

American Prairie Reserve Bison Change of Use
Environmental Assessment (EA)

Public Comment Report

March 2022

North Central Montana District

Malta Field Office

501 South 2nd St. East
Malta, Montana 59538

TABLE OF CONTENTS

Chapter	Page
CHAPTER 1. INTRODUCTION	1-1
1.1 Description of the Public Involvement Process	1-1
1.2 Nature of Comments Received and the Comment Analysis Process	1-2
1.3 Methodology	1-3
CHAPTER 2. PUBLIC COMMENT SUMMARY	2-1
2.1 Substantive Concerns	2-2
CHAPTER 3. FUTURE STEPS AND CONTACT INFORMATION	3-1

TABLE	Page
2-1 Number of Individual Substantive Comments by Issue Category Received During the Preliminary EA Public Comment Period.....	2-1

APPENDIX

Appendix A	Table A-1: Substantive Concerns and Responses
	Table A-2: Changes to EA in Response to Comments

ACRONYMS AND ABBREVIATIONS

Full Phrase

APR	American Prairie Reserve
BLM	Bureau of Land Management
CARA	comment analysis and response application
EA	environmental assessment
NEPA	National Environmental Policy Act

Chapter I.

Introduction

This report documents the results of the public comment analysis process for the American Prairie Reserve Bison Change of Use Environmental Assessment (EA). The Bureau of Land Management (BLM) may make changes from the draft to final EA upon consideration of public input from the comment period which occurred between July 1st and September 28, 2021. Based on the analysis contained in the EA, the BLM will decide whether to modify terms and conditions on BLM-administered grazing permits held by American Prairie Reserve (APR) and decide whether or not to authorize new fence construction and modification or removal of existing fence. Under the National Environmental Policy Act (NEPA), the BLM must determine if there are any significant environmental impacts associated with the selected alternative warranting further analysis in an Environmental Impact Statement (EIS).

I.1 DESCRIPTION OF THE PUBLIC INVOLVEMENT PROCESS

Although public involvement and notification are requirements of NEPA, public scoping at the beginning of an EA and public comment on a preliminary EA are not specifically required. Given the level of public interest in the proposal, however, and in an effort to engage the interested public to the greatest extent possible, the BLM provided a public scoping period and public comment period on the preliminary EA.

Following processes at 40 CFR 1501.9, the BLM documents public involvement and determines the scope of potentially significant issues related to a proposed action to be analyzed. The BLM solicits comments from relevant agencies and the public; then it organizes and analyzes all comments received. The agency evaluates the substance of each comment and extracts the overarching issues that will be addressed during the planning process. These issues help define the scope of analysis for EAs.

Prior to preparation of this EA, the public was notified of the proposed action via news release on March 21, 2018, announcing a public scoping period from April 9 to May 9, 2018. The news release also provided notice of a series of four BLM-hosted in-person open house-style public meetings, which were held on April 9 and 12, 2018, in four communities in north-central Montana: Winnett, Winifred, Malta and Glasgow. BLM received 2,497 submissions that were used to help us develop this set of issues that are included in the NEPA analysis.

On May 2, 2018, in response to requests from the public, the BLM issued a subsequent news release extending the public scoping period through June 11, 2018.

The BLM published the preliminary (draft) EA on the project website¹ on July 1st, 2021, and a 90-day public comment period followed the release of the Preliminary EA. BLM solicited public input from July 1st to September 28, 2021. EA comment period durations are commonly 30-days. In this case, the original closing date of the 60-day public comment period, which was August 31st, was extended to September 28th in response to requests from the public for a comment period extension.

A virtual public meeting was held on July 21st, during which BLM staff described the proposed action, provided instruction on submitting comments on the EA, and accepted verbal public comments during the meeting. A final transcript of the verbal comments were taken and posted to ePlanning on July 23rd, 2021. Throughout the duration of the public comment period, BLM received comments primarily through the comment mechanism that was provided on the project website. Comments were also received by mail. The BLM recognizes that commenters invested considerable time and effort to submit comments during the comment period; as such, it developed a comment analysis method to ensure that all comments were considered, as directed by NEPA regulations.

