (NSRE) projected that off-highway driving would increase in the Rocky Mountain/Great Plains region. It was not limited to National Forest System lands. The revised plans propose to limit travel on the affected national grasslands and forests to designated routes and areas that will be identified through a public process at the local level following the adoption of the plans. The process may take up to five years and will determine which routes and areas will be open for motorized travel. The plans do not account for uses on lands that fall within other jurisdictions that could see increases in off-highway driving, if allowed. The revised plans propose to limit travel on the affected national grasslands and forests to existing roads

and trails initially and later to designated routes (Dakota Prairie National Grasslands and Thunder Basin national Grassland), or initiate transportation planning and go directly to designated routes (Nebraska National Forest). Regardless of which mechanism is used, transportation planning to designate routes and areas will be done through an open public process following the adoption of the plans. The process may take up to five years and will determine which routes and areas will be open for motorized travel. The plans do not account for uses on lands that fall within other jurisdictions.

Comment: DEIS, Ch 2, p. 8—why is there no expected increase in recreation-related jobs and income under Alternatives 1 and 2? The Purpose and Need document implies that recreation use is increasing under current management. Why assume there will be no further increase if current management continues? Continuation of present management under this Alternative 1 would allow an increase in tourism (DEIS Recreation and Tourism, p. 3-11). This contradicts the statement in the DEIS (p. 2-8) which states there would be no increases under Alternative 1.

The Forest Service agrees with this comment, and cannot explain the apparent contradiction. Page 1-13 says, "Current recreation use exceeds levels anticipated in the current management plans." We will change the pg. 2-8 statement, "No increases in jobs and income linked to recreation would be expected." (found in last paragraph)

Comment: DEIS, Ch 2, p. 2, Important Points Common to All Alternatives--the first point is to "Maintain basic soil, air, water, and land resources." Point 4 deals with timber harvest and mineral extraction. You can't maintain land resources if you extract them.

Point 4, in its entirety, says, "Sustain multiple uses, products and services in an environmentally acceptable manner. This includes timber harvest, livestock grazing and locatable and leasable minerals extraction." Through implementation of the Revised Management Plan direction (goals, objectives, standards and guidelines and monitoring), we will ensure that our soil, air, water and land resources are sustained.

Comment: DEIS Appendix B, p. 16--the impact areas for TBNG should also include South Dakota. Many permittees run livestock on the grassland and sell at SD markets. More permittees shop in SD than in Natrona County, WY.

The Thunder Basin economic impact area was based on the location of ranch headquarters.

Comment: The following "key indicators" for livestock grazing (suitable acres, estimated AUMs, estimated forage production, average pasture size, and average number of water developments/sq. mile) don't indicate anything about environmental consequences.

The Forest Service agrees with the comment. Some of these key indicators are used to determine other types of impacts such as economic or recreational impacts. Others are used to determine impacts to grazing.

Each of the "key indicators" for livestock grazing was used to help develop the differences among each of the alternatives. There is some difference in each of the key indicators between alternatives, reflecting a different level of or emphasis on that indicator depending upon which alternative is selected.

The environmental consequences – direct, indirect, and cumulative effects – are displayed and discussed for each of the key indicators in Chapter 3 of the FEIS in the Livestock Grazing section.

Comment: DEIS, Ch 3, p. 8, last paragraph in the Economic Dependency section states "Wood products were not included as only Dawes County had a viable wood products industry." Weston County, WY also has a viable wood products industry.

This is a true statement, the Pine Ridge is the only location within the Northern Great Plains planning units that sells commercial timber and those timber sales make a relatively small contribution to the Dawes/Sioux County economy and to other scattered counties in South Dakota and Wyoming. Timber mills operating predominately in the Black Hills area occasionally purchased timber on the Pine Ridge. The Weston County wood products industry obtains a majority of their timber from sources other than the Northern Great Plains planning units. Wood products were not included for Weston County because only the Pine Ridge GA in the Northern Great Plains planning area sells timber, which makes relatively small contributions to Dawes and Sioux Counties and other counties in South Dakota and Wyoming.

Comment: DEIS, Ch 3, p. 44, Viable Wildlife Populations—this section states the following: "With less vegetation consumed by livestock, more would be available to wildlife." This statement has no basis in fact.

This statement is based on numerous research studies done, especially relative to sharp-tailed grouse and prairie chicken habitat. Appendix H of Revised Plan describes that taller and denser nesting cover provides the best habitat for both sharp-tailed grouse and prairie chicken. References citing numerous studies supporting this statement are listed in Appendix H.

Comment: DEIS, Ch 3, p. 64, Table LG-10—improve the explanation for this table. For example, it isn't clear whether the available forage values were calculated on a pasture-by-pasture basis.

The FEIS Chapter 3 provides a more thorough explanation of the table. Forage values were not calculated on a pasture-by-pasture basis but on the existing condition of range sites as defined by NRCS.

Comment: DEIS, Ch 3, p. 3-142--Table RFH-29 shows that shrubland structure on the TBNG is unknown. If it is unknown, why does Table RFH-46 list exact percentages for each structure class? What is the source of this information?

The difference between Table RFH-29 and RFH-46 is that RFH-29 is the estimated number of acres existing in shrubland structural condition classes. Table RFH-46 is the desired number of acres in shrubland structural condition classes. At the time the Draft EIS was printed, there was not a good estimate of the acres in shrubland structural condition classes available. This does not preclude the development of the desired shrubland structural condition to guide future management. The development of the desired condition takes into consideration many factors, including wildlife habitat needs to maintain desired population levels and a requirement to maintain a broad spectrum of biodiversity and uses. The determination of these levels is derived from scientific literature and research, and experiences from land managers working with the resources directly. (FEIS Chapter 3, Rangeland and Forest Health)

Comment: DEIS, p. 3-174—you state that you don't have information about long-term population trends for greater prairie chickens, sharp-tailed grouse, and sage grouse. You also state that Alternatives 3, 4, and 5 have the best chance of maintaining or increasing habitat suitability. How can you support such a statement?

It is well documented as to what the greater prairie chicken, sharp-tailed grouse, and sage grouse need for nesting and brooding cover. (Revised Plan, Appendix H) This cover is necessary to provide for the overall habitat suitability for this species. While populations will cycle, Alternatives 3,4, and 5 prescribe desired vegetation conditions (high vegetative structure) to provide high quality habitat necessary to sustain prairie grouse populations.

Comment: DEIS, Ch3, p. 184 states that grassland fires move quickly and usually don't change soil permeability and porosity. This isn't true. Fire creates a crust on the soil surface that needs to be broken to allow moisture to soak in.

The statements on page 184 are correct. As the statements point out, this is "usually" the case. There are exceptions when fire does change soil permeability and porosity. However, this is rare with the fine fuels and rates-of-spread in the grassland environment. Soil hydrophobia can result from fire, the extent is dependent primarily on the types of fuels burned, fire intensity and duration.

Comment: It is extremely difficult to read Appendix* I *without flipping through three different areas when trying to determine CSU, NSO, and TL for specific resources. Revise Appendix I to address all of the stipulations.

All stipulations for a resource were listed by that specific resource. Appendix I was updated and changed to Appendix D so the type of limitation and the unit to which the stipulation applies is now listed in brackets following the resource.

Comment: Federal statutes and regulations require federal agencies to consider the economic structure of counties and protect them from adverse impacts. Agencies must also specify mitigation plans to reduce or eliminate adverse impacts to local communities [40 CFR 1502.14(F), 1502.16(H), 1508.20]

In the FEIS Chapter 3, Community and Lifestyle Relationships we have looked at economic impacts to counties. The alternatives presented indicate no alternative will affect more than 1% of the jobs and income of any economic impact area in the Northern Great Plains.

Comment: The proposed plan doesn't describe the existing condition, making it impossible to compare alternatives and evaluate impacts.

Numerous comments were received that the DEIS inadequately discussed the existing conditions.

Alternative 1 provided a clear reflection of current management practices in all areas except in the area of livestock use projections. However, the draft management plan clearly stated in the DEIS, that projections of livestock use were only valid for comparison among the alternatives, and that this plan would not set stocking rates. These statements are still true. The projected livestock use was developed to provide an estimate of economic impacts that was requested by the public.

To respond to public comment, Alternative 1 was also modified to more closely reflect the current condition. In projections of livestock use, the 20-year average authorized use was inserted to provide a base for comparison of the alternatives. NRCS forage production estimates were used as a basis for the projected livestock use. This was done to respond to the concern that the estimate in the DEIS was too conservative. The results of these changes make the projected livestock use much more comparable to the 20 year average.

In the FEIS, we more thoroughly described existing conditions and compare alternatives to existing conditions. (FEIS Chapters 2 and 3)

Comment: The Proposed Plan Revision would hinder existing USDA programs for beginning ranchers.

It is not clear which USDA programs for beginning ranchers would be incompatible with the direction found in the Plans. The revised plans seek to provide for a variety of uses on the national grasslands and forests. Ranching is recognized as an important component of the rural landscape. In some cases, the revised plans call for reduced levels of livestock use in order to provide a broader range of uses and values that are linked to the amount and variety of vegetation left after the grazing season.

Comment: The proposed plan would be contrary to National Energy goals.

The objectives of Forest Service minerals management are provided in FSM 2802, and discussed in the Oil, Gas, and Minerals section of the FEIS, Chapter 3. Mineral exploration and recovery is a valid use of the National Grasslands, as provided by law, regulation, and policy. Alternative 3 Final provides a balance between protection of areas where mineral development could have unacceptable impacts, and ensures mineral development will be accomplished in response to the National Energy goals.

Comment: The Plan violates the Bankhead-Jones, National Industry Recovery, the Federal Emergency Relief Acts, State section line laws, land ownership acts of 1864, 1865, 1866, 1870, 1872, and 1873, the Taylor Grazing Act, the 1984 Wilderness Act and the 14th amendment to the constitution.

The writer of this comment did not address how he or she feels these laws are violated. The comment provides only a list of laws several of which do not apply to National Grasslands. Thus the comment cannot be specifically addressed. The Forest Service's Office of General Counsel has reviewed the history and legal mandates it has for managing the National Grasslands and has made this available in a document known as the National Grassland Management Primer. While some disagreement exists over things such as state section line laws, the Forest Service believes that all aspects of the revised plans are supported by applicable laws.

Comment: The preferred alternative should have been developed using Alternative 1 as a starting point and modifying it based on documented problems, new science, and better management practices.

The Preferred Alternative was developed using a modified version of Alternative 1 that took into account the current situation based upon implementation (or lack thereof) of the current plans over the past 10-15 years. Several factors, including those mentioned, provided the basis for developing the new alternative. Additional factors include: public comments during project level planning; amendments to the current plan; monitoring the effects of implementing the current plan; knowledge gained from basic and applied research on prairie ecosystems; input from other federal agencies, state agencies, partners, and the public; and changes in management philosophy for National Forest System lands. (Refer to FEIS Chapters 1 and 2)

Comment: Your commitment to monitoring and evaluation is lacking. The plans don't meet the three criteria for an effective monitoring and evaluation. The scientific soundness of the indicators is unknown because they aren't specified. The ability of these measures to indicate adequately for the crucial variables that must be monitored is thus entirely unknown and highly doubtful. The frequency with which monitoring and evaluation occurs is surprisingly low. In some cases, the monitoring of a particular indicator will not be complete at the end of the first decade of the Plans. If the purpose of monitoring is to ensure that planning decisions have the desired effect and do have undesirable effects during the course of the planning period, this is clearly a nonsensical proposition. Finally, the plan includes no predetermined degrees of change that will trigger a reanalysis of management activities, the final and equally critical component. These problems are all compounded by a near absence of standards driving the monitoring and evaluation process. The entire process must be framed and driven by a thorough set of strict standards, which ensure that the process operates as it should.

There are major differences between the DEIS and FEIS monitoring plans. This is based on a National and Regional Forest Service effort in response to public and scientific comments. The proposed monitoring program is itself a demonstration of Forest Service commitment to monitoring and evaluation. It presents a new paradigm designed to provide monitoring with much greater impact in maintaining plan currency than the existing program could. It provides for annual evaluations to determine critical needs and current issues and emphasizes flexible response to real-time planning issues.

We agree that monitoring techniques and processes must be based on sound science, though they are not developed to mimic rigorous research processes. Monitoring, by design is not research. Monitoring is intended to determine how well objectives have been met and how closely management standards and guidelines have been applied.

Similarly, the frequency of sampling is designed to vary according to the perceived need for information. It is true that some of the identified monitoring activities require a response at less than an annual frequency, which was established to respond to an identified need.

FEIS, Chapter 4, Introduction discusses the need for effectiveness, implementation and validation monitoring. Chapter 4 has been modified greatly from the DEIS.

Comment: Do a Regulatory Flexibility analysis.

The primary purpose of the Regulatory Flexibility Act of 1980 (RFA) is to ensure that agencies proposing to promulgate federal rules affecting small entities (business, governmental jurisdictions, and not-for-profit organizations) have adequately considered the economic impacts on those small entities. A Land and Resource Management Plan is not a rule. They do not directly regulate small entities. Factors set forth in RFA are not pertinent to the context of land management planning.

