

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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EMAIL TRANSMISSION –

Instruction Memorandum No. MT-2012-

Expires: 9/30/2013

To: Montana Dakotas Leadership Team

From: State Director

Subject: Guidance to Address Alternative Development in Livestock Grazing Permit Renewals

Program Area: Rangeland Management

Purpose: The purpose of this Instruction Memorandum (IM) is to ensure that Montana/Dakotas Bureau of Land Management's (BLM) proposed grazing decisions are fully supported through adequate NEPA analyses.

Policy/Action: Follow the guidance in the grazing regulations (43 CFR 4100) and the BLM NEPA Handbook (H-1790-1) as clarified in this memorandum.

When preparing an environmental assessment (EA) for issuing/renewing a livestock grazing permit or lease, you must consider a reasonable range of alternatives. Each EA must describe and analyze alternatives that address the resource concerns identified through rangeland health or watershed assessments, monitoring, Endangered Species Act consultation, public scoping, etc. The alternatives considered in the EA should be based on specific conditions, resources of concern and results of current livestock grazing activities. A reasonable range of alternatives may therefore include increased, reduced or static grazing, no grazing, or modification of grazing via use levels, season of use, timing and/or range improvements.

At a minimum, EAs must address the following alternatives: (1) issuing a new permit with the same terms and conditions as the expiring permit (no action alternative); (2) issuing a new permit based on the application (proposed action); (3) any reasonable alternative the field office may develop that differs from the applicant's proposal or the no action alternative; and (4) a "no grazing" alternative. If the application for a permit is the same as the expiring permit (no changes to the terms and conditions), then the proposed action and the no action alternative are the same. In this case, document that they are the same and analyze them as a proposed action.

In addition to the alternatives identified above, there may also be other reasonable alternatives that should be analyzed, including alternatives that address unresolved conflicts for the specific permit(s) being considered. If one of the unresolved conflicts includes not meeting rangeland health standards, where current livestock grazing may be determined to be a significant factor, a reduced grazing strategy (i.e., changed stocking levels, length of season, and/or season of use) must be considered in detail. In addition,

if it has been determined that resource management plan (RMP) – or activity - level resource objectives are not being met, and a reduced grazing alternative can facilitate movement towards meeting those objectives, a reduced and/or no grazing alternative should also be considered in detail.

There may be site-specific circumstances where analyzing no grazing or reduced grazing alternatives in detail may not be appropriate (e.g., limited Federal land ownership, isolated parcels, etc.). In these cases, it should be documented in the EA as an alternative considered but eliminated from detailed analysis. If a "no grazing" alternative is not analyzed in detail, a clear, concise justification is needed to demonstrate consideration of a reasonable range of alternatives.

In some instances, analysis of a no grazing alternative or lands unavailable for grazing alternative has previously been completed in another NEPA document such as the environmental impact statement (EIS) associated with the RMP or land use plan (LUP). When this has occurred, the site-specific livestock grazing permit EA can appropriately tier to the previous analysis and the alternative may not need to be analyzed further. However, in these instances, the LUP level analysis must document that a no grazing alternative was specifically analyzed and that analysis must have been completed with the appropriate level of detail. Most existing LUPs address broad scale land use allocations allowing for grazing with the expectation that more detailed, site specific analysis would be completed later. In these situations, the LUP may not adequately consider a no grazing alternative. If a no grazing alternative was sufficiently analyzed to support tiering, the appropriate sections of the tiered-to document (EIS in most cases) must be identified and referenced. The site-specific EA must briefly summarize relevant portions of the EIS or EA that address the no grazing alternative to the extent necessary to describe the relationship of the analysis between the two documents (for additional guidance on tiering and incorporation by reference, refer to 40 CFR 1502.20; 40 CFR 1502.21 and 40 CFR 1508.28, 40 CFR 1502.20 and NEPA Handbook H-1790-1, 5.2.1 and 5.2.2).

Timeframe: This IM is effective upon receipt.

Budget Impact: None.

Background: This guidance was developed as a result of recent court findings regarding range management and NEPA compliance.

Manual/Handbook Sections Affected: None

Coordination: Statewide coordination to develop this guidance occurred through the Deputy State Director and Montana/Dakotas District and Field Managers. Comments regarding the draft were incorporated into the final release.

Contact: If there are any questions regarding this IM, please contact Floyd Thompson, State Range Program Lead, at 406-896-5025.