CQ497

"William C. Klager, Jr." <klager@nvc.net>

09/22/02 11:01 AM
Please respond to klager

To: ceq_nepa@fs.fed.us
cc:
Subject: NEPA task force submission

Hello,

As BIA is not able to connect to the Internet in accordance with a court order, I am submitting this information from home. Attached is a summary of the EIS and answers to some of the questions. I would like to see the Task Force clearly define mechanisms for consultations between Tribes and the Federal Government. This is one of the most complex and difficult issues that I need to deal with concerning NEPA compliance by numerous Agencies. If you have any questions or would like a copy of the EIS, please contact me by phone or mail at:

Diane Mann-Klager, Wildlife Biologist
Bureau of Indian Affairs, MS- 301
115 4th Ave SE
Aberdeen, SD 57401

605-226-7621 or cell number 605-530-4479

Thank you,
Diane

CEQ -Prairie Dog Summary - BIA.doc

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CASE STUDY SUMMARY – CEQ NEPA TASK FORCE

CATEGORY: Programmatic EIS, Incorporating Two Similar Actions (40 CFR 1508.25), Federal and Intergovernmental Collaboration, Purpose and Need

PROJECT: Livestock Grazing and Prairie Dog Management for the Rosebud and Cheyenne River Sioux Reservations, South Dakota, Bureau of Indian Affairs

PRACTICE: 1) Scope of Programmatic EIS included two "similar" actions (40 CFR 1508.25), each with its own Reservation-specific objectives, issues, alternatives, and environmental consequences;

2) Use of agency and Tribal expertise on the Interdisciplinary Teams to ensure practicality, effectiveness, and long-term commitment to implementation and monitoring of the decision, using the Facilitated Approach;
3) Full cooperation of BIA with Tribal governments for array of alternatives, consistent with government-to-government relationship;
4) For the first time, a Federal NEPA document addressed the real need for action (management of livestock grazing for increasing income), rather than killing prairie dogs, which led to development of effective alternatives with fewer environmental impacts;
5) Incorporation of clear quantitative objectives for the independent needs for action for each Reservation and their evaluation into the decisionmaking process and document, so the EIS is a complete decision package for the decisionmaker;
6) Detailed summaries of the scientific literature regarding the relationship of the prairie dog ecosystem to range condition and trend and the economics of livestock management, biodiversity in the prairie dog ecosystem, and impacts to the endangered black-footed ferret provided education for the BIA resource managers and decisionmakers, and Tribal government representatives, members, and resource managers, dispelling ecological "myths";
7) Science-based approaches to the economic analyses, evaluation of ecological diversity, and impacts to the black-footed ferret and its habitat avoided "guaranteed" litigation;
8) Compliance with the Endangered Species Act for 8 listed species and 7 candidate species was integrated into the EIS, with affirmative concurrence and cooperation of the U.S. Fish and Wildlife Service throughout the process;

9) **The quality of the analyses in the draft EIS resulted in no substantive comments – the final EIS was issued with the edited Executive Summary, comments, and responses to comments only.**

AGENCY: Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, South Dakota

INVOLVED PARTIES: ***Fourteen disciplinary experts and a facilitator/environmental planner/NEPA coordinator from the private sector***

AGENCY CONTACT: Diane Mann-Kiager, Bureau of Indian Affairs, Mailstop 301, 115 4th Ave. SE, Aberdeen, SD 57401. Phone 605-226-7621

DATES: NEPA process began 1992, ROD signed 1995

Context/Background and Project Description: The Rosebud and Cheyenne River Reservations requested substantial appropriations from Congress to kill prairie dogs to support their Tribal and member livestock industries. Congress provided the appropriations for FY 1991, with the caveat: "The Bureau should work with the tribes involved and the Fish and Wildlife Service to reorient this program to avoid poisoning wherever possible and develop management programs that will allow coexistence with prairie dog populations." The BIA completed an EA in September 1991, but lacked sufficient funding, personnel, and time to fully analyze the effects of poisoning on prairie dogs and black-footed ferret habitat, as well as on other listed and candidate species. Therefore, the EA focused on the standard approach of poisoning prairie dogs. The U.S. Fish and Wildlife Service issued a Biological Opinion under the Endangered Species Act stating that the poisoning programs would jeopardize the survival and recovery of the black-footed ferret; the Sierra Club Legal Defense Fund and Defenders of Wildlife threatened litigation if the BIA implemented a poisoning program. The BIA decided to select the no action alternative (continue current grazing practices with no prairie dog poisoning) until an EIS was prepared, and reinitiate Section 7 consultation.