An RFA analysis has never been attempted at a National Forest level. Development of guidance for analysis content, methods, and purposes in this new context would be necessary before an analysis could begin. Because hard data at the scale necessary to provide meaningful information about small entities in the planning area is not expected to be readily available, a RFA analysis is unlikely to provide meaningful or reliable information about potential effects of the Plan Revision. Therefore, it is not clear how conducting this analysis and using the resultant information would improve a management Plan decision.

Comment: Consider research and recommendations from non-Forest Service professionals when doing your analyses.

The Forest Service considered a very wide range of published research results. (FEIS Bibliography)

The Forest Service utilized three panels of peer reviewers to review process and analysis methods for several topic areas, including economics, timber, range and viability. FEIS, Appendix A lists the review panels for economics, timber and range.

Comment: Analyze the grassland units separately. Produce a separate plan and EIS for each.

Each grassland unit has a separate analysis enclosed in one Final EIS. This allows the environmental effects chapter to disclose the effects in two ways: effects specific to each administrative unit and effects compared and evaluated among the units within the planning area. Yet, based on this one FEIS, each grassland unit (Dakota Prairies, Nebraska, Thunder Basin) has its own Plan. Where reasonable, the Plans have consistent management direction. However, in response to the public's comments on the draft EIS, each grassland unit developed management direction specific to its location where it was appropriate. For example, management direction that protects bighorn sheep is different between the administrative units to reflect the different management schemes each unit has. In addition, each grassland unit developed management direction for "geographic areas" – areas that are unique and require specific consideration. Hence, the management direction for the Sheyenne National Grassland is different from the Little Missouri National Grassland. In this case, using Geographic Area management direction helps highlight what is needed to manage a tall grass prairie versus a mid- to short-grass prairie.

Doing one EIS instead of three allowed the Forest Service to have a planning process that was: ecosystem based; address cumulative effects over the appropriate planning area; reduced costs; provided for better coordination and collaboration with stakeholders; and more efficient for the public to respond to one planning effort instead of three.

Comment: Rewrite the Geographic Area direction for the Sheyenne National Grassland.

The Sheyenne Geographic Area direction has been rewritten and expanded in the Revised Plan. New information on the desired future condition is present. In addition, standards and guidelines specific to this geographic area have been developed and are included. See Revised Plan, Chapter 2.

Violation of NEPA, NFMA, Etc.

Comment: The plan fails to do the following, as required by NEPA:

- *Address impacts to local custom, culture, economy, and lost revenue for our schools.*
- *Protect and preserve the economic stability of local communities.*
- *Include a cultural analysis of the local area and to protect our national heritage (our traditional use of the land).*

The National Environmental Policy Act of 1969 (NEPA) requires that natural and social sciences be integrated in all planning and decision-making that affect the human environment. The human environment includes the natural and physical environment and the relationship of people to that environment. Forest Service land management planning regulations also instruct that social science knowledge be considered in forest and grassland planning.

Chapter 3 of the FEIS, Community and Lifestyle Relationships, discusses in general terms the existing relationships with the National Grasslands and Forests from the perspectives of a number of affected interests. They include agriculture producers, oil, gas and mineral producers, wood products producers, both consumptive and non-consumptive recreationists, conservation / preservation interests, wildlife advocates, American Indians, adjacent landowners, and governments. The FEIS outlines the anticipated effects of each alternative on each of the interest or user groups.

Also, the FEIS (Chapter 3) outlines the economic environment, level of economic dependency on National Grasslands and Forests, and anticipated effects for the counties within the planning area.

Goals

Comment: There is little evidence that increasing pasture size will improve biodiversity, yet this objective appears throughout the plans.

Increasing pasture size was an objective in the plan. On the Dakota Prairie Grasslands this objective has been removed and replaced with a guideline that provides more flexibility to use structural improvements where nonstructural management techniques are unsuccessful.

There are numerous range studies that indicate pasture size affects grazing distribution. Most range studies and handbooks suggest creating smaller sized pastures to better achieve forage utilization for livestock production. But, on public lands with multiple-use objectives, smaller sized pastures don't necessarily help achieve desired vegetation objectives for livestock and wildlife. Smaller pasture size results in a more uniformly grazed pasture, thus, directly affecting the presence or absence of the variety of plant species and limiting vegetative structure diversity. Larger pasture size results in an uneven grazing distribution, thus, creating a mosaic of vegetative utilization and more diversity in grassland structure.

Comment: Plans, Ch 1, p. 5, Goal 2: Provide Multiple Benefits for People within the Capabilities of Ecosystems--many of the subgoals under Goal 1 belong here; they are similar concerns. It is doubtful if all these objectives can be met simply by prescribing desired vegetation composition and structure classes for the grasslands.

Prescribing desired vegetation composition and structure is one of many ways of providing the diversity that will ensure sustainability. Vegetative objectives, along with all the objectives, standards and guidelines listed in the Revised Plans will help to ensure that we will have sustainable multiple use.

Past management of these public lands has resulted in a fairly homogeneous landscape with little variety in vegetation composition and structure. The revised Plans are calling for a major change in resource management to increase biodiversity on the grasslands by prescribing a variety of different desired vegetation composition and structure classes. Many prairie wildlife species require either high structure like prairie grouse or low structure like prairie dogs. Recreationists on the grasslands desire diversity in the vegetation composition and structure for their desired activities, such as hunting, hiking, camping, bird watching, and general enjoyment. Many of the goals and objectives require a mosaic pattern of vegetative diversity that can be met through these desired vegetation composition and structure classes. In addition, standards and guidelines provide management direction to help achieve the goals and objectives.

Comment: Plans, Ch 1, p. 5, Goal 2.5: Grazing--the goal and objectives are acceptable, but the desired conditions established in the plan will not accomplish this goal.

The goal to assist in satisfying the demand for livestock products through environmentally responsible grazing is a concise statement that describes conditions we expect to be achieved in the future. The objectives are measurable desired condition statements that will help accomplish a goal and that are generally achieved through implementation of specific projects or activities.

The desired conditions, and the standards and guidelines developed for individual geographic areas and management areas, are designed to accomplish the goals. The Revised Plans better outline desired conditions in the Chapter 2, Geographic Area Direction. The EIS better documents and displays livestock grazing effects analyses and management practices and analyzes the effects of various grazing levels. (FEIS, Chapter 3)

Comment: Explain how you plan to achieve your goals for ecological processes and functions and rangeland values. Specify the techniques, methods, and/or practices you will use.

The Forest-wide and Grassland-wide Standards and Guidelines, as well as the direction set forth in the individual geographic areas and management areas, are designed to achieve the stated goals. The Monitoring Section is designed to show how and when we will measure the success of our efforts in achieving the stated goals.

Standards and Guidelines

Comment: NE plan, Ch 1, p. 32, O. Plant Collecting Guideline 4. "Protect American Indian traditional plant collecting areas." Define which plant species and give their locations.

Traditional plant collecting areas are known to exist on the national grasslands and forests for a variety of plant species that hold traditional values for American Indians. Through consultation during the scoping period for project implementation these areas and specific species will be identified if there is a concern by American Indians that the proposed project(s) have the potential to adversely affect the species or the area.

Comment: DEIS, p. D-2, Standard 2—allow modified wheelchairs for outdoor use instead of just indoor wheelchairs. Wheelchairs designed for use in indoor pedestrian areas are useless on unpaved, dirt surfaces.

The Americans with Disabilities Act (ADA) prohibits discrimination against those with disabilities in employment, public service, public accommodations and services operated by private entities. The act specifically allows wheelchair access in Wilderness. The Forest and Grassland Plans extend to all non-motorized areas the same access as ADA allows in Wilderness (see Standards and Guidelines, Q. Infrastructure). The environmental consequences section of this EIS has been expanded to include the effects on the mobility impaired.

Comment: One set of comments dealt with the effectiveness of Forest wide standards and guidelines. One group of commentors said that more restrictive standards and guidelines were needed. One specific suggestion was to change many of the guidelines to standards. Another group felt they were too specific and should be loosened up. Concerns were also expressed that the standards and guidelines were ambiguous and were left too open to interpretation possibly causing some unintended environmental impacts.

Trying to come up with an effective set of Forest wide standards and guidelines has been one of the most time-consuming parts of the revision process. The difficulty has been to develop direction that does not stymie forest management because it is overly controlling to be implemented or is too loose to be effective or meaningful. We feel that the standards and guidelines in the Revised Plans are within this effective range and set the appropriate amount of strategic management direction. Northern Great Plains planning team members, other Forests completing revisions, and the Regional Office worked hard to write these standards and guidelines clearly to avoid ambiguity and unintended environmental impacts so they could be implemented effectively. However, while it is important to write clearly and unambiguously, there needs to be some room for flexibility and interpretation by line officers and project ID team members so that standards and guidelines can be applied in many situations involving a variety of activities over nearly the 2.9 million acres and four states addressed by these plan revisions.

Standards and guidelines have been an area of major concern throughout the revision process. We believe that the standards and guidelines in the Revised Plans provide the proper balance between being too loose to be meaningful and too tight to be overly restrictive. This set of standards and guidelines is a result of many years of work by Forest and Regional ID team members and line officers. Further, the set is a logical result of the comments and suggestions from many interested people from the public and the natural resource expertise of forest managers and ID team members.

Public Involvement

Comment: You didn't give adequate notice of public meetings and didn't provide collaborative opportunities for state and county governments and local citizens.

Public involvement events for this planning effort, up to the release of the DEIS, is found in the beginning of this document. Public events included meetings, open houses, workshops, and information fairs. The list includes twelve newsletters that were sent to a large mailing list and anyone who requested them. Public meeting schedules were listed in those newsletters that preceded scheduled public meetings. News releases announcing upcoming public meetings were issued to local and regional newspapers in the planning area prior to the meetings or other public events.

The planning effort included five collaborative groups that were open to participation by anyone. Each group decided whether to focus on a single issue or to address a broader scope. Collaborative groups were organized for the Grand River, Little Missouri, and Sheyenne National Grasslands in North Dakota, the Buffalo Gap National Grassland (Fall River District) in South Dakota, and the Nebraska National Forest, Bessey District, in Nebraska.

Consultation with state and county governments has been an ongoing process that has consisted of a variety of methods. Their input and ideas have been actively sought and have been seriously considered in drafting the FEIS. While all state governments in the planning area have taken an active role in providing input, some counties have chosen to be less involved in the process.

Plant and Animal Damage Control

Comment: What agency is really in charge of controlling predators, insects and rodents?

The Animal Damage Control Act of March 2, 1931, as amended authorizes the Secretary of Agriculture to provide animal damage management services, to maintain technical expertise for evaluating and recommending animal damage management techniques, and to perform animal damage research. The Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS) and the animal damage control program in APHIS is specifically responsible for animal damage control activities.

The Forest Service and Animal & Plant Health Inspection Service (APHIS) – Animal Damage Control program along with the States, cooperate under the Animal Damage Control Act of March 2, 1931, as amended, to manage animal damage on National Forest System lands. A Memorandum of Understanding (MOU), June 18, 1993, between the Forest Service and APHIS outlines the cooperative approach to animal damage management on National Forest System lands. The MOU outlines cooperation to ensure the protection of National Forest System resources and consistency with Land and Resource Management Plans.

Comment: Use more aggressive control efforts on invasive plants, grasshoppers, prairie dogs, and predators.

The Forest Service is cooperating with the States, other Federal agencies, County Weed and Pest Boards, and adjacent landowners to address the invasive and noxious weed problems on and adjacent to the National Forest System lands. Control efforts utilize an integrated approach to prevention and management of invasive plants and noxious weeds, including biological, chemical, and mechanical.

A Memorandum of Understanding (MOU), June 18, 1993, between the Forest Service and APHIS outlines the cooperative approach to animal damage management on National Forest System lands. The MOU outlines cooperation to ensure the protection of National Forest System resources and consistency with Land and Resource Management Plans. This MOU in no way defines or limits the authority of States to regulate the taking of predators according to State and other applicable Federal laws. An integrated approach to predator management will be utilized including the use of hunting and trapping as control techniques.

In North Dakota, local agreements with Wildlife Services have also been implemented to allow Wildlife Service to do their work and insure the protection of National Forest System resources and consistency with Land and Resource Management Plans.

The black-tailed prairie dog was recently petitioned for listing as a Threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a Candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs. In addition, the Forest Service is cooperating with the various State Working Groups in the development of a black-tailed prairie dog conservation strategy for each State. This strategy is designed to insure that prairie dogs are not listed, and impacts to private land owners that could result from listing are avoided.

Comment: The pesticides being sprayed on the land are a health risk and are damaging the environment and sensitive plants and animals. Consider non-chemical, non-lethal control measures.