I.2 NATURE OF COMMENTS RECEIVED AND THE COMMENT ANALYSIS PROCESS

A total of 2,748 comment submissions (letters) were received during the preliminary EA public comment period, including 1,159 letters which contained non-unique, preformulated language that appeared elsewhere in letter submissions. Over 2,600 individuals submitted comments. Many of these individuals submitted comments jointly or on behalf of family members or other organizations. Some individual commenters chose to remain anonymous. Comments were also submitted by the following organizations and governments: Alliance For The Wild Rockies; American Prairie Reserve; Amy H & RR Nielsen Revocable Family Trust; Blaine County; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Defenders of Wildlife; Fergus County Commissioners; First Creek Ranch Inc.; Gallatin Wildlife Association; Hutton Ranch; Missouri River Conservation Districts Council; Missouri River Stewards; Montana Association of State Grazing Districts; Montana Association of State Grazing Districts, and the Montana Public Lands Council; Montana Audubon; Montana Cattlemen's Association; Montana Department of Fish, Wildlife & Parks; Montana Department of Justice; Montana Department of Livestock; Montana Department of Natural Resources and Conservation; Montana Farm Bureau Federation; Montana Land and Water Alliance; Montana Natural Resource Coalition; Montana Public Lands Council; Montana Sportsmen for Fish and Wildlife (MTSFW); Montana Stockgrowers Association; Montana Wool Growers Association; North Blaine County Cooperative State Grazing District; Northern Rockies, Prairies, and Pacific Regional Center of the National Wildlife Federation; Petroleum County Conservation District; PhillCo Economic Growth Council; Phillips Conservation District; Phillips County Commissioners; Prairie County Cooperative State Grazing District; Property and Environment Research Center; Public Lands Council; Rolling Hills Ranch; Smithsonian Conservation Biology Institute; South Phillips County Grazing District; State of Montana; State of Montana Department of Agriculture; United Property Owners of Montana, Inc.; Valley County Board of Commissioners; Western Watersheds Project; Wild Montana.

Comment analysis is a process used to compile and combine similar public comments into a format that decision-makers can use to consider changes to analysis and alternatives. Comment analysis assists the

¹ <https://eplanning.blm.gov/eplanning-ui/project/103543>

team in organizing, clarifying, and addressing technical information, in accordance with NEPA regulations. The process includes five main components, as follows:

- Developing a coding structure
- Using a comment database for comment management
- Reading and coding public comments
- Interpreting and analyzing the comments to identify changes for the final EA

The BLM developed a coding structure to help sort comments into logical groups by topics and issues. The coding structure was designed to capture all comment content rather than to restrict or exclude any ideas.

The BLM comment analysis and response application (CARA) database was used to manage all public comments. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Some outputs from the database include tallies of the total number of correspondence and comments received, sorting and reporting of comments by a topic or issue, and demographic information regarding the sources of the comments.

1.3 METHODOLOGY

During the public comment period, 1,281 unique comment letters were received. The BLM also received 37 non-unique form letters, which were considered as one unique submission. The content of unique submissions was analyzed, and a total of 689 substantive comments were derived from all input received during the public comment period. These comments were distilled into issue categories and concern statements that received an individual BLM response (see **Appendix A**). Each comment was given a code to identify the general content of a comment and to group similar comments together.

All comments received were considered and will be used to identify potential changes for the final EA; however, only those determined to be substantive were analyzed. Substantive comments raise, debate, or question a point of fact or policy, question the accuracy of information, or question the methodology or assumptions. Comments that merely support or oppose a proposal or that merely agree or disagree with BLM policy are not considered substantive.

Additionally, the BLM's NEPA handbook identifies the following types of substantive comments:

- **Comments on the Adequacy of the Analysis**—Comments that express a professional disagreement with the conclusions of the analysis or that assert that the analysis is inadequate are considered substantive; they may or may not lead to changes in the final EA. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the BLM Authorized Officer responsible for preparing the EA does not think that a change is warranted, the BLM response should provide the rationale for that conclusion.
- **Comments that Identify New Impacts, Alternatives, or Mitigation Measures**—Public comments on a preliminary EA that identify impacts, alternatives, or mitigation measures that were not

addressed in the draft are considered substantive. This type of comment requires the BLM Authorized Officer to determine if it warrants further consideration; if so, he or she must determine if the new impacts, new alternatives, or new mitigation measures should be analyzed in the final EA, in a supplement to the preliminary EA, or in a completely revised and recirculated preliminary EA.