Based on preliminary information from the scientific literature prepared for the EA and EIS, in 1992, the Cheyenne River Sioux Tribal government passed a resolution supporting a management plan for the entire prairie dog ecosystem, including prairie dogs, livestock, and black-footed ferrets, while optimizing Lakota cultural, social, and economic benefits for the people. That same year, the Rosebud Sioux Tribal government passes a resolution supporting a prairie dog control program using both pesticides and range management and opposing any black-footed ferret reintroduction efforts on the Reservation.

With assistance from contracted a range manager, agricultural economist, prairie dog biologist, and NEPA coordinator/facilitator, Tribal and BIA resource managers and economists were facilitated through the planning process specific

to each Reservation. The two teams defined the need for action and quantitative objectives for each Reservation and conducted field surveys (with the contracted wildlife biologist) for prairie dog densities and locations, and for sign of black-footed ferret presence. The contracted team made a detailed evaluation and summary of the scientific literature regarding the interrelationship of the prairie dog ecosystem and livestock grazing, range condition and trend, and economics; the contribution of the prairie dog ecosystem to biodiversity of the Great Plains; and the condition and trend of black-footed ferret habitat on each Reservation. The Teams defined the Reservation-specific objectives and issues based on the scientific literature and field surveys, and developed an array of alternatives specific to each Reservation, based on resolutions passed by and further communication with each Tribal government, consistent with government-to-government relationship policies. Cheyenne River Sioux Reservation chose to continue focusing on management of the prairie ecosystem (seven alternatives); Rosebud Reservation chose to continue focusing on poisoning prairie dogs (four alternatives), even with the strong potential for getting a jeopardy opinion under the Endangered Species Act.

Scientifically-based economic and environmental impact analyses, including analyses and findings required under the Endangered Species Act for 8 listed species and 7 candidate species, were conducted and documented in the draft EIS. Despite controversy, no substantive comments changing the issues, alternatives, or impacts were received. The final EIS consisted of the edited Executive Summary, the comments received, and responses to comments. The BIA selected the prairie ecosystem management alternative for the Cheyenne River Sioux Reservation, consistent with Tribal government intent. The Reservation has since received substantial funds from Congress for implementation of the prairie management plan; the Tribe has been recognized by the Federal government for its efforts at raising buffalo for commercial profit and other traditional Lakota efforts consistent with the prairie management plan; and black-footed ferrets were reintroduced onto the Reservation by the U.S. Fish and Wildlife Service in 2000. The no action alternative was selected for the Rosebud Sioux Reservation, as it was the only alternative that did not receive a jeopardy opinion because no prairie dog poisoning was currently occurring. The Rosebud Tribe is currently seeking economic development through other non-traditional ventures, such as commercial hog farms.

Internet Site: **N/A**

Value as a Practice:

- ***Results, and Challenges Overcome:***
  1) The facilitated planning approach, integrating the extensive expertise in the BIA and Tribes, focused the planning and analysis on Reservation-specific issues and alternatives, eliminated "repeat planning," and resulted in decisions for the Cheyenne River Sioux Reservation which have had long-term economic, cultural, and ecological benefits and provided a model for other prairie dog ecosystem management approaches.