To address this issue see Plan, Chapter 1, Standards and Guidelines. The following Standards and Guidelines address this issue. Guideline: Do not authorize the use of invasive plant control methods that may adversely impact TES plants. Standard: Do not spray grasshoppers within 0.25 mile of known burrowing owl nests. Standard: manage invasive plant species using integrated management techniques, including mechanical, chemical, prescribed fire, and biological control methods. Standards and Guidelines – Haying, revegetation with weed free seed, restrict pesticide use where it will have adverse effects on species at risk.

Comment: More non-chemical and non-lethal methods should be used to control predators that kill livestock.

In North Dakota, the annual work plan between Wildlife Services and the Forest Service promotes the use of nonlethal methods of predator control on national grasslands prior to the use of lethal control methods.

The Forest Service and Animal & Plant Health Inspection Service (APHIS) – Animal Damage Control program along with the States, cooperate under the Animal Damage Control Act of March 2, 1931, as amended, to manage animal damage on National Forest System lands. A Memorandum of Understanding (MOU), June 18, 1993, between the Forest Service and APHIS outlines the cooperative approach to animal damage management on National Forest System lands. The MOU outlines cooperation to ensure the protection of National Forest System resources and consistency with Land and Resource Management Plans.

These activities include actions to provide wildlife damage management through direct control, as well as technical assistance to achieve desired management objectives. APHIS carries out animal damage management activities on National Forest System lands mostly to minimize livestock losses from predation by coyotes and other predators. Most animal damage management activities on the National Forest System lands are conducted as result of coyote predation on domestic sheep.

Prohibit the use of M-44s for predator control in occupied swift fox habitat. Plan, Chapter 1.

Comment: The FS needs to use a more balanced approach to noxious weed management that includes biological, mechanical, prevention and education, as well as chemical control. Noxious weeds are not adequately addressed in the DEIS. The FS should place more emphasis on noxious weed management.

The Forest Plan, under Grassland and Forestwide Direction, Section J. specifies standards and guidelines aimed at controlling existing weed populations and preventing new infestations. One standard specifically directs us to use integrated management techniques, including chemical, biological, and mechanical methods, to control noxious and undesirable plant species.

Comment: Prairie dog populations along property boundaries need to be poisoned to reduce unwanted impacts on adjoining lands.

The black-tailed prairie dog was recently petitioned for listing as a threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

Chapter 1, Grassland-wide Direction, addresses the general direction for the management of black-tailed prairie dogs. In addition, Chapter 3, 3.63 Management Area provides management direction for prairie dog management in black-footed ferret reintroduction areas. The Plans limit the use of rodenticide for managing prairie dogs. Instead, the Forest Service is utilizing grazing management systems and stocking levels to enhance prairie dogs expansion where desired and to discourage encroachment to adjacent private lands. In addition, grazing management systems and stocking levels will be utilized to protect the soil resource. In addition, the Forest Service is cooperating with the various State Working Groups in the development of a black-tailed prairie dog conservation strategy for each State. The State Working Groups are developing strategies to address the concerns relative to plague, erosion, and management of prairie dogs on public and private lands. The Forest Service has included a provision that prairie dogs can be poisoned where there is a public health or safety problem, damage to private or public infrastructure, and to respond to unwanted colonization of adjoining private land when it is consistent with the USFWS approved conservation strategy.

Comment: Control prairie dog populations to prevent plague and adverse soil and water impacts and to keep them from encroaching on private land.

The black-tailed prairie dog was recently petitioned for listing as a threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

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The Forest Service has included a provision that prairie dogs can be poisoned where there is a public health or safety problem, damage to private or public infrastructure, and to respond to unwanted colonization of adjoining private land when it is consistent with the USFWS approved conservation strategy

Comment: Grasshoppers cause considerable damage in some years and should be controlled by any means.

Grasshoppers are a part of the ecosystem and used for food by many species of wildlife. Individual requests for treatment would have to be analyzed as to the impacts on the environment. Situations that APHIS considers to be an economic impact would be the only cases to be considered for control on National Grasslands and only in cases were private land is being impacted.

Comment: Grasshopper infestations are caused by livestock overgrazing, and spraying shouldn't occur unless the grazing problems are addressed.

Populations of grasshopper's cycle and population fluctuations are dependent on a number of factors. Overgrazing and other factors can be a contributing factor to grasshopper infestations by increasing the bare ground area for the deposit of grasshopper eggs and improving conditions for grasshopper population expansion. Plan direction is intended to confine heaving grazing to those areas the specifically need it to accomplish specific management objectives, especially vegetation objectives described in Plans, Chapter 2 Geographic Area Direction.

Rangeland and Forest Health

Comment: The existing health of grasslands is good and no additional improvements or changes in management are needed.

Much of this issue is the result of differing definitions of rangeland health. It is likely that the commenter was looking only at the health of the plants or one particular grassland. There are areas where improvement in the plant community is desired on all the grasslands, and there are areas such as on the Sheyenne Grassland where vast improvement in the health of the grassland is needed. However, on some grasslands this statement is true when referring to just plants than when referring to the entire grassland ecosystem as was done in the analysis.

A re-analysis of vegetation composition and structure objectives has been done to respond to public comments. The FEIS will includes a discussion on existing conditions for rangeland composition and structure and provides an outline of desired conditions based on biological assessments and available information.

Comment: Take a more ambitious approach to conservation and ecosystem restoration. Conserving biodiversity and restoring native plants and animals should be the priorities on the grasslands. The desired condition should emphasize native plants and animals and potential natural communities.

Conserving biodiversity and restoring native plants and animals are priorities for the grasslands. The desired condition objectives emphasize native plants and animals and potential natural communities.

Achieving ecosystem health and sustainability through conservation and restoration have priority emphasis that are assured by the following Revised Plan direction: Chapter 1, Grassland wide Goals 1 and associated objectives, standards and guidelines; Management Area 3.64 that emphasizes specific plant and wildlife species and communities; Management Area 3.66 (Dakota Prairie Proposed Plan) which manages areas to restore and maintain native plant and animal species, communities and ecological processes and functions; Management Area 6.1 that emphasizes a diversity of native plants and animals and ecological functions and processes; Management Area 2.1 SIAs; Management Area 2.2 RNAs; Management Area 3.51 Bighorn Sheep Habitat; Management Area 3.58; and Management Area 3.63 Black-footed Ferret Habitat.

Comment: Monitor grassland cover and structure.

Grassland vegetative structure will be monitored. See Plans, Chapter 4.

Comment: Livestock grazing, oil and gas development, and motorized access are damaging rangeland and forest resources. They should be minimized or phased out.

These uses are legitimate and legislatively authorized examples of multiple-use on the National Grasslands and National Forests. In most cases, the uses are also allowed under some type of permit or authorization that contains provisions designed to manage the resources to meet desired conditions.

Many commentors urged increased levels of these uses; others favored decreases. The different alternatives are developed to respond to such needs and desires and to provide varying levels of the different uses, goods, and services. The Standards and Guidelines are specifically designed to prevent damage to rangeland and forest resources and to meet desired resource conditions and monitoring is designed to ensure standards and guidelines are effective.

Alternatives in the FEIS contain a range of mixes of these uses. Alternative 3 Final is selected to provide a balance of these resource uses.

Comment: Precipitation determines the health and productivity of the land, not man or livestock grazing.

Actually a combination of precipitation, human influence, and livestock grazing can all have an impact on the productivity of the land. Precipitation delivered at the right time in plants' growing cycle has a great impact on the health and productivity of the plants for that particular growing season and potentially the following growing season. The same is true of human management and/or livestock grazing. Depending on the timing and degree of use, impacts on the health and productivity of the land can be significant for a particular growing season or several growing seasons in the future.

Comment: Inappropriate parameters are being used to evaluate and describe rangeland and forest health.

The comments on Rangeland and Forest Health reflected the breadth and complexity of the topic. There was considerable debate about the current state of rangeland and forest health and what parameters should be used to define them. For the FEIS, we reanalyzed vegetation composition and structure objectives. We included a discussion on existing vegetative conditions and provided a better outline of desired conditions. We will describe vegetation structure and relate it to wildlife habitat. And we will review our monitoring section and make sure it eventually validates our management assumptions.

Comment: GA direction: in the Spring Creek Area—Management Area 3.65 is being considered as a potential area for sage grouse. Cattle grazing will be limited to reach proper ground cover. This would be a great economic impact on the permittees. (especially not grazing until July). What structure could be handled to have both cattle and grouse?

While sage grouse habitat is one component of the management in Management Area 3.65, it will not be the only factor considered. Each Geographic Area has a desired mix of vegetative structural conditions. (Plan, Chapter 2) Within Spring Creek Geographic Area there will be areas managed for moderate and low structure, as well as areas managed for high structure. This mix will allow livestock grazing to potentially occur throughout the entire year. Stocking rates, season of use, and

length of grazing period will also affect structural conditions. All of this will be taken into consideration when establishing appropriate levels of cattle grazing during site specific allotment planning. Cattle and sage grouse can coexist. Many times, particularly in larger pastures, habitat for sage grouse nesting (high structure) can occur in areas where livestock do not frequent (known as secondary range). Using management techniques such as herding, adjusting fence locations, and not developing livestock water in areas of sage grouse habitat can accomplish desired conditions for grouse and still allow livestock grazing.

Comment: Fully describe the economic effects of prairie dog expansion and black-footed ferret reintroduction.

The Environmental Impact Statement addresses prairie dogs and ferrets in Appendix H: Biological Assessment and Evaluation as well as in Chapter 3: The Affected Environment and Environmental Consequences.

Bison

Comment: Bison are native Great Plains herbivores and should be returned to public grasslands. Reintroduce bison as an alternative to cattle. Establish free-roaming bison herds. No more bison on the grasslands.

Refer to FEIS Chapter 1.

Prairie dogs

Comment: Prairie dogs are keystone species on the grasslands and should be restored to 10 to 25% of their historical range.

The black-tailed prairie dog was recently petitioned for listing as a threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

Chapter 1, Grassland-wide Direction, addresses the general direction for the management of black-tailed prairie dogs. In addition, Chapter 3, 3.63 Management Area provides management direction for prairie dog management in black-footed ferret reintroduction areas. The Plans limit the use of rodenticide for managing prairie dogs. Instead, the Forest Service is utilizing grazing management systems and stocking levels to enhance prairie dogs expansion where desired and to discourage encroachment to adjacent private lands. In addition, grazing management systems and stocking levels will be utilized to protect the soil resource. Prairie dog shooting will be restricted in areas where prairie dog expansion is desired and where shooting is preventing accelerated expansion. Shooting restrictions will be coordinated with the State wildlife agencies.

In addition, the Forest Service is cooperating with the various State Working Groups in the development of a black-tailed prairie dog conservation strategy for each State. The State Working Groups are developing strategies to address the concerns relative to plague, erosion, and encroachment from public lands to private lands.

Comment: Manage the size of prairie dog colonies. Use good range management instead of poisoning.

The black-tailed prairie dog was recently petitioned for listing as a threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

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Comment: Prairie dogs remove all vegetation and cause soil compaction. Increasing their populations would be in conflict with National Soil and Resource Improvement Goal 2553.02 in Appendix K.

Prairie dogs do remove vegetation on prairie dog towns. However, we are unaware of any research that would indicate that prairie dogs would cause soil compaction.

See response to above comment. Goals and objectives in resource management plans can sometimes conflict with one another. Which goal or objective takes precedence in a given situation depends on the application of laws and regulations. In the case of prairie dogs both the National Forest Management Act and Endangered Species Act require we provide for the conservation of this species.

Prairie dogs once covered a much greater area than they currently cover or are proposed to cover by this plan. These ecosystems have evolved with the impacts of prairie dogs. The extent of prairie dogs expected during the life of this plan is not expected to have a significant effect on soil and water resources.

Comment: In 1997, North Dakota declared the prairie dog a noxious pest. They are to be controlled under the jurisdiction of County Weed Boards. Your proposed prairie dog expansion is in direct conflict with state law.

The National Grasslands are required by federal law to provide for viable populations of native species. The black-tailed prairie dog is a native species. The fact that the state of North Dakota has declared this species as a pest does not excuse the Forest Service of its obligation under the National Forest Management Act to provide for the continued viability of this species. The USDI Fish and Wildlife Service released a listing decision regarding the black-tailed prairie dog in February 2000. This decision determined that there was a valid concern over black-tailed prairie dog viability. The proposed expansion of this species is in response to these concerns.

Wildlife

Comment: Proposed wildlife standards and guidelines aren't clear and they are more restrictive than those currently in use.

Wildlife standards and guidelines have been rewritten to provide specific management direction to conserve or restore viable populations of endangered, threatened, proposed, candidate, and sensitive species through recovery and management efforts, including the protection, conservation, and restoration of important terrestrial and aquatic habitats. These wildlife standards and guidelines are necessary based on the detailed biological assessment and evaluation, informal consultation with the FWS, and input from external peer review. In addition, wildlife standards and guidelines have been rewritten to conserve habitat capable of supporting populations of game and fish, as well as providing wildlife viewing opportunities.

Comment: DEIS, Appendix H, p. 83--why didn't you include the trumpeter swan in this appendix? They are listed as Species of Concern in Regions 3 and 6. Several states in your region list them as endangered or extirpated.