- Disagreements with Significance Determinations—Comments that directly or indirectly question, with a reasonable basis, determinations on the significance or severity of impacts are considered substantive. A reevaluation of these determinations may be warranted and may lead to changes in the final EA. If, after reevaluation, the BLM Authorized Officer does not think a change is warranted, the BLM’s response should provide the rationale for that conclusion.

Comments on the EA that failed to meet the above descriptions were considered non-substantive.

Chapter 2.

Public Comment Summary

During the comment period, in addition to verbal comments made during the public meeting, correspondence was received via mail and online comments submitted through the ePlanning website. All public comment was entered into the BLM comment analysis and response application (CARA) database. **Table 2-1** summarizes the distribution of comments by issue categories.

Table 2-1
Number of Individual Substantive Comments by Issue Category Received During the Preliminary EA Public Comment Period

Issue Category	Number of Individual Comments	Percentage of Total
<i>NEPA Process</i>		
<i>Public Outreach</i>	11	1.60
<i>Cooperating Agency</i>	3	0.44
<i>Government to Government Consultation</i>	1	0.10
<i>Purpose and Need</i>	0	0.00
<i>Range of Alternatives (general comment)</i>	33	4.79
<i>Suggestion for a Specific Change to an Alternative</i>	4	0.58
<i>Suggestion for a New Alternative or Component of an Alternative</i>	12	1.74
<i>Best Available Information/ Baseline Data</i>	18	2.61
<i>NEPA Classification of Action</i>	32	4.64
<i>Laws and Regulations</i>		
<i>Consistency with Plans and BLM Management Direction</i>	69	10.01
<i>Taylor Grazing Act</i>	146	21.19
<i>Other Laws, Regulations, Policies, or Programs</i>	48	6.97
<i>Resource/Rationale - Resource Uses Analyzed</i>		
<i>Fish and Wildlife</i>	44	6.39
<i>Special Status Species</i>	1	0.15
<i>Common Allotment Management</i>	34	4.93

Issue Category	Number of Individual Comments	Percentage of Total
<i>Public Health and Safety</i>	25	3.63
<i>Rangeland Health</i>	33	4.79
<i>Riparian-Wetland Habitat</i>	13	1.89
<i>Socioeconomics</i>	40	5.81
<i>Vegetation</i>	1	0.15
Resource/Rationale – Other Issues		
<i>Air Quality and Climate Change</i>	6	0.87
<i>Cultural and Paleo</i>	0	0.00
<i>Tribal Concerns</i>	0	0.00
<i>Invasive/Nonnative Species</i>	0	0.00
<i>Soils</i>	0	0.00
<i>Visual Resources</i>	0	0.00
<i>Grazing District Boundaries</i>	0	0.00
<i>Cattle Grazing</i>	4	0.58
<i>Bison Grazing</i>	36	5.22
<i>Fire and Fuels</i>	0	0.00
<i>Recreation</i>	9	1.31
<i>Water Resources</i>	1	0.15
<i>Special Designations</i>	1	0.15
<i>Lands and Realty</i>	1	0.15
<i>General Effects Analysis</i>	5	0.73
<i>General Cumulative Impacts</i>	24	3.48
Implementation		
<i>Range Improvement</i>	8	1.16
<i>Grazing Permit Issuance</i>	13	1.89
<i>Monitoring, Maintenance, and Adaptive Management</i>	10	1.45
<i>Tiered NEPA Compliance</i>	0	0.00
Requests		
<i>Requested Documents or Information</i>	1	0.15
<i>Requires Detailed Review</i>	1	0.15
<i>Comments Pertaining to Mapping Errors and Map Adjustments</i>	1	0.15
Total	689	100

2.1 SUBSTANTIVE CONCERNS

After a complete review and consideration of public comments on the EA, the BLM identified substantive comments and developed summary statements to capture over-arching concerns. These “concern statements” provided the fundamental basis upon which to develop succinct responses as well as, where necessary, to make revisions or additions to the final EA. See **Appendix A**, Table A-1, for a full list of concern statements and BLM responses. A list of specific changes made to the EA in response to comments is provided in Table A-2.

