



Cattle Producer's Handbook

Range and Pasture Section

575

Writing Your Own NEPA Alternative

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As discussed in fact sheet 574, the National Environmental Policy Act (NEPA) is a complex subject with many parts. This fact sheet focuses on how to write your own alternative with the potential of it being the proposed action. In order to do so, you must understand the components of an Environmental Assessment (EA) or draft EIS. Viewing the figures in 574 (especially Figs. 2 and 3) will provide additional clarification to the preparation of a NEPA document and your role in this process.

NEPA Document Contents

If you review agency NEPA documents that have been circulated to the public and review requirements in this document, common themes exist for what should be included in a NEPA document. We have identified those common themes in parentheses in the following outline:

1. Recitation of issues of concern (purpose and need for action).
If there are no major issues or concerns, the purpose may be just to reissue the grazing permit or to install some range improvements that will improve management on the allotment.
2. Description and characterization of the allotment (existing conditions).
3. Historical information about the allotment (background or existing conditions).
4. Past management actions and projects and their success or failure (existing conditions, management history).
5. Mitigating factors (existing conditions, history and management).
6. Monitoring data summary (existing conditions, history and management).

7. Conformance with land use plan(s).
8. Compliance with pertinent laws, regulations, and policy (all action alternatives).
9. Goals and objectives (desired conditions).
As part of a Proposed Action, an adaptive management strategy should be included to provide for needed course corrections to meet goals and objectives.
10. Environmental impacts of Proposed Action and alternatives (effects).
11. Supporting documents (references; monitoring data).

If you want to be a part of NEPA development for your allotment, be proactive in the development of the proposed action and any alternatives. It is important to understand that the scope of your alternative included in the Purpose and Need for Action should be focused on the authorization of livestock grazing, needed range improvements, and livestock management practices necessary for effects analysis (evaluation of suggested practices). Terms and conditions specified by the grazing permit will also be included under the adaptive management umbrella.

In assembling the items above, consult with agency partners, consultants, university personnel, family members, or other parties you think would provide helpful information. The preferred outcome is for the selection of the alternative that you have invested considerable effort to become the proposed action. View yourself as an investigative scientist in determining possible reasons for current conditions on the allotment and combine that with research to see if available information supports your preferred alternative.

Recitation of Issue of Concern (Purpose and Need for Action)

In the past, the “purpose” for action was confined to the objective that the agency was trying to reach and solicited little input from the permittee. The purpose of this article is to reinforce the concept that permittees can and should be involved in helping write their own alternatives for NEPA analysis. Ideally, you will exert leadership for the proposed action of your grazing allotment and will be specifying an alternative, in close collaboration with agency partners, that will become the “preferred alternative.” Close communication with the land management agency will help avoid surprises and will aid your development of an alternative that the agency will support.

If there are existing conditions on the allotment that could benefit from a change in management, these should be identified. Often, issues only marginally related to grazing management may have a major effect upon current conditions (such as tree encroachment that reduces the herbaceous or grassy understory and may increase erosion); these should not be ignored. As you further examine what problems exist on the grazing allotment (if they do indeed exist), you may wish to view them in the following manner to help identify goals, objectives, and to develop an alternative.

Does a problem(s) exist? Do we know the reason for the problem(s)? What is the severity of the problem(s) as supported by data collection? Can we fix the problem in an economically and ecologically sustainable manner? What is the most obvious manner in which to fix the problem(s)? Does the logical action(s) we would propose comply with existing laws such as the Endangered Species Act? What is the expected outcome(s) of the proposed action and can we monitor progress for the management practices to evaluate the appropriateness of the action?

Developing an Alternative

While developing your alternative, limit the scope of your alternative to only those management actions or range improvements necessary to respond to the purpose and need for action. In developing an alternative related to livestock grazing management in an Allotment Management Plan or during the permit renewal process, you should provide a detailed description of the following:

1. Mandatory terms and condition on the Grazing Permit/Lease.
 - a. Kind/class of livestock
 - b. Season of use
 - c. Animal unit months
2. Grazing rotation (pasture name, grazing dates, # animals and AUMs).
3. Range improvements.
 - a. Specify design (i.e., materials, size, etc.)
 - b. Specify location (pasture name, legal description)
 - c. Specify design features to avoid/reduce negative environmental impacts
4. Adaptive management parameters.
 - a. Specify flexibility in grazing dates due to annual environmental conditions
 - b. Specify changes in grazing rotations due to utilization levels, environmental factors, etc.
 - c. Specify the type/location of temporary range improvements (water haul locations, supplement locations, etc.)

Description and Characterization of the Allotment

This section of the document includes a general description of the allotment such as location (including maps), acreage, range and vegetation types, elevation, pastures, grazing plan, and climate. Oftentimes, information is omitted that should have been included to explain the management of the allotment as a whole.

Information vital for allotment management should be in sufficient detail to support your preferred alternative. For instance, explain why a pasture is better suited for winter use, such as limited water availability or increased browse cover. You should not agree to a management plan that is inflexible, or you may find your options limited later on.

In this section, you should explain the unique characteristics of your allotment: type of animals (yearlings, cow-calf, multi-species, or a combination), season of use (by type), grazing system, and the specific herd(s) that use the pastures. Agency personnel may suggest you make this section as simple as possible. However, if your operation requires additional complexity, such as breeding pastures to maintain a multiple sire breeding system, information regarding this should be included. The important aspect is your “footprint” on the landscape, and you should seek to have desired day-to-day management become incorporated into the document. Agency personnel are familiar with stocking rates and livestock movements but are often unfamiliar with the overall philosophy of the rancher’s operation.