A species evaluation was completed for the trumpeter swan in the FEIS. Refer to FEIS Appendix H.

Comment: Oil and gas developments and roads are negatively impacting wildlife and their habitats.

Potential impacts of oil and gas development on species are discussed in FEIS, Chapter 3 and are mitigated through the application of standards, guidelines and stipulations. (FEIS Appendix H, Plan Chapter 4)

Comment: More management indicator species need to be identified and monitored.

The planning regulations (36 CFR 219.19 Fish and Wildlife Resource) outline the direction for identifying and monitoring management indicator species. Planning regulations state that fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. In addition, the planning regulations require certain vertebrate and / or invertebrate species be identified and selected as management indicator species. These species shall be selected because their population changes are believed to indicate the effects of management activities. The Plans shall establish objectives for the maintenance and improvement of habitat for management indicator species. In the selection of management indicator species, the following categories shall be represented where appropriate: endangered and threatened plant and animal species identified for the planning area; species with special habitat needs that may be influenced significantly by planned management activities; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality. Pronghorn and mule deer were not selected as management indicator species because both of these species habitat requirements are broad and cover several biological communities. The species selected as management indicator species are more restricted to specific biological community or on water quality. Additional MIS were evaluated based on DEIS comments. Additional MIS such as western prairie fringed orchid and pigmy nuthatch were added in the Plans Chapters 2 and 3.

Comment: Special management emphasis for management indicator species is unnecessary, and proposed protection measures will limit other uses.

See response to comment above.

Comment: Protect current populations of bighorn sheep in North Dakota, and increase numbers if possible.

Current bighorn sheep populations will be protected by specific management area designation (MA 3.51, 3.51a, 1.2a, and 1.31 and 2.2), other small MA's also provide protection use of a grassland-wide standard (Plan Chapter 1, section F), and oil and gas stipulations (FEIS, Appendix I). The desire of the Dakota Prairie Grasslands to increase bighorn sheep numbers is documented in the biological evaluation. As noted under the desired condition statement for MA 3.51 and 3.51a it is the desire of the Dakota Prairie Grasslands to increase bighorn sheep numbers. This is further documented in the biological evaluation (FEIS, Appendix H), and in the Dakota Prairie Grasslands goals and objectives (Chapter 1, Goal 1). Bighorn sheep management areas (MA 3.51) are also allocated for two areas in Alternative 3 Final in the Nebraska Plan Revision.

Comment: The solitude requirement for bighorn sheep is overstated. Bighorn sheep and domestic livestock grazing are compatible.

Livestock grazing can either enhance or degrade forage availability for bighorn sheep. The Forest Service agrees with the commenter that bighorn sheep and domestic livestock grazing can be compatible. However, the main concern over domestic livestock is the potential for disease transmission between domestic sheep and goats and bighorn sheep. This concern is based on numerous case studies documented in scientific literature (FEIS Appendix H).

Comment: Antelope and mule deer aren't given the same emphasis as management indicator species.

The planning regulations (36 CFR 219.19 Fish and Wildlife Resource) outline the direction for identifying and monitoring management indicator species. Planning regulations state that fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. In addition, the planning regulations require certain vertebrate and / or invertebrate species be identified and selected as management indicator species. These species shall be selected because their population changes are believed to indicate the effects of management activities. The Plans shall establish objectives for the maintenance and improvement of habitat for management indicator species. In the selection of management indicator species, the following categories shall be represented where appropriate: endangered and threatened plant and animal species identified for the planning area; species with special habitat needs that may be influenced significantly by planned management activities; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality. Pronghorn and mule deer were not selected as management indicator species because both of these species habitat requirements are broad and cover several biological communities. The species selected as management indicator species are more restricted to specific biological community or on water quality.

The Forest Service agrees that pronghorn and mule deer were not given the same emphasis as management indicator species. The same could be said for hundreds of other species not selected as MIS. As discussed in Appendix B, management which benefits MIS will also benefit associated species. For example, if form diversity increases as a result of sage grouse management, pronghorn habitat quality would also improve.

We recognize that not all of the habitat needs of associated species will be covered by managing solely for MIS. That is why we have specific management aimed at benefiting mule deer. (Chapter 1, Section F) and pronghorn (Appendix C)

Pronghorn and mule deer were not selected as MIS because they did not meet the criteria listed in Appendix B. Specifically, neither pronghorn or mule deer are "a keystone species or habitat specialist" or "sensitive to management activities on NFS lands in the local or regional vicinity", nor can either species' population trends be "tied to habitat conditions resulting from land uses on NFS lands in the same area". This is due to these species' ecology, home range size, seasonal movements, and the intermingled nature of NFS and non-NFS lands."

Vegetation Condition, Composition, and Structure

Comment: The use of structure, or more specifically the Robel pole, as a tool for managing the grasslands is inappropriate. The proper way to manage these systems is by measuring species composition.

Descriptions of desired composition have been strengthened and quantified as a result of input to the DEIS and Draft Plan. Objectives for the mix of composition are clearly articulated and will be monitored using the appropriate protocol for measuring vegetation composition. Structure is partially a function of composition with respect to the ability of specific vegetative species to provide adequate hiding cover for quality nesting habitat for a variety of ground-nesting birds. The Robel Pole is a scientifically based tool to assist the assessment of nesting habitat quality and will be used as a tool for that purpose. (FEIS Chapter 3, Rangeland and Forest Health, FEIS Appendix B)

Many wildlife species, including black-tailed prairie dog, greater prairie chicken, and upland sandpiper, are more sensitive to vegetative structure than they are to vegetative composition. Other species, such as regal fritillary butterflies, are most sensitive to vegetative composition. These facts are why we have identified objectives for both vegetative structure and composition. (FEIS Appendix H)

Comment: The DEIS fails to display the existing condition in relation to species composition and how the existing condition relates to the desired future condition and potential species composition.

The term range condition is defined by the Society for Range Management, 1998 as (a) a generic term relating to present status of a unit of range in terms of specific values or potential. Specific values or potentials must be stated and (b) the present state of vegetation of a range site in relation to the climax (natural potential) plant community for that site. It is an expression of the relative degree to which the kinds, proportions, and amounts of plants in a plant community resemble that of the climax community for the site. It is noted that this term, Range Condition, is being phased out. It is preferable to use the terms "successional status" and "range similarity" index. The Draft Environmental Impact Statement displayed both the existing and potential vegetation cover types in the Rangeland and Forest Health Affected Environment section. However, desired vegetation composition was displayed in the Rangeland and Forest Health Environmental Consequences section. It was difficult for the reader to compare due to the separation in the document. The Final Environmental Impact Statement better displays existing vegetation composition to desired vegetation composition.

Comment: If landscape diversity is a goal of management, is it appropriate to call for 80-90% mid to late seral?

Landscape diversity is desired to provide for a mosaic of habitats for the myriad of grassland species. There are many species such as prairie dogs, mountain plover, and burrowing owls that require low structure early seral conditions. The Revised Plans try to provide for a diversity of seral stages and vegetative structure. The objectives for early, late and mid seral have been revised in the Final Plans and can be found in the Plans, Chapter 2 Geographic Area Direction.

Comment: We feel that the present condition of the range has not been accurately determined. A sound replicable measurement system for range condition that is backed up by scientific data is a necessity.

The Forest Service agrees that the discussion in the DEIS on existing condition of rangelands was inadequate and we expanded the discussion for present rangeland composition and structure in the FEIS. There is a discussion in the Rangeland and Forest Health section in Chapter 3 of the FEIS about the different methods used by agencies to determine rangeland condition and those discussions are further explained under each of the Land Management Units covered by the FEIS, although the discussions vary considerably from one Unit to the next because the available data also vary considerably.

The Forest Service also agrees there is a need to gather additional data on many of the Units and, wherever possible, to gather the information in a consistent manner, regardless of land ownership or the administering agency. Nationally, there is currently an effort underway to evaluate the use of one standard rangeland analysis method for use by the Forest Service, Bureau of Land Management, and Natural Resources Conservation Service (thereby consistent across virtually all land ownerships). There is also an effort, in its final stages, to update the Interagency Technical Guides to assure that all rangeland-monitoring techniques are conducted in identical fashion, regardless of who is using the method and where it is being used. Both efforts have involved university personnel in review and application of the methods.

Comment: Vegetation should be managed to create a mosaic of conditions to support a diversity of native plants and animals.

The Forest Service agrees, and so did a very large number of people who responded to the DEIS and who helped to define issues and concerns originally – Rangeland and Forest Health was determined to be one of the seven major revision topics.

In the proposed Plans, Goal 1 and its subgoals and objectives all discuss the desire to manage for a variety of native plant and animal communities. Throughout the geographic area and management area direction, goals and objectives, standards and guidelines are designed to assure that the mosaic of conditions you describe are achieved and maintained.

Fire

Comment: There are enough acres burned each year by man caused and lightning fires, why does the FS want to add to this acreage using prescribe fire?

Prescribed fire is a tool that can be used to accomplish projects that change environmental conditions and situations in specified locations at a given point in time. Fire is an integral part of the grassland and forested ecosystems. Since prescribed fire, if used properly, produces desirable affects, it will be part of our management tools.

Comment: Your "let it burn" policy and perimeter control fire management strategy puts life, property, and private and state lands at risk. It also encourages the spread of noxious weeds. Allow motorized access to all areas for fire suppression efforts.

See Chapter 1, Section G for the Fire Suppression Strategy. Appropriate Management Response (AMR) will be developed for each management area. Until developed, we will protect life, property, and resource values from wildfire in a cost-efficient manner that maximizes the benefits of shared resources and developing technologies with immediate suppression using strategies based on aggressive initial attack and suppression.

Motorized access for fire suppression (emergency use) will be allowed in all management areas except established Wilderness Areas and those areas recommended for Wilderness.

Comment: The FS proposal for prescribed fire is a good start, but the acreages are too low to emulate natural processes. The amount of acres burned per decade should be increased to mimic natural fire frequency. Adopt a less aggressive approach to wildfire suppression.

Prescribed fire is not the only acreage that will burn. Wildfires will also occur when conditions are suitable for natural or human-caused fires to spread.

Prescribed fire is a tool that can be used to accomplish projects that change environmental conditions and situations in specified locations at a given point in time. Fire is an integral part of the grassland and forested ecosystems. Since prescribed fire produces desirable effects, it will be part of our management tools. The level of burning (acres) will be determined by several factors, including budget, safety, resource benefits, public input, site specific NEPA, and burning conditions.

Appropriate Management Response (AMR) will be developed for each management area. Until developed, we will protect life, property, and resource values from wildfire in a cost-efficient manner that maximizes the benefits of shared resources and developing technologies with immediate suppression using strategies based on aggressive initial attack and suppression. The grasslands are in very intermingled ownership with federal and private lands. Protection of private lands and resources is essential to good neighbor relationships. It should be noted that the grassland also experience frequent lightning caused wildfires which sometimes burn extensive acreages. These natural fires along with the prescribed fire acreages should emulate natural processes in the grassland ecosystem.

Woody Draws

Comment: Why did the FS consider woody draws damaged by livestock as suitable for future livestock grazing?

Woody draws are suitable for grazing. However, the impacts are very dependent on the length of the grazing season in the pasture that includes the woody draw, the time of season grazing is allowed, and the location of water for livestock in relation to the woody draw. If woody draws are grazed during the appropriate season, woody draw regeneration can be successful.

Comment: The proposed reduction in livestock numbers by the FS is not enough to restore woody draws. To improve the condition of woody draws, timing and duration of grazing treatments needs to be managed.

A guideline has been developed to control timing and duration of grazing in pastures with woody draws. See Plans, Chapter 1, Section I, Livestock Grazing.

Recreation, Travel Mgmt, Visuals

Recreation

Comment: The DEIS doesn't disclose the effects of grazing and mineral leasing on Management Area 4.32 Dispersed Recreation, High Use.

This includes the area around Medora on the Little Missouri Grassland, Merritt Reservoir on the Bessey Ranger District and the Railroad Buttes area on the Buffalo Gap National Grassland. In these areas, the effects of grazing and leasing are not separated from the overall effects listed in the FEIS. These effects do not need to be separated. The MA is meant to specify that more care is needed in development activities. This MA has a stipulation to protect the scenery in this area from incompatible oil and gas development. No conflicts with grazing are seen in this area.

Comment: Supposedly, increased tourism can make up for the loss of 777-869 full-time equivalent secondary and 69 full-time equivalent primary agriculture and energy jobs. Yet the DEIS (p. 3-11) states "there is little data available on the dependency of each county on recreation and tourism activities linked to the national grasslands or forests." Please explain why recreation under the new plan would increase faster than it is now. Tourism can't replace the reduction in dollars generated by ranching. A service business (tourism) typically pays a lower wage and is a smaller local economic multiplier than a family ranching operation.

While the FEIS recreation impact analysis has been expanded, the FEIS does not project increases or decreases in tourism by alternative as there isn't supporting evidence that would indicate the management alternatives would significantly alter tourism levels. It does display the effects of projected increases in tourism including a projected 20% annual increase representative of the last 5 years in western North Dakota.