2) Preparing, reviewing, and correcting the EIS by BIA, Tribal, and contracted Interdisciplinary Team concurrently with the progress of the analysis, focused the analysis, and therefore the document, on the important issues, provided a strong foundation for each phase of the analysis, provided for "self-correcting" analyses and documentation, and integrated the disciplines into the analysis effectively (such as combining range condition and trend and livestock management and prairie dog ecosystem management and trends together into a focused economic analysis).
3) Incorporating into the EIS all the information needed for the BIA decisionmaker and Tribal government representatives to make an informed decision, including the evaluation of effectiveness of each alternative in meeting the quantitative management objectives, assessment and comparison of environmental impacts of each alternative for each Reservation-specific issue, and the Endangered Species Act Section 7 formal consultation requirements provided the decisionmaker with the ability to make an informed decision based on both effectiveness and environmental impacts in one concise "decision package."

- ***Challenges remaining:*** The Cheyenne River Sioux have been implementing a prairie management system that has included the reintroduction of the black-footed ferret. They are reintroducing ferrets into a second area this year with surplus animals from their first site. The Rosebud Sioux have been unable to secure funding for prairie dog control. This year they are investigating the potential for implementing a program similar to that of Cheyenne River for reintroducing black-footed ferrets. There is one major difference in that Rosebud is considering the use of incentives for landowners to keep prairie dogs.
- ***Source of information/references:*** Please see the attached briefing sheet for the describing the powerful characteristics of the EIS. If you would like a copy of the EIS please contact Diane Mann-Klager at (605) 226-7621.
- ***Validation:*** Diane Mann-Klager, Bureau of Indian Affairs MailStop 301, 115 4th Ave SE, Aberdeen, SD 57401 (605)226-7621
- ***Recommendation as a best practice:*** Diane Mann-Klager (see above); Judith Lee, Facilitator/Planner, Environmental Planning Strategies, Inc. 6340 Dodds Drive, Bettendorf, IA 52722 563-332-6870

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Livestock Grazing and Prairie Dog Management for the Rosebud and Cheyenne River Sioux Reservations - Programmatic Environmental Impact Statement, Incorporating two Similar Actions (as defined by NEPA), Federal and Intergovernmental Collaboration and Programmatic Analysis

Page Number (Section Reference)	Effective Components of the Environmental Impact Statement (EIS)
Entire EIS	Using the Facilitated Interdisciplinary Approach, the Bureau of Indian Affairs NEPA and Resources Specialist partnered with resource specialist from the Rosebud and Cheyenne River Sioux Reservations to conduct a detailed analysis of the environmental impacts associated with prairie dog management on each of the Reservations. Each Reservation had received substantial sums of money from Congress to kill prairie dogs. This is the first time that the real need for action, with quantified objectives (better management of livestock grazing for increasing Tribal and Tribal member income), rather than killing prairie dogs, had been evaluating in a Federal NEPA document, leading to effective alternatives. Since the EIS includes two NEPA "similar actions" (40 CFR 1508.25), the analysis of each Reservation is independent of the other – each Reservation has its own specific issues related to its respective different conditions, its own array of alternatives, and its own impact analysis and Biological Assessment (Endangered Species Act). It also incorporates strong summaries of the scientific literature as a basis for informed analysis and decisionmaking, counteracting ecological "myths" about prairie dogs and educating the public, Tribal members and government representatives, and BIA decisionmakers. Analyses and findings were required evaluation of impacts to eight listed species and seven candidate species in accordance with the Endangered Species Act. Impact analyses for prairie biodiversity and black-footed ferret habitat use scientifically defensible approaches, with the black-footed ferret analysis providing a bounded "worst case" analyis for the remaining listed and candidate species. For the first time economic analysis indicates that, at best, killing prairie dogs would return approximately $0.25/dollar spent. Each alternative is evaluated for effectiveness against the objectives, which clearly indicated that managing livestock grazing is more effective than killing prairie dogs in improving range trend and productivity.
FIND 1-4	Because this EIS includes independent by related analyses for two Reservations (NEPA similar actions), and has relatively complicated economic, impact, and effectiveness analyses, a different format, which make the analyses more readily available to the reader, was used. This introductory chapter describes how the document is formatted so the reader can easily fins any typ0e of specific analyses and readily track a

