

## ATTACHMENT 3

### QUESTIONS TO ASK WHEN COMPLETING DETERMINATION PROCESS

**1) What needs to be considered in a review of reasons for not meeting standards?**

This review does not refer to the cause(s) of non-achievement of land health standards, but to the identification of condition indicators used to find that a standard was not met. For example, the riparian standard was not met because of excessive bank sloughing during high run-off events; or the wildlife habitat standard was not met because a large portion of the assessed area had predominately non-native annual grasses. Knowing why the standard is not met will help identify the causal factors. You would then identify what is causing the excessive bank sloughing (ice scouring, OHV use, livestock trampling, historic mining, etc.).

**2) How do I determine trend in condition?**

While it is preferable to determine trend with monitoring data, observed apparent trend is acceptable if the indicators of trend and your rationale are clearly documented. If apparent trend is used, follow-up monitoring is encouraged to verify the observations. If trend, whether apparent or supported by monitoring data, is ascertainable, is progress toward achievement of land health standards under existing management satisfactory? If so, then historic uses rather than existing uses are likely the causal factor for non-achievement and no change from current management is required.

**3) Why do I need to review the level of use for grazing and other activities in order to make a determination of causal factors?**

Level of use can be a useful indicator of whether or not an activity is a significant causal factor for not achieving a land health standard. Consistently high levels of use may indicate that the activity needs to be adjusted, particularly if it is consistently during a period of time in which resources are vulnerable to the effects of the use.

a) Is it likely that one or more of the uses are causing non-achievement? Document the evidence used to identify single or multiple causal factors.

i) Evidence considered will be correlated to the “deficiency” and the use. For example, if shrubs or other woody vegetation are missing from the riparian vegetation community, it may be because:

(1) the site cannot grow woody vegetation;

(2) there is evidence that the area has been treated with herbicides;

(3) livestock grazing season of use occurs when shrubs are most likely to be browsed; or

(4) the riparian area is in a critical wild ungulate wintering area.

ii) What are the levels of use or impacts of various activities, grazing and non-grazing alike?

iii) Is an uncontrollable off-site activity a significant causal factor? For example, is irrigation water being returned to a stream and causing the State water temperature standard to be exceeded?

- iv) Are current uses in conformance with guidelines for grazing administration or appropriate management practices for other activities?
- b) Is it likely a change in one or more of the uses will result in significant progress toward achieving the standard? For example, if a vegetation community is predominately cheatgrass, will removing a use or changing the timing of that use result in progress toward meeting the standard (nutrient cycling, wildlife habitat, etc.)?
- c) If changing current use will not result in progress toward achieving standards, then that use is not a significant causal factor for non-achievement.

Evaluators may need to distinguish between historical and current uses e.g., past dredging activities may have destabilized stream banks, or dredge piles are leaching minerals into stream preventing water quality standards from being met.

#### **4) What data or information is acceptable for use? What if an interested party offers data?**

To determine which activity(ies) is/are significant factors in not achieving standards, use the best data and resource information available. Monitoring information from actual use reports or billing statements, utilization levels, and distribution of grazing use are particularly useful for determining under 43 CFR 4180.2(c) if existing grazing on public land is a significant causal factor in non-achievement of standards. Methods are being developed to determine if linear features such as roads and trails are significant factors in non-achievement. Watershed assessments, quantitative data from wildlife use monitoring and inventories, qualitative information, professional knowledge, and information provided by State agencies, public land users, and interested publics may be useful.

Information provided by sources outside BLM must meet the following criteria:

- a) verification that data was collected using BLM approved techniques, methods, and protocols;
- b) verification that the data was collected in compliance with all aspects of a written agreement, if there is one;
- c) verification that all data collected was submitted; and
- d) verification that all raw data used for analysis or evaluation was provided to BLM.

#### **5) Why do I develop and analyze a proposed action before completing the Determination?**

Analyzing whether changes in current uses, grazing and non-grazing alike, are likely to make significant progress toward achievement of standards is important for determining causal factors. If changing current use will not cause progress, then the current use is not a significant causal factor. This is also the appropriate opportunity to analyze whether changing management to bring it into conformance with guidelines for grazing administration or appropriate practices for other activities will result in significant progress

toward achievement of standards, or if some additional action is necessary. Work with the public and permittees to assemble some alternative actions and analyze the rate of progress expected as a result of those actions. This same analysis would be a significant part of the NEPA document.

**6) When is the Determination Document complete?**

A complete Determination Document must include at a minimum:

- a) List of land health standards not achieved;
- b) List of causal factors for non-achievement of standards and, where applicable, identification of potential appropriate actions that will result in significant progress toward achieving land health standards;
- c) Statement of conformance or non-conformance with guidelines for grazing administration or with appropriate practices for other activities;
- d) Date Determination Document is signed; and
- e) Signature of authorized officer.

If existing grazing management or levels of use on public land are not significant causal factors for non-achievement of land health standards, the Determination Document is complete when the authorized officer sets forth this fact, identifies the significant factors that have caused non-achievement, and signs the document. In some cases, the authorized officer may initiate correction of the relevant activity. If historic use is a significant causal factor, the authorized officer may propose actions to correct the results of that historic use, even though such actions are not required.

If existing grazing management or levels of use are significant factors for non-achievement of land health standards, the Determination Document is not complete until the proposed or suggested appropriate actions have been analyzed to ensure that significant progress will be made when the action is taken. A NEPA document is appropriate for documenting this analysis.