Many comments received during the DEIS comment period questioned how tourism could replace the livestock industry. A study in Wyoming examined this issue (Fletcher et all, 1998). The study compared the relative value of 1000 Animal Unit Months (AUM) of domestic livestock grazing versus 1000 Tourism Visitor Days (TVD). The study found that it takes roughly 1.2 TVD to equal 1 AUM on a personal income basis and roughly 1.07 TVD to equal 1 AUM on an employment basis.

Comment: Don't limit access to the Fairburn agate beds.

Management Area boundaries for the Red Shirt Recommended Wilderness area were changed to allow access to the Fairburn Agate Beds.

Comment: Don't reduce OHV opportunities. Restrict or prohibit motorized vehicles from the backcountry, riparian zones and/or wetlands. Reduce motorized use or recreation as a way to limit environmental damage. Provide single-track motorized trails. Keep motorized and nonmotorized trails open. Close both nonmotorized and motorized trails seasonally or permanently. Keep roads and road systems open. Restrict motorized use to designated areas. Develop more campgrounds, picnic sites, and trails (motorized and nonmotorized) on the grasslands. More recreation facilities/trails aren't necessary and might not be economical given the small amount of recreation use on the grasslands and should not be constructed to preserve the primitive nature of the grasslands. More restrictions for off-road travel are needed. Better enforcement of the restrictions is also needed. Less control and fewer restriction of off-road travel are needed. Don't restrict motorized access for hunters. Create more walk-in hunting areas.

The above comments all have a common thread that can be addressed together. Hundreds of comments are actually paraphrased above, but the intent seems very clear. Interested parties want to enjoy their National Forests and Grassland for the foreseeable future, though they may disagree on whether they want travel activities on public lands to increase or decrease.

The Forest Service is required to provide a broad range of recreation opportunities. On the grasslands, this includes all seasons of the year, both motorized and nonmotorized activities, and a variety of experiences. We complied with this direction by considering resource protection needs, desired management objectives, current uses and trends, public input, and the preferred alternative that uniquely fits these lands. The final land allocations provide an appropriate mix of year-round, seasonal, motorized, and nonmotorized opportunities, based on the overall direction of that alternative and analysis of effects to the resources.

It is not our intent to deny any user group or individual access to the public lands, but rather to provide for the common objective of enjoyment of the grasslands, through a mix of access, product removal, recreation, solitude, and resource protection while maximizing long term net public benefits. The type of access and season of use allowed in certain areas and travelways will be limited or increased, as the case may be, in an attempt to meet the primary emphasis of the selected alternative and specific direction contained in the Revised Plans.

On the Dakota Prairie Grassland fewer acres will be managed for non-motorized opportunities (MA 1.2, 1.2A, 1.31, and 2.2). In the draft over 164,000 acres were managed for non-motorized recreation. In the final plan less than 131,000 acres are managed this way.

The final plan will restrict off-road motorized uses, but existing roads and trails will be open to motorized uses until site specific planning is done through an open public process to close specific roads or trails. Only applies to the Dakota Prairie.

The Plan Revisions explored a wide range of recreation opportunities. The FEIS analyzed this range and the effects of increased recreation on other resources and uses.

See FEIS, Chapter 3, Recreation and Travel Management.

Comment: Prohibit recreational shooting of prairie dogs. Allow recreational shooting of prairie dogs to continue. Allow recreational prairie dog shooting with seasonal restrictions.

The black-tailed prairie dog was recently petitioned for listing as a threatened species under the Endangered Species Act (ESA) by several conservation organizations and the petitions were determined by the U.S. Fish & Wildlife Service (FWS) to be warranted, but precluded by higher listing priorities. The black-tailed prairie dog is currently classified as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

Plans, Chapter 1, Grassland-wide Direction, addresses the general direction for the management of black-tailed prairie dogs. In addition, Chapter 3, 3.63 Management Area provides management direction for prairie dog management in black-footed ferret reintroduction areas. . In this management area prairie dog shooting will be restricted unless needed to reduce unwanted colonization of adjoining lands and with the concurrence of the USFWS. Prairie dog shooting will be restricted in areas where prairie dog expansion is desired and where shooting is preventing expansion. Seasonal and year-long restrictions will be coordinated with the State Wildlife agencies. Shooting restrictions in the black-footed ferret reintroduction areas will be coordinated with the State wildlife agencies and U.S. Fish & Wildlife Service. In addition, the Forest Service is cooperating with the various State Working Groups in the development of a black-tailed prairie dog conservation strategy for each State. The State Working Groups are developing strategies to address the concerns relative to recreational shooting.

Comment: Prairie dog shooting increases the likelihood that ferrets/owls will accidentally be shot. There is little danger that ferrets and owls will accidentally be killed because ferrets aren't present and owls don't look anything like prairie dogs.

Plans, Chapter 1, Grassland-wide Direction, addresses the general direction for the management of black-tailed prairie dogs. In addition, Chapter 3, 3.63 Management Area provides management direction for prairie dog management in black-footed ferret reintroduction areas. Prairie dog shooting will be restricted in areas where prairie dog expansion is desired and where shooting is preventing expansion. Seasonal and year-long restrictions will be coordinated with the State Wildlife agencies. Shooting restrictions in the black-footed ferret reintroduction areas will be coordinated with the State wildlife agencies and U.S. Fish & Wildlife Service.

See FEIS, Chapter 3, Rangeland and Forest Health, and Appendix H (Biological Evaluation)

Comment: The state game and fish agencies should regulate prairie dog shooting on the grasslands.

Shooting restrictions in the black-footed ferret reintroduction areas or other areas will be coordinated with the State wildlife agencies and U.S. Fish & Wildlife Service. Plans, Chapters 1, 2, and 3.

Comment: Restrictions on prairie dog shooting on public lands could allow landowners to charge more for the activity on private land.

The Forest Service agrees with this statement. Restrictions on prairie dog shoot on public lands could allow landowners to charge for this activity on private, which is an indirect effect from our actions.

Comment: Develop more recreational fishing opportunities.

Plans, Chapter 1., Standards and Guidelines, Fisheries, addresses guideline for the development of new water impoundments for quality recreational fisheries.

Comment: Manage the grasslands to provide fall and early winter cover for upland game bird species.

The Plans address goals and objectives, standards and guidelines to provide quality habitat for upland game birds and waterfowl under Grassland-wide direction, management area direction, and geographic area direction. (Plans Chapter 1, FEIS Appendix H)

Travel Management

Comment: Motorists will be prohibited on 15% of the acreage and 1.2 million acres would be closed to off-road vehicles. Hunting, camping or touring the grasslands will decline, and this will reduce tourism and income for communities.

Page 3-262 of the DEIS combines all Management Areas which retain undeveloped natural characteristics, and concludes that, under Alternative 3, 47% of NFS acres would retain these characteristics, and the remainder, 53%would not. The 47% represents Recommended for Wilderness, Backcountry Non-Motorized, Special Interest Areas, and Research Natural Areas. Our analysis (page 3-266, DEIS) finds that visits from user groups such as hikers, backpackers, canoeists, photographers, and nature seekers will increase in these non-motorized areas. These additional visitors are anticipated to more than compensate for the loss of visitors who demand motorized recreation.

Special Designations

Comment: Protect remaining roadless areas (e.g., recommend to Congress for wilderness designation, put in backcountry nonmotorized prescriptions). They protect biodiversity, preserve aesthetics, and provide biological and ecological reservoirs.

The FEIS contains a range of alternatives considering different management area prescriptions for roadless areas. The effects of the alternatives are described in FEIS, Chapter 3 and Appendix C.

Comment: Wilderness designation would negatively impact a viable recreation economy on the Little Missouri National Grassland by eliminating competitive events, mountain bikers, and dispersed motorized users.

The Forest Service is required to review the condition of roadless areas and determine if the lands are suitable for wilderness. (36CFR219.17)

Wilderness was a significant issue in North Dakota during the comment period of the draft plan. Currently key elected officials have indicated an unwillingness to support wilderness legislation. Given this, the Forest Service has decided against wilderness recommendations in the Final Plan for the Dakota Prairies Grasslands in order to allow additional time for consensus on this issue to develop. Rather than recommending wilderness, the Forest Service has determined that 4 areas of the Little Missouri National Grassland are suitable for wilderness. These areas include the Long X, Twin Buttes, Bullion Butte and Kinley Plateau areas. These areas comprise over 41,000 acres. Management objectives in the final plan are aimed at protecting the wilderness values of these areas.

A wilderness recommendation on the Sheyenne is not being made at this time because it is thought that such a recommendation may constrain restoration efforts. When the area on the Sheyenne is restored, it will be reconsidered for a wilderness recommendation. See FEIS, Appendix C.

Comment: Pursue more Wilderness designations on the grasslands. Don't recommend areas for Wilderness designation. Current levels of development are incompatible with Wilderness designation.

The FEIS analyzed five alternatives, which considered a range of recommended Wilderness acreages. The analysis based upon 36 CFR 219.17, and Forest Service Handbook 1909.12,7 can be found in the FEIS, Appendix C.

Comment: Pursue more Wild and Scenic River designations on the grasslands Don't recommend any Wild and Scenic River designations on the grasslands; specifically don't recommend the Little Missouri River (ND) and the Middle Loup River (NE).

The Forest Service manages only a small part of the Little Missouri River shoreline, and these areas are often small isolated parcels. Areas where the Forest Service manages both sides of the river is rare. Most of the shoreline is private property. The Forest Service has developed and carried a separate management area (MA 4.22) for the management of scenic areas, scenic vistas, and travel corridors for the Little Missouri River corridor. This management area will extend from the middle of the river to ¼ mile on either side of the river. This management area will focus on preserving scenic resources and recreational uses of these areas.

Many commentors noted that current management is suitable for this corridor. In the Forest Service's analysis it was determined that nondesignation would likely not change current or predicted uses. Therefore a recommendation for designation was not made. (FEIS Chapter 3, Wild and Scenic Rivers)

The FEIS analyzed five alternatives, which considered a range of Wild and Scenic River designations for eligible and suitable rivers. The analysis can be found in the FEIS, Chapter 3.

Comment: Establish more Research Natural Areas and Special Interest Areas on the grasslands. Don't establish more Research Natural Areas and Special Interest Areas on the grasslands.

The Code of Federal Regulations 219.25 directs the Forest Service to provide for RNAs during forest planning. The FEIS looked at a range of alternatives for establishing RNA's. See FEIS, Chapters 2 and 3.

Comment: How will the management restrictions in Research Natural Areas and Special Interest Areas affect your ability to control/manage fire, noxious weeds, insects, and disease?

Special Interest Areas describe a broad scope of management concerns, including areas with significant geological, historical, vegetative, and scenic values. Restrictions for SIAs can be found in the MA Direction, 2.1 Management Areas. Research Natural Areas focus on unique plant communities valued for their research opportunities. One of the objectives of the Revised Plan is to develop a management plan for each RNA within five years. This latter plan will determine the restrictions for RNAs. In both cases, the introduction of exotic plants, or the outbreak of insects or diseases would threaten the special qualities of these Areas. The Plans do not restrict fire suppression responses. This guideline (Chapter 1, G. Fire) directs us to develop an Appropriate Management Response (AMR for each management area). Plan, Chapter 1, Section Q. Infrastructure provides for the use of appropriate emergency services (i.e. law enforcement, fire suppression, medical, search and rescue) and administrative use on roads or areas where motorized use is restricted.

Comment: Special area designations will limit or restrict the following: Grazing; Access to and activities on adjacent/intermingled private lands; Access for administrative uses (e.g., range management); Access to other valid existing rights (water, minerals, etc.); Oil and gas exploration and development. Limit livestock grazing, minerals activity, and associated structures in wilderness areas.

Special area designations do not restrict grazing. However, some collateral activities such as use of motorized vehicles and certain types of facility construction may be restricted. The vast majority of these areas have been determined to be suitable for grazing.

Special Area Designations include Research Natural Areas, Recommended for Wilderness, Special Interest Areas, and Wild and Scenic River designations. In all these cases, valid existing rights to water, access, and minerals will be maintained and administrative access honored. (See Plans, Chapter 1, Section M.) In the cases of Research Natural Areas and Special Interest Areas, each individual management area will have some uses restricted, depending upon the emphasis of the area. In the cases of Recommended Wilderness areas, some restrictions will apply until Congress determines whether or not to designate these areas. (See specific Management Area Direction in Plans, Chapter 3, and Management Area Direction.)

Comment: Your criteria for assessing roadless areas are too broad. Your criteria for assessing roadless areas are too narrow.

The criteria for determining areas are found in the 36 Code of Federal Regulations 219.17, and the Forest Service Handbook 1909.12,7. (FEIS, Appendix C)

Comment: Don't designate special areas for prairie dog habitat.

The black-tailed prairie dog is currently classified by the Fish and Wildlife Service as a candidate species for possible future protection under ESA. The Plans outline conservation strategies for maximizing the contribution that the Forest Service and the National Grasslands can make to the long-term viability of black-tailed prairie dogs.