	specific issues and/or alternative evaluation. The EIS has no "Affected Environment" chapter, because the baseline information that is typically include in an encyclopedic manner in Chapter 3 is instead incorporated analytically into the description of the need for action and objectives (Chapter 1), the summary of the scientific literature and description of the issues (Chapter 2), the description of the no action alternative for each Reservation (Chapter 3), and the impact analyses (Chapter 4).
Ch 1-7	A brief history of the Reservations' attempts to obtain Congressional funds for prairie dog control, and brief summaries of the literature on prairie dog habitat and range conditions provides the basis for understanding the need for action
Ch. 1-7-24	Identifying the scope of a programmatic EIS and the decisions that the BIA is preparing to make, the framework of legal requirements within which the decisions must be made, a summary of the proposed action of each Reservation, and a summary of the issues brought up during public involvements provides the foundation for the rest of the analysis.
Ch. 2-1-2	This section describes traditional Lakota Sioux values regarding nature, and how those values have mixed with western values, providing the cultural framework within which to understand the issues that follow.
Ch. 2-3-36	This section summarizes the literature for Issue 1: Relationships Among Prairie Dogs, Livestock Grazing, and Net Economic Returns; 1) Prairie dogs biology and habitat; 2) The relationship of the prairie dog ecosystem to livestock range condition and trend and livestock interrelationships with prairie dogs; 3) Interactions of livestock grazing systems and range condition; 4) Effectiveness of various methods of prairie dog control and population recovery; and 5) Economic benefits and cost s associated with livestock grazing and the prairie dog ecosystem. A summary of the key points is provided at the end of each major section. At the end of the section, the issues associated with each Reservation are provided.
Ch 2-37-58	This section summarizes the literature for Issue 2: Biodiversity in the Prairie Ecosystem and the Contributions of Prairie Dogs: 1) The relationship of prairie dogs to prairie ecosystem biodiversity ("keystone species"), and declines in prairie dog populations; 2) Species dependent to some degree on the prairie dog ecosystem; 3) Discussions of different approaches to evaluating and managing for biodiversity in the prairie dog ecosystem; and 4) Proportion of prairie dog acres in the Great Plains under historical and natural conditions, and the proportion on each Reservation today (baseline and environmental reference point). After the summary of the key points is provided at the end of each major section. At the end of the section, the associated issues for each Reservation are provided.
Ch. 2-58-71	This section summarizes the literature for Issue 3: Potential Impact on the Black-footed ferret and habitat suitability (this also complies with the Endangered Species Act): 1) Black-footed ferret habitat requirements, including relationship to the black-tailed prairie dog complex characteristics; 2) History of black-footed ferret habitat decline,

	management, and recovery; 3) Canine distemper on each Reservation. After the summary of key points, the specific issues for each Reservation are provided.
Ch. 2-17-98	A brief description of the remaining alternatives that will be evaluated in detail, with rationale. These include species listed or considered for listing under the Endangered Species Act that will be subsumed into the analysis for black-footed ferret.
Ch. 3-1-29	This section describes each of the alternatives evaluated in detail for each Reservation, with mitigation measures for specific issues. Summary tables for the alternatives for each Reservation help the reader understand the components of each alternative and how they differ from one another.
Ch. 3-32-49	This section evaluates how well each alternative meets the quantitative objectives developed for each Reservation, with summary tables.
Ch. 4-4-138; Ch. 3-50-92	The environmental impacts of each alternative of each Reservation including the economic analysis (Issue 1), and the evaluation of impacts on black-footed ferret and habitat suitability (Issue 3), are evaluated as change from the current program (no action alternative). Since the evaluation of biodiversity use the model for evaluating black-footed ferret habitat (bounding with the worst case analysis), the impact analysis for Issues 2 and 3 are combined. The Biological Assessment findings for all listed and candidate species under the Endangered Species Act are included for each alternative for each Reservation. As required by 40 CFR 1502.10, a summary of environmental impacts and the biological assessment is provided for each alternative for each Reservation and located at the end of Chapter 3. Summary tables are provided to help the reader compare the alternatives.