As you construct this section, obtain soils and vegetation maps and ecological site guides (if they exist) from your agency partners. You may wish to identify areas of the allotment in excellent ecological conditions and areas that could stand improvement. Do not overlook other information vital to allotment management such as trails and roads. Also, include (at least on a map or table) the location of gathering facilities, future controlled burns, and underutilized areas of the allotment. Provide justification for future improvements and reasons for underutilized areas of the allotment (e.g., due to a lack of water, trails, or fences).

Historical Information About the Allotment

In this section, you will need to provide information on historic and recent stocking rates, management including number and type of livestock, and climatic data either from online sources or personal collections. You may also want to provide an historical overview of when it was first settled, early management, and how cattle were gathered and sold. Excerpts from historical narratives such as journals and letters, documented oral history from family members and pioneers, and old photos showing the landscape during early settlement could provide valuable information that does not usually make it into NEPA documents.

Past Management Actions and Projects and Their Success or Failure

Within this section, you have the opportunity to describe past projects implemented on the allotment, maintenance needs, and the relative success and why. Acknowledging successes and failures can help you provide justification for the management actions you wish to propose. Also include agency projects such as roads that may be contributing to hillside erosions or old juniper removal projects in which young trees are encroaching.

This is a chance to change grazing systems through documenting problems under the old NEPA and explaining the benefits of additional fencing or changes in timing. Make sure to include Adaptive Management language to increase flexibility and correct past mistakes.

Mitigating Factors

Special conditions or influences may explain some of the existing conditions on the allotment. Examples may be drought, timing of moisture in the warm season vs. the cool season, tree encroachment, historic soil loss or overgrazing, off road vehicles, fire, smelter shadows, etc. Some of the influences such as fire can be either positive or negative, depending upon the frequency and intensity of rainfall after the fire, grazing pressure before the fire, and the seedbank available in the area.

Monitoring Data Summary

Oftentimes, this is the most incomplete section of the document in spite of it being the most important. Good information leads to good decisions. If monitoring data are not being collected, begin now! Guidelines on initiating a monitoring program on your allotment are available at Sprinkle and Ruyle (2001) and Johnson and Davies (2008) and FSH 2209.13-2007-1 (choose 2209.13_90.doc, then Section 95). In addition to your data, a review and summarization of existing monitoring data in the agency file(s) should be pursued. Look

for data pertinent to management such as past fire occurrences on the ranch.

Goals and Objectives

Based upon issues of concern, existing conditions, livestock management, and monitoring data, a logical course of action and the intermediate steps required to accomplish the plan are determined as the goals and objectives. Establishing a support network of collaborators, agency personnel, family members, university representatives, and other colleagues increases the validity and lessens the stress of developing an alternative.

As you assemble components of your proposal remember to build as much flexibility as possible (for such things as stocking rates against wet or dry cycles, grazing rotations, etc.) and include any range improvements needed to obtain the goals and objectives in the alternative. In addition, identify timing, intensity, frequency, and duration of livestock grazing to achieve desired outcomes; such as ground cover, forage utilization, and vegetative trend. The desired outcomes set standards that can be checked through monitoring to determine if changes in management are needed. Such changes are much more efficient if adaptive management is incorporated into your alternative.

Adaptive management (Chapter 90 Adaptive Management 2005; BLM Adaptive Management 2009) facilitates the implementation of a flexible management plan on your allotment and should be incorporated to accommodate the inherent variability of rangelands. Matters based on current conditions and monitoring data, such as flexible turnout date and stocking rates, are accommodated with adaptive management. Progress toward desired outcomes can be monitored and course corrections (administrative actions) can be implemented without additional NEPA.

Environmental Impacts of Proposed Action

Using the best professional judgment and data available through peer-reviewed science, data from neighboring allotments, research data, and a collaborative approach, you will need to formulate the predicted effects of the proposed action, both beneficial and detrimental. This will precede the formal effects analysis done by the agency interdisciplinary team. By providing your own information related to the anticipated outcomes of the proposed action and the alternative you have suggested, the interdisciplinary team will be able to give a considered evaluation of your proposal. The management team will consider economic and ecological impacts of the proposed action, both long term and short term. Other effects specified (40 CFR 1508) are aesthetic, historic, cultural, social, or health.

Furthermore, direct, indirect, and cumulative effects must be analyzed for proposed actions 40 CFR 1508. The Interior Board of Land Appeals has established

that the BLM “must take a ‘hard look’ at potential environmental impacts and reasonable alternatives for proposed actions” (IBLA Hard Look). The BLM NEPA Handbook has defined a “hard look” as a “seasoned analysis containing quantitative or detailed qualitative information.”

Supporting Documents

This section is an appendix of information, including monitoring data supporting your proposed alternative. It is a good idea to investigate the existence of peer reviewed published scientific studies that undergird the proposed action you desire to present for public scoping. Alternative viewpoints should be presented in a balanced manner, but your analysis of the available literature and practical application of the same will lead you to propose a specific action as being “preferred.” Scientific studies referenced should be included in the references section of the NEPA document using the format in this document.

Compliance with Pertinent Laws

Archaeological clearances are mandatory for actions that involve ground disturbance, such as fencing or corals, before completing the effects analysis for the environmental assessment. As an example, FSH2209.13, 93.2 provides detailed direction for Region 3 Forest Service allotments [National Historic Preservation Act (NHPA) of 1966] (16 U.S.C. 470 et seq.).

Conclusion

The appeals process is included in fact sheet 574. Writing your own alternative is a large, complex undertaking and should be a collaborative process with agency personnel, University Extension, family, consultants, and others. In order to be successful, you will need to coordinate early and often with your agency partners. Preparations preceding the development of your own NEPA alternative should occur at least 2 years before the proposed action document is sent out to the public by the land management agency. By maintaining close communication with agency partners in annual meetings and by discussing monitoring data on a timely basis, you will be better prepared and engaged in the NEPA process.

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