Chapter 1, Grassland-wide Direction, addresses the general direction for the management of black-tailed prairie dogs. In addition, Chapter 3, 3.63 Management Area provides management direction for prairie dog management in black-footed ferret reintroduction areas. The Plans limit the use of rodenticide for managing prairie dogs to certain circumstances. Instead, the Forest Service is utilizing grazing management systems and stocking levels to enhance prairie dogs expansion where desired and to discourage encroachment to adjacent private lands. In addition, grazing management systems and stocking levels will be utilized to protect the soil resource. Prairie dog shooting will be restricted in areas where prairie dog expansion is desired and where shooting is preventing expansion. Shooting restrictions will be coordinated with the State wildlife agencies.

In addition, the Forest Service is cooperating with the various State Working Groups in the development of a black-tailed prairie dog conservation strategy for each State. The State Working Groups are developing strategies to address the concerns relative to plague, erosion, and encroachment from public lands to private lands.

Other Topics

Fossils

Comment: Preserve recreational fossil collecting and rock hounding on the grasslands.

Recreational fossil collecting and rock hounding will continue to be open to the public in accordance with 36 CFR 261.99i and Forest Service policy. Currently, nonvertebrates (invertebrates, fossil plants, and petrified wood) are available for collection by the public without a permit. If any areas are detected to contain scientifically significant nonvertebrate paleontological resource an assessment of the impact of recreational collection may lead to some areas open only to permitted fossil collection by the scientific community. (Plan Chapter 1)

Comment: Don't require paleontological surveys prior to oil and gas development; they are unnecessary.

The oil and gas stipulation designed to protect paleontogical resources was dropped in response to public comment on the Dakota Prairie Grasslands. These resources will be protected through a lease notice. Many of the acres that had the paleontologic stipulation in the draft will be leased under standard lease terms in the final plan.

Forest Service policy and National Environmental Policy Act suggests the procedure for paleontological surveys, outlined in Appendix J, should be done in areas with the high potential to produce fossils, prior to any ground disturbing activities to prevent needless destruction or damage to significant paleontological resources. Paleontological resources are another resource managed by federal land management agencies, including the Forest Service. There are laws/statues, such as the National Environmental Policy Act that requires Federal Agencies to assess impacts of any project to any resource. Paleontological resources are natural, nonrenewable, scientifically important resources that have many values including recreational, educational, interpretive, and scientific, to name a few. Therefore, the Forest Service views fossil resources as valuable and requires paleontological surveys prior to ground disturbing activities in areas with the potential to produce significant fossils, is not just a requirement for minerals industry but also for all permittees, who may impact paleontological resources. Within the Northern Great Plains, most oil and gas development occurs in areas with highly significant fossiliferous geologic units exposed at the surface. These nonrenewable and scientifically important resources will likely be impacted by construction of pits, derricks, roads, etc. Therefore, conducting paleontological resource inventories (surveys) is a prudent practice to avoid damage and/or loss of significant fossils to the public and scientific community.

Heritage Resources

Comment: Emphasize preservation of cultural and historic sites. Provide more interpretation opportunities at these sites.

The preservation and public interpretation of historic sites is addressed in the FEIS, Chapter 3 and in the LRMP, Chapter 1. Federal laws protect heritage resources on federal lands. Compliance with these laws preserve and interpret cultural sites for the benefit of all people.

Comment: How will Management Area 4.32 designation (Dispersed Recreation, High Use) impact heritage and wildlife resources in the Railroad Buttes area on the Buffalo Gap National Grasslands?

Federal laws addressed in the FEIS, Chapter 3 require that the Nebraska National Forest consider the effects of the proposed management area designation on heritage resources. Compliance with the National Historic Preservation Act requires protection of significant sites within the Railroad Buttes area. (Plan Chapter 1, Heritage Resources)

Tribal Relations

Comment: DEIS, Ch 3, p. 37, Table CLR-15 discloses that the American Indian population comprises 7.1% of South Dakota's population. This is an attempt to reinforce the concept that the Lakota are just another racial group (a community of color numerically smaller than the white population). While the percentage is correct at the state level, it is a distortion of what is transpiring in the western part of the state.

FEIS, Ch 3, Tables disclose the American Indian population for each of the states within the planning area, and each of the counties directly economically impacted by plan revision decisions, respectively. The tables show that several counties have high American Indian populations. The tables are not meant to suggest that the Lakota people are just another racial group, smaller than the white population, but are meant to disclose elements of the social environment including race and mean household income levels, two factors important in doing social analysis, including identifying environmental justice factors. The combination of tables found in the FEIS provide a more holistic picture of the population demographics.

Comment: The Forest Service failed to consult with American Indian governments, as required by NEPA and NFMA and failed to comply with Environmental Justice policy ([Executive Order] EO 12898 of 1994). The proposed plans and DEIS fail to address numerous issues of concern to Americans Indians including alternatives that would address American Indian concerns and impacts on customary and traditional uses. Include an Appendix on American Indian history and concerns.

The Forest Service agrees we have a responsibility to fulfill our mission of providing goods and services from national forests for the benefit of all people while simultaneously protecting the rights or privileges secured to Tribes in treaties or other laws. On lands ceded to the United States by treaty or Executive Order, which later were incorporated into the National Forest System, these rights and privileges vary. It is incumbent on the Forest Service to carry out the intent of treaties or other laws in a manner that protects and maintains Tribal rights or privileges while also maintaining a responsibility to all national forest users and complying with existing laws and regulations. The Forest Service goal in relation to Indian tribes is to understand when legal responsibility exists, and then endeavor to carry out the responsibility with regard to the potentially affected Tribe.

The Forest Service recognizes that, as a Federal agency, it shares in the unique relationship and obligation that the United States government has toward Federally-recognized Tribal governments. This obligation is particularly important where the Forest Service manages lands that are subject to treaty rights. The Forest Service Manual (FSM) 1563.03 lists the basic responsibilities of the Forest Service toward Tribal governments. The Manual states that it is Forest Service policy to:

1. Maintain a governmental relationship with Federally-recognized Tribal governments;

2. Implement our programs and activities honoring Indian treaty rights and fulfill legally mandated trust responsibilities to the extent they are determined applicable to National Forest System lands;

3. Administer programs and activities to address and be sensitive to traditional Native religious beliefs and practices; and

4. Provide research, transfer of technology, and technical assistance to Tribal governments.

Forest planning regulation at 36 CFR 219.7 requires notification and coordination with Tribal governments during the development of forest plans. These requirements are essentially equivalent to the requirements for Forest Service coordination with planning efforts by other Federal agencies and State and local governments. The requirements include: mailing notices of the "... preparation of a land and resource management plan, along with a general schedule of anticipated planning actions" to "... all Tribal ... leaders whose tribal lands or treaty rights are expected to be impacted"

(36 CFR 219.7 (b)), "... review the planning and land use policies of ... Indian tribes" (36 CFR 219.7 (c)) with the review results "… displayed in the environmental impact statement for the plan" (40 CFR 1502.16(c), 1506.2). The requirements further state that "… the responsible line officer shall meet with ... representatives of Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative" (36 CFR 219.7 (d)).

Executive Order 12898 (February 11, 1994) addresses "environmental justice in minority populations and low-income populations", with particular emphasis on "disproportionately high and adverse human health or environmental effects" on these populations. Section 1-103 of the EO requires "development of agency strategies" to identify and address such effects. The Presidential memorandum accompanying the EO stated that it "... is designed to focus Federal attention on the environmental and human health conditions ... to promote nondiscrimination in Federal programs substantially affecting human health and the environment" (USDA Environmental Justice Departmental Regulation 5600-2 of December 15, 1997, Appendix B, p. B-1). The Presidential memorandum also stated the EO is intended "to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment" (p. B-1).

USDA Departmental Regulation 5600-2 interprets EO 12898, providing the guidance and strategy for all USDA agencies, including the Forest Service. This Regulation defines American Indians as minority population groups (Section 4, Definitions, (c)). It also includes the goal of providing "… to the greatest extent possible, the opportunity for minority and low-income populations to participate in planning, analysis, and decision making that affects their health or environment ... ", to assure that disproportionately high and adverse effects do not occur (Section 5, Goals, (c)). The USDA regulation also directs agencies, to the extent practical, collect and analyze data on "… race, national origin, or income level, to determine whether agency programs and activities have disproportionately high and adverse human health or environmental effects …" (Section 6, Implementation Policy, (f)).

The Forest Service is committed to complying with all laws that may apply to American Indians including: the Archeological Resources Protection Act of 1979 (P.L. 96-96, 93 Stat. 721), the American Indian Religious Freedom Act of 1978 (P.L. 95-341, 92 Stat. 469), the National Historic Preservation Act of 1966 (P.L. 89-665, 80 Stat. 915) as it relates to traditional cultural properties, and the American Indian Graves Protection and Repatriation Act of 1990 (P.L. 101-601, 104 Stat. 3048).

The record for this planning process shows that we were diligent in our efforts to consult with American Indian tribes within the Northern Great Plains. Numerous letters were sent to the Oglala Sioux, Rosebud Sioux, Lower Brule Sioux, Fort Sisseton Sioux, Cheyenne River Sioux, Standing Rock Sioux, Mandan, Hidatsa, and Arikara Tribes, the Great Sioux Nation Treaty Council, the Northern Plains Intertribal Natural Resources Cooperative, and other tribes and tribal organizations from 1997 to 2000. Tribes were on the official mailing list and received copies of all notifications of meetings, revision reporters, and copies of the DEIS. Numerous meetings were held with these same groups as well as the Ute Tribe and the Medicine Wheel Coalition on plan revision issues from 1993 to 2000. Meetings with tribes were held a variety of locations throughout the Northern Great Plains, including Bismarck, ND, Rapid City, SD, Ft. Yates, ND, McLaughlin, SD, Eagle Butte, SD, Lower Brule, SD, Rosebud, SD, and Pine Ridge, SD. The record contains meeting notes from many meetings held with tribes and tribal groups, as well as letters and resolutions we received from tribes and tribal organizations. Tribal input was considered and utilized where such input was within the scope of the decisions to be made in land and resource management plan revision.

Comment: Develop partnerships with all tribes near or adjacent to the grasslands[1] for bison restoration and joint management of the grasslands. Work with the Pine Ridge Indian and Cheyenne River Sioux reservations on black-footed ferret restoration. Standing Rock Sioux and Lower Brule should be involved in prairie restoration.

In response to a desire to develop partnerships with tribes near or adjacent to grasslands for bison restoration and joint management of national grasslands, please refer to previous response.

The Nebraska National Forest, specifically the Buffalo Gap National Grassland, has been working closely with the Cheyenne River Sioux Tribe and the US Fish and Wildlife Service on black-footed ferret restoration on the Cheyenne River Indian Reservation. Ranger Bill Perry has been assisting tribal leaders in training tribal employees on captive management and care of ferrets and also on the black-footed ferret release process. October 2000 will mark the release of the first ferrets on the Cheyenne River Indian Reservation, an important step in the recovery of these animals.

Prairie restoration efforts on the Standing Rock and Lower Brule Sioux Reservations are outside the scope of this planning effort and will not be addressed in this FEIS.

Comment: Help the Standing Rock Sioux reestablish traditional ways and enhance their economic opportunities.

Specific actions that could help Standing Rock Sioux reestablish traditional ways and enhance economic opportunities were identified during the consultation process with the Standing Rock Sioux Tribe, however some of these actions are outside the scope of the LRMP decision.

During consultation, the Standing Rock Sioux Tribe expressed support for Alternative 4 in the DEIS and specifically supported the restoration of the bison and native ecosystem in addition to the protection of cultural resources on the National Grasslands.

The management area for the lands within the Standing Rock Sioux Reservation boundary have been changed to Management Area 3.65, Rangelands with Diverse Naturally-Appearing Landscapes in the FEIS. This management area emphasizes maintaining or restoring a diversity of desired plants and animals and ecological processes and functions. Management actions aimed at achieving the desired condition of this management area could help to the Standing Rock Sioux in reaching goals related to traditional ways and economic opportunity.

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[1] Including the Standing Rock Sioux, the Cheyenne River Sioux, the Rosebud Sioux, and the Oglala Sioux.

Actions outside the scope of the decision of the LRMP include returning the lands within the exterior boundary of the Standing Rock Sioux Reservation to the Standing Rock Sioux Tribe and co-management of these lands until such time when the lands are returned to the Tribe.

Comment: Include Tribal Alternative 6, which eliminates grazing permits, restores native ecosystems, established bison refuges, and allows co-management of the grasslands with American Indian tribes.

Several individuals also requested a "Tribal Alternative," Alternative 6, be added to the EIS. As proposed, this is not really an alternative for management area allocations or management direction for all national grasslands and national forests within the planning area; rather, it contains some philosophies and or policy decisions that are generally outside the scope of planning. The Tribal Alternative was described as follows:

- *Elimination of the present grazing leasing permit system (the end of federal subsidization of private ranching and mining).*

This is outside the scope of this decision because grazing permits and agreements are issued according to regulations and policy. Changes to the permitting system itself would require changes in those regulations and policies, and possibly in the laws on which those regulations are based.

- *Adoption of native species and bison refuge system philosophy and implementation of a refuge system (the elimination of interior fencing and the upgrading of exterior fences, and focus on the reintroduction of imperiled species and species that no longer exist in the area).*

Adoption of native species policy is within the scope of the land management planning decision. We have included within alternatives, information and direction on restoration and reintroduction of imperiled species and species that no longer exist in the area. We have included in the EIS and final plans information and direction on restoration of native vegetation and recovery of listed threatened, endangered, and Forest Service sensitive species. See Rangeland and Forest Health Section FEIS, Plans Chapter 1, Chapter 2, Chapter 3, etc. For our response to bison refuge system philosophy, refer to the response to the Native American Bison Refuge alternative following.

- *Adoption of co-management responsibilities between the USFS and Tribal Colleges (as directed in the presidential executive order for federal agencies to work with tribal colleges and with specific timelines for complete turnover).*

Co-management of the national grasslands with adjacent Indian tribes is outside the scope of the planning effort. Congress provided through legislation such as the National Forest Management Act, Multiple Use Sustained Yield Act, and other acts and their implementing regulations that management authority for the national grasslands shall rest with the Forest Service through the line officer. Co-management of these public lands is not possible, but we can and will continue to build working relationships with tribes, will solicit their advice and input on management of the national grasslands and forests.

The focus and intent of the Presidential Executive Order for working with tribal colleges is different from "co-management. The Presidential Executive Order for working with tribal colleges provides direction for federal agencies to develop five-year plans to work with tribal colleges and develop training and education programs that involve tribal colleges. We will work with tribal colleges on training, recruitment for employment, technical assistance, and cooperative projects covered by specific cooperative agreements, (See Plans, Chapter 1 Goal 4b), but co-management of the national grasslands to tribes or tribal colleges is outside the scope of the Presidential Executive Order and is also outside the scope of this planning effort.

See also Final Plan Chapter 1, Goal 4.b. Objective "Provide opportunities for federally recognized American Indian Tribes to participate in planning and management of national grasslands, especially where tribes have claimed special geographic, historical, or cultural interest."

- *Adoption of these grasslands as tribal college field research facilities and laboratories.*

See the discussion in C above. See also Final Plan Chapter 1, Goal 4.b. Objective states "Create and foster partnerships with other agencies, accredited educational and research institutions, tribal colleges, and other appropriate public and private sector organizations to further the goals of research, education, protection, and interpretation.

Comment: Several tribes requested bison grazing be required adjacent to Indian reservations.

The DEIS disclosed that all action alternatives (2-5) will include "bison friendly" policies, where bison grazing can occur under the current livestock grazing permit process and where existing grazing agreements would be modified to allow bison grazing by individual grazing association members. Requiring bison grazing adjacent to Indian reservations would have required the designation of Bison Management Areas, cancellation or conversion of existing permits and grazing agreements with the required notification period and subsequent appeals / litigation, etc. Instead of having to cancel permits, disrupt lives and economies, work through appeals and litigations that would occur as a result of a decision to devote certain lands exclusively to bison (wither wild or permitted), the Forest Service chose to focus on actions that would favor bison but would do so in a minimally disruptive manner.

Several tribes, intertribal organizations, individual tribal members, and others requested the USFS explore opportunities in the EIS to remove domestic cattle and restore bison grazing (wild, free-roaming herds) to the National Grasslands.

The FEIS, Chapter 2 discloses that an alternative that would emphasize free-roaming bison was analyzed but not considered in detail. Free-roaming bison would require that states manage the animals because bison would be considered wildlife. Discussions have indicated the states are not interested in accepting this responsibility. Without full State acceptance of bison as wildlife, and their acceptance of the responsibilities for management of the animals under State laws, this alternative was not viable and was therefore not considered in detail.

Bison are not listed by the USFWS as a threatened or endangered species. Nor do they have any other special legal status. Therefore, there is no requirement under ESA or other existing laws or regulations for formal bison restoration as wild and free roaming animals. However, the action alternatives provide an emphasis to favor bison to the extent that doing so is feasible.

The USFS generally can specify what kind of livestock are run under a grazing permit when needed to meet resource objectives such as: sheep or goat grazing for leafy spurge control, preventing conflicts between domestic sheep and bighorn sheep, etc. This allows the producer maximum flexibility to determine what kind of livestock is best suited to his / her needs and what kind of livestock provides him / her with the highest economic returns. The decision on kind of permitted livestock is made considering an evaluation of the capability and suitability of the involved lands, the desires of the prospective permittee as expressed in his / her application, and any laws, regulations, policies or land management planning decisions. If a permittee or prospective permittee requested conversion from cattle, sheep or other livestock to bison, we would consider this request. The criteria that we would use in evaluating the feasibility of the conversion would include, but not be limited to, capability and suitability of the involved lands for bison, land management planning decision s in place, potential impacts on other permittee operations, wildlife habitat, private lands, etc. Suitability considerations would include: public safety, animal health (primarily related to disease transmission), and current and future status and needs of structural improvements (costs, who pays,

animal control, and potential effects on intermingled private lands). We would strive to allow for conversion to bison if doing so would be made feasible within the evaluation criteria and was economically feasible to do so.

Additionally, the EIS did not identify the need for bison grazing over cattle grazing in the purpose and need. The USFS feels that cattle grazing can adequately achieve the desired future vegetation conditions. This is supported by Steuter and Hidinger: "We conclude that conserving the soil, water, and biological resources of the mixed-grass prairie will be accomplished with sound grazing management, rather than determined solely by the choice between bison and cattle. Whether managing mixed prairie with bison or with cattle, the stocking rate and grazing management will determine the long-term health of both the prairie and grazing animal." (Steuter and Hidinger, 1999) No purpose and need items surfaced during the planning process related to other reasons to emphasize conversion to bison.

Comment: Several tribes requested access to federal lands for bison grazing.

The Office of General Counsel has reviewed the respective treaties. Based on documents provided, we believe that grazing rights are not retained within the treaty language. We will consider any new or additional information the Tribes may provide with respect to this issue.

However, a tribe or an individual member of a tribe can acquire a grazing permit or become a member of a grazing association, on a National Grassland under the following conditions, which apply to any and all applicants (FSH 2209.13.3).

A term grazing permit may be issued to an applicant under the following circumstances:

The applicant has either purchased livestock that are currently grazing under a term grazing permit or base property to qualify for a grazing permit with term status and the seller has executed a waiver to the United States in favor of the applicant provided the purchaser is otherwise eligible and qualified.

The applicant has inherited permitted livestock or base property.

Ownership of a corporation or company has changed.

In order for an individual to become a member of a grazing association they must meet the specific requirements for that grazing association which generally includes the following:

1. Control of base property to the extent required by the grazing association.
2. Meet the commensurability requirements of the grazing association.
3. Must be a citizen of the United States or any person who has filed declaration of intention to become a citizen of the United States.

Furthermore, "The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status."

To file a complaint of discrimination, write USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD).

Comment: Some commentors requested the EIS address an alternative to establish a Native American Bison Refuge (NABR) in South Dakota. An NABR is a "research and training facility, based on tribal traditional knowledge and philosophy, to explore methods of culturally-based resource utilization and husbandry." An NABR would have to be 10,000 to 20,000 acres, large enough to conduct research, training, education, bison management, personnel development, etc. and be large enough to host a pure and applied bison facility to maintain 500 to 1,000 animals.

This is not a fully developed alternative for consideration in land management planning; rather it is a partial alternative, which was considered for the portions of national grasslands in South Dakota. Under this scenario, the USFS would have to designate Bison Management Areas. Establishing Bison Management Areas was considered but not fully studied based on several factors. First, the grasslands in South Dakota are composed of very intermingled ownerships of federal and private lands making establishment of a larger sized bison management area difficult. Secondly, in discussions with the states, there has been no support for reintroduction of bison on the national grasslands. Third, suitability for grazing by bison considering such factors as public safety, herd health, livestock structures needed, etc has not been considered site specifically.

Forest Service policy does not favor one kind of livestock over another unless needed to meet resource objectives such as: sheep or goat grazing for leafy spurge control, preventing conflicts between domestic sheep and bighorn sheep, etc. This allows the producer maximum flexibility to determine what kind of livestock is best suited to his / her needs and what kind of livestock provides him / her with the highest economic returns.

In this EIS, bison grazing was considered in several ways. In all action alternatives (2-5), management direction for "bison-friendly" policies were included, where bison grazing could occur under a permit and where existing grazing agreements would be modified to allow bison grazing. In Alternative 3, bison grazing could be allowed where permittees desire a change to bison as a type of livestock. In Alternative 4, within 15 years, at least 5% of each unit will be allocated to bison-only grazing. The priority for bison-only grazing allotments would be those allotments where a permittee requests a change to bison, vacant allotments, and new allotments received through land acquisition. In all these cases, bison would be treated as a type of permitted livestock and not as free-roaming wildlife herds. Alternative 3 is the preferred alternative.

Free-roaming bison would require that states manage the animals because free-roaming bison are considered wildlife. Discussions have indicated the states are not interested in accepting this responsibility. Free roaming bison as wildlife is outside the scope of this planning effort.

Bison are not listed by the USFWS as a threatened or endangered species; therefore, there is no requirement under the Endangered Species Act for formal bison restoration.

Additionally, the need for bison grazing over cattle grazing was not identified in the Purpose and Need for plan revision identified in Chapter 1 of the EIS. Cattle grazing can adequately achieve the desired future vegetation conditions. This is supported in the scientific literature: "We conclude that conserving the soil, water, and biological resources of the mixed-grass prairie will be accomplished with sound grazing management, rather than determined solely by the choice between bison and cattle. Whether managing mixed prairie with bison or with cattle, the stocking rate and grazing management will determine the long-term health of both the prairie and grazing animal." (Steuter and Hidinger, 1999)

Treaty Rights

Comment: The DEIS failed to recognize treaty rights/rights of American Indians as illustrated by the following:

- *Failure to thoroughly review treaty documents.*
- *Failure to review the treaty territory and the bison treaty stipulation. This stipulation establishes a prior and superior claim for bison reintroduction on the grasslands within the treaty territory.*
- *Failure to consider transfer of land to other entities, specifically to tribal governments.*
- *Failure to consider "Tribal rights res. by treaty' and "tribal waters tights."*
- *Failure to negotiate with the recognized representatives of tribes to reach a mutually agreeable outcome.*
- *Omitting discussion of the 1868 Fort Laramie Treaty claims still in force on the western South Dakota grasslands.*

Comment: The Three Affiliated Tribes would like the Blue Buttes designated as a spiritual site and protected under treaty laws and federal Indian Law. Based on our 1851 treaty with the US government, this area was mandated as a federally protected cultural and spiritual site. Our 1851 treaty was ratified before the US Constitution and as such, is the supreme law of the land. As one nation to another, the Tribes are asking that the treaty rights be upheld. The tribe has retained grazing rights in the Little Missouri NG because of the 1851 treaty.

The Blue Buttes Area will be managed as Management Area 2.4 (American Indian Traditional Use Area). This area will be managed to protect the traditional beliefs of the Three Affiliated Tribes concerning their origins and cultural history. The area will be managed to protect the cultural landscape, including the scenic, cultural, botanical, and wildlife characteristics, and to maintain or restore the natural ecological processes. Standards and guidelines will be implemented to ensure the values of the area are protected (See management area description).

We have reviewed the Treaty of 1851, subsequent Executive Orders, and the Treaty of December 14, 1886 (Ratified by Congress on March 3, 1891). Our analysis of these documents (OGC draft opinion) indicates that under the Treaty of 1851, the Three Affiliated Tribes did retain grazing rights within the boundaries of the Fort Laramie Treaty. However, under the terms of the Treaty of 1886, the Three Affiliated Tribes ceded to the United States all their right, title and interest in and to the land north of the 48 parallel N. latitude and west of a north and south line six miles W. of the most westerly point of the big bend in the Missouri River, south of the 48 north latitude. Based on the information in the terms of the Treaty of 1886, The Three Affiliated Tribes did not retain grazing rights within the boundaries of the Little Missouri National Grasslands.

Land Use/Land Ownership

Comment: Pursue land exchanges because they can consolidate small, isolated public tracts and improve hunting opportunities, prairie dog management, and overall management efficiency.

Plans, Chapter 1, Forest-wide and Grassland-wide Direction, addresses the goals and objectives for land adjustment through land exchange. In addition, standards and guidelines are addressed for both land exchange and public access. Based on experience, the land exchange program has actually shown a slight decrease in federal land due to land exchanges being based on appraised values. See FEIS, Chapter 3, Other Topics, Lands.

Comment: Land exchanges will affect access to and activities on adjacent public lands.

The Forest Service is required to provide reasonable access to state and private lands where none exists.

Exchanges will only improve access to the public lands because rights-of-way on necessary roads and trails on parcels slated fro disposal will be maintained. New access routes can be developed if needed on acquired parcels.

Plans, Chapter 1, Forest-wide and Grassland-wide Direction, addresses the goals and objectives for land adjustment through land exchange. In addition, standards and guidelines are addressed for both land exchange and public access. Based on experience, the land exchange program has dramatically improved access and increased recreational activities on adjacent public lands. See FEIS, Chapter 3, Other Topics, Lands.

Comment: Don't use condemnation to acquire additional lands or to obtain access.

Condemnation is not a recommended procedure in the Plans for making land adjustments nor acquiring access. Plans, Chapter 1, Forest-wide and Grassland-wide Direction, addresses the goals and objectives for land adjustment through land exchange. In addition, standards and guidelines are addressed for both land exchange and public access. See FEIS, Chapter 3, Other Topics, Lands.

Comment: The DEIS didn't adequately discuss the effects and costs of invasive plants, prairie dogs, oil and gas development, and access on adjacent and intermingled non-federal lands.

The FEIS, Chapter 3, discloses the effects of alternatives on adjacent and intermingled non-federal lands in FEIS, Chapter 3, Cumulative effects by revision topic.

Comment: The proposed plan could dictate management on intermingled state and private lands (e.g., roadless areas, Wild and Scenic Rivers, Research Natural Areas, etc,). The DEIS needs to address these effects.

The Revised Plans clarified this issue. The Plans direct management on National Forest System lands only. Effects on adjacent private lands are disclosed in FEIS, Chapter 3.

Comment: TB pg 1-18 (20) Does the statement "Permit haying and mowing only where desired vegetation conditions are being met." pertain to private land or FS lands? If private land, does this fall under the admin boundaries of the TBNG? Is this legal in WY? State the law that gives you this right?

There is no law that allows the Forest Service to control haying or mowing on private lands. This statement is part of a guideline that only applies to National Forest System lands. It does not apply to private, State School Trust lands or other ownerships. The Forest Service does not have the jurisdiction to control the use of privately owned lands or lands administered by a different government agency.

Comment: Thunder Basin Pg 1-1 Goals and Objectives: Doesn't the statement "Mgmt requirements establish broad multiple use mgmt direction and generally apply to all areas of the NG and national forest" include the private lands?

The direction found in the Revised Plans applies to National Forest System land only.

The Forest Service has no jurisdiction over private lands.

Comment: TB pg 1-2 Goal 1: Does the statement: "This goal focuses on achieving ecosystem health and sustainability through conserving and restoring ecosystem structure…Does this goal mean that all lands, public and private within the admin boundaries of the TBNG are to focus on achieving ecosystem health through conserving and restoring ecosystem structure. Taking farmland and putting it back to its natural state? Do you have the power to implement this statement?

The direction found in the Revised Plans applies to National Forest System land only.

The Forest Service has no jurisdiction over private lands.

Comment: Thunder Basin Plan Pg 1-1 Introduction: Does this statement "This chapter contains direction that applies grassland wide, unless more stringent or restrictive direction is found in Ch 2 or 3" include private land?

The direction found in the Revised Plans applies to National Forest System land only.

The Forest Service has no jurisdiction over private lands.

Comment: By acquiring more federal land (through land exchanges), you will reduce the local tax base.

Plans, Chapter 1, Forest-wide and Grassland-wide Direction, addresses the goals and objectives for land adjustment through land exchange. In addition, standards and guidelines are addressed for both land exchange and public access. Based on experience, the land exchange program has actually shown a slight decrease in federal land due to land exchanges being based on appraised values. See EIS, Chapter 3, Other Topics, Lands.

Comment: The plan/DEIS didn't adequately address some special uses on the grasslands. For example:

- *Can you process additional permits in a timely manner?*
- *How will you manage outfitter/guide permits?*
- *How will you handle utility corridors and communication towers?*

The first question doesn't request a change in plan direction or effects analysis. Actual funding for processing Special Use Permits will come from appropriated dollars from Congress or changes in regulations may allow the Forest Service to recover the cost of the applications from the applicant for the special use. The process is not in place at the time this was written. The Forest Service ability to process new permit applications is a function of the funding available.

In addition, there are criteria to evaluate in permitting outfitter guide Special Use Permits, found in the Plans, Grassland and Forestwide Direction, K. Recreation, Outfitters and Guides. Additional standards and guides were added to respond to the public comments.

The Plans do restrict the placement of utility corridors and towers in some management areas. (FEIS Chapter 3) Special Area Designations may restrict the location of these; refer to these Management Areas for information on each Area. Also, the Plans Chapter 1, contain direction for utility corridors Grassland and Forestwide Direction, P. Special Uses. Scenic Integrity Objectives can also restrict utility corridors, depending on the size of the utilities.

Water Resources

Comment: The proposed plan doesn't adequately address aquatic and riparian resources on the grasslands. Riparian/wetland management should be emphasized, and riparian areas and wetlands should be protected. Additionally, cattle should be removed from all damaged riparian/wetland areas, not just those listed as "non-functional."

The Revised Plan, Chapter 1, contains several goals and objectives, standards and guidelines concerning protections of water, watersheds, and riparian / wetland areas. Monitoring of water sources in the future will also be a key to land management practices. This direction makes it clear that grazing impacts to riparian / woody draws are dependent on the length of the grazing season, the time of season grazing is allowed, and the location of water for livestock in relation to the woody draw rather than just the presence or absence of livestock.

Monitoring of these key areas will be a key to determining the success of land management practices.

Comment: Establish management direction to deal with sources of water pollution.

Monitoring would be the key to identifying the problems with water pollution and follow up with the proper corrective management.

Direction pertaining to this comment is already found in sections B, C, D, and I, Chapter 1 of the final plans.

The monitoring chapter has also been expanded to insure the management practices result in the desired water quality outcomes. (Chapter 4)

Comments that Do Not Warrant Further Action

We received many comments (spanning a wide range of topics) that didn't warrant further action for various reasons. In some cases, the comments were outside the scope of Forest Service authority or responsibility. Some comments were narrative or questions that didn't require changes in the documents or analyses. Some didn't provide enough information, so we were unable to determine what the commentor was saying/asking. Examples of these comments are listed below, as is the reason they didn't require further response. The complete list of these comments is available in the Administrative Record, on file at the Nebraska National Forest Supervisor's Office in Chadron, NE.

Community and Lifestyle

Comment: The data analyzing socio-economic effects of communities must come from the most reliable sources, i.e. state records, county tax records, etc rather than computer generated models.

The economic analysis used IMPLAN (an analysis model), which uses information collected by Bureau of Economic Affairs and other federal agencies. This information is county specific.

Comment: Your planning efforts should originate from a local level. Your plan should be based on economic viability, the people directly involved, and the resources to be managed. It should consider goals of local people and sustainable resource production.

Comment does not request a change in plan direction or effects analysis. The alternatives were developed by addressing issues raised by local and national interests. This was done because all citizens have a stake in the public lands.

Grazing

Comment: The proposed plan revision erroneously concludes that range condition ratings relate only to livestock forage value. You didn't present any monitoring data to show whether current mgmt direction was met.

Range condition is defined as the current vegetation species composition compared to the potential natural condition. Current range condition is disclosed in the Affected Environment and Environmental Consequences section of the Rangeland and Forest Health FEIS, Chapter 3. Production based on the current vegetation species composition was used in determining livestock forage values. The Analysis of the Management Situation presents information as to whether current management direction is being met. The LRMP will set the desired conditions, the Allotment Management Plan decision will determine if changes need to be made to individual allotments.

Comment: You propose to reduce AUMs because cows are larger than the standard 1,000 lbs. However you didn't mention the research showing that cattle now convert forage more efficiently. The 1,000+ lb cow today requires less forage than a 1,000-lb cow of 30 yrs ago.

An animal unit month, AUM, is the amount of forage required for one animal unit. There have been numerous studies, some presented in FEIS, Appendix C, that indicate various forage requirements dependent on livestock weights. There is a guideline that states adjustments will be made to account for variations in livestock weights to meet desired vegetative conditions. This will be determined at the allotment management planning level. We are not aware of any research that concludes that livestock today use forage more efficiently.

Oil, Gas, and Minerals

Comment: In the TBNG, a management area has been designated for "Mineral Production and Development." Recovery of mineral resources in this area is important to the region. As part of mineral resource recovery, "waste coal" (material that doesn't meet the commercial quality requirements) can be cost effectively converted locally, producing electricity effectively converted locally, producing electricity development should be a criteria in developing the Proposed Plan and Draft EIS, similar to the development of oil and gas reserves.

This issue is outside the scope of the LRMP decision.

Planning

Comments: The proposed plan is a good idea and long overdue. The FS should go beyond the timid alternatives currently being proposed. Appendix K - National Goals, p. 3, Recreation in Wilderness 2323.11--I support this goal.

These comments don't require further agency action; they don't call for a change in the DEIS effects analysis or the LRMP decision.

Plant and Animal Damage Control

Comment: Spraying for grasshoppers are likely to impact the species that eat them (swift fox, mountain plover, western burrowing owls, sage grouse). If wildlife restoration is a priority, you should re-evaluate this activity and probably reduce or eliminate it.

Refer to Plans, Chapter 1, Biological Resources, and section J. Noxious and invasive species standards and guides 8, 9, 10**.**

Comment: Noxious weeds are invading federal lands at a rate of 4,000 acres per day. How will you handle the increase when current funding prevents you from controlling the existing infestations?

The comment does not reference the public lands for the Northern Great Plains.

The comment doesn't request a change in plan direction or effects analysis. Actual funding will come from appropriated dollars from Congress, from cooperators (livestock grazing permittees and local governments, research, etc.), and grants.

Rangeland and Forest Health

Comment: Don't put prairie dogs on the endangered species list; they are not endangered. The Endangered Species Act restricts prairie-dog-related activities on private property.

This comment is outside the scope of the LRMP decision. The Forest Service does not have the authority to list species. That is the responsibility of the U.S. Fish and Wildlife Service.

Comment: Management guidelines for the benefit of pronghorn and mule deer in the Southern Little Missouri EIS have not been incorporated into the new Forest Plan. This issue needs to be revisited to assure that roading does not further degrade the quality of available habitat for these important species.

Management direction for these species is found in Plan, Chapter 1 under "Fish, Wildlife, and Rare Plants" and Chapter 2, Geographic Area Direction.

Special Designations

Comment: Why are the Wilderness area operation and maintenance schedules exempt from the NEPA process when everyone else must account for their schedules?

This comment is outside the scope of the LRMP decision. Wilderness operation and maintenance schedule decisions don't fall under the authority of NEPA. They are administrative decisions that carry out previous NEPA decisions.

Comment: Are any rivers in the Nebraska National Forest unit being considered for protection under the Wild and Scenic River act? If so, how will this affect the management of those allotments (especially grazing permits) that include a portion of the designated river?

Refer to the FEIS Alternatives in Chapter 2 for consideration of the Middle Loop, the Cheyenne, and Rapid Creek as Wild and Scenic, as well as the effects analysis, in the FEIS, Chapter 3.

Other Topics

Comment: Establish a large buffer zone to protect adjacent landowners from the effects of the proposed plan. Comment: With an increasing Lakota population, how does the DEIS justify marginalizing the Lakota throughout the EIS process? It would appear that the future of the grasslands management will be under the influences of a white minority over a region that, if the if the white depopulation trend continues, will be a Lakota majority after the first two decades of the 21st century.

This comment is outside the scope of the LRMP decision. Management of National Forest System lands is for all citizens of the USA.

Comment: Thunder Basin plan, Ch 1, p. 5, Goal 1.10 Water Quantity—it is impossible to provide instream flows in most of these areas. Existing flows have been appropriated for human use; these uses must not be restricted. Where will this water come from? How will you manage it? Will obtaining these instream flows affect agriculture and wildlife uses?

The Thunder Basin Plan water quality Goal 1.a states, "Improve and protect watershed conditions to provide the water quality and quantity and soil productivity necessary to support ecological functions and intended beneficial water uses." This is different that what was stated in the Draft Plans as quoted in the comment.

Objective 4 under Goal 1.a states " Within 15 years, identify, maintain, and/or improve stream flows for at least 10 percent of stream segments having high resource values within watersheds". Standards and guidelines have been developed to accomplish this objective (Plan Chapter 1, Water). The FEIS, further defines the legal requirements the Forest is expected to meet in providing quality water for water supplies.

Water allocation is the responsibility of States and the Forest Service abides by that allocation. Where the Forest Service is requested to provide a special use permit for NFS water resources, the permitting process must take into consideration the instream flow maintained to provide for other uses and ecosystem protection.

Comment: Special area designations are necessary to preserve opportunities for solitude, to maintain roadless characteristics, and to protect wildlife habitat.

These comments don't require further agency action; they don't call for a change in the DEIS effects analysis or the LRMP decision.

Comment: Only allow scientific fossil collecting on the grasslands.

This comment is outside the scope of land management planning and does not require a change in the DEIS effects analysis or influence and LRMP decision.

Comment: Allow commercial fossil collecting on the grasslands.

This comment is outside the scope of land management planning and does not require a change in the FEIS effects analyses or influence the LRMP decision.