Chapter 3.

Future Steps and Contact Information

Using the information and comments collected during the Preliminary EA public comment period, the BLM will prepare the Final EA. The agency will comply with NEPA, the Council on Environmental Quality regulations, and its own planning regulations and guidance.

All publications, including this report and subsequent documents, will be published on the project website.

Tom Darrington, Project Manager, is the primary public contact for the EA.

BLM contact information:

Tom Darrington, Field Manager
BLM Malta Field Office
501 South 2nd St. East
Malta, MT 59538

This page intentionally left blank.

Appendix A

Substantive Concerns and Responses

This page intentionally left blank.

Table A-I. Substantive Public Concerns and Responses

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
I.	<p>Montana Association of State Grazing Districts, and the Montana Public Lands Council; Montana Natural Resource Coalition; Fergus County Commissioners; Valley County Board of Commissioners; North Blaine County Cooperative State Grazing District; Montana Wool Growers Association; State of Montana Department of Agriculture; Phillips Conservation District; United Property Owners of Montana, Inc.; Montana Department of Natural Resources and Conservation; Montana Department of Justice; Montana Stockgrowers Association; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); PhillCo Economic Growth Council; Phillips County Commissioners; Fergus County Commissioners; Missouri River Stewards; First Creek Ranch Inc.; Hutton Ranch; Rolling Hills Ranch; Prairie County Cooperative State Grazing District; Montana Department of Livestock; Amy H & RR Nielsen Revocable Family Trust; Blaine County; Private Individuals</p>	<p>Range of Alternatives (general comment); Consistency with Existing Land Use Plans and BLM Management Direction; Taylor Grazing Act; Other Laws, Regulations, Policies, or Programs; Common Allotment Management; Rangeland Health; Bison Grazing; General Effects Analysis</p>	<p>Commenters requested that BLM describe how it was determined that APR's plans make them eligible for grazing permits under the Taylor Grazing Act (TGA). Commenters stated that Bison, especially those in non-production herds, are not included in the definition of livestock, that the TGA reserved BLM lands for production agriculture and, thus, APR should not be eligible to hold BLM grazing permits under the TGA given the goal of the TGA to stabilize the livestock industry. These commenters cited concern over the destabilization of the livestock industry in the counties affected by conversion of grazing allotments and stated that federal grazing statutes and rules do not provide BLM with the authority to change permits from cattle to bison. These commenters also suggested that a multiple use compatibility analysis be conducted to evaluate technical distinctions between domestic livestock and indigenous animals for purposes of grazing on BLM chiefly valuable for-grazing district lands.</p>	<p>The text of the EA, Section 1.4, which describes how the proposed action is in compliance with the Taylor Grazing Act, has been further augmented for clarity.</p> <p>The regulations at 43 CFR §4100.0-5 define livestock as cattle, sheep, horses, burros, and goats. This definition was first added to the grazing regulations in 1978; the TGA did not expressly define livestock. However, the regulations at 43 CFR §4130.6-4 state special grazing permits or leases authorizing grazing use by privately owned or controlled indigenous animals may be issued at the discretion of the authorized officer. (This regulation was added to the grazing regulations at the same time as the definition of livestock in 1978.) The H-4130-1 handbook further clarifies that special grazing permits or leases authorizing grazing use by privately owned or controlled indigenous animals (including buffalo) may be issued at the discretion of the authorized officer. The Webster dictionary definition of buffalo includes North American bison.</p> <p>The productivity, or non-productivity, of livestock or privately owned or controlled animals is not a factor for issuing grazing permits. When an applicant applies for a grazing permit the BLM determines whether the applicant meets the mandatory qualifications to hold a grazing permit (43 CFR §4110.1) and whether the applicant's offered base property is capable of serving as a base of operation (within grazing districts) for a livestock grazing operation. When an applicant obtains preference for a grazing permit by gaining control of the base property, the permittee (applicant) certifies that the base property is sufficiently developed to sustain livestock (directly or indirectly) for the length of time designated. There is no requirement for an applicant to provide production records, or profitability performance information, of the livestock herd that will be grazing on the BLM allotment(s).</p> <p>The statement about the TGA reserving BLM lands for production agriculture is a misinterpretation of the TGA. The "production agriculture" argument is apparently based on the TGA statement, "chiefly valuable for grazing and raising forage crops" found in section 1 of the TGA. When the TGA was enacted, there were a plethora of land laws on the books that provided for the claiming and patenting of public lands (homestead laws, Timber and Stone Act, mining laws, desert land entry laws, etc.) if the claimant satisfied the entry, selection and location requirements of the applicable law. The formation of grazing districts was a Secretarial affirmation that the public lands inside the districts were "chiefly valuable for grazing and the raising of forage crops." Section 7 of the TGA authorizes disposal of lands within grazing districts, but before disposal could occur, required the government to re-classify them for a use that is something other than "grazing and raising forage crops." One exception to these provisions were any claims made under mining laws. Reclassification required "reasonable notice" to the grazing permittee. Thus, under the TGA, the formation of a grazing district created procedural hurdles to disposing land within that district (notice and reclassification). This helped ensure that decisions regarding land disposal were made "in the open" which in turn helped stabilize the livestock industry and further the effort</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
I. (continued)	(see above)	(see above)	(see above)	<p>towards orderly range administration. The Classification and Multiple Use Act of 1964 refined the “chiefly valuable” classification system employed by the US Geological Survey. It required BLM to classify lands either for disposal to a particular private use, or for retention in public ownership for multiple use purposes. The Federal Land Policy and Management Act of 1976 (FLPMA), for the first time, stated that the new federal policy is to retain public lands unless FLPMA-required land use planning determines that disposal will serve the national interest. As previously stated, one result of the TGA action of classifying public lands as “chiefly valuable for grazing” was to prevent lands within grazing districts from being disposed unless and until they were first reclassified as “chiefly valuable” for something else. FLPMA stated plainly that public lands will be retained unless it is decided otherwise through a planning process – and those processes require ample notice, hearing, comment, and analysis for all who may have concerns about the action (not to mention a requirement for a 2-year advance notice to the grazing operator). Thus, the purposes of the “chiefly valuable” provisions of TGA were supplanted by FLPMA planning and notice provisions.</p> <p>The comment states that APR should not be eligible to hold BLM grazing permits under the TGA given the goal of the TGA to stabilize the livestock industry. APR is eligible to hold grazing permits. The regulation at 43 CFR §41.10.1(a) was challenged by the Public Lands Council in the case Supreme Court case 98-1991 (Public Lands Council, et al. Petitioners v. Bruce Babbitt, Secretary of the Interior, et al.) That regulation requires that an applicant own or control base property, and (under part (c)) be a corporation authorized to conduct business in the State in which the grazing use is sought. APR meets these requirements. The opinion from the Supreme Court states on page 16, “...The statute continues to limit the Secretary’s authorization to issue permits to “bona fide settlers, residents, and other stock owners.” 43 U. S. C. §315b (emphasis added)...” and on page 17, “...The legislative history to which the ranchers point shows that Congress expected that ordinarily permit holders would be ranchers, who do engage in the livestock business, but does not show any such absolute requirement....”</p> <p>Regarding the concern over the destabilization of the livestock industry in the counties affected by conversion of grazing allotments and that federal grazing statutes and rules do not provide BLM with the authority to change permits from cattle to bison. The socio-economic analysis on pages 3-36 to 3-45 of the EA found no significant impacts would result from the action alternatives. Additionally, the current proposal from APR would change 7,697 AUMS from cattle to cattle or bison. According to the 2017 National Agricultural Statistical Service Census of Agriculture, Phillips County has 51,502 beef cattle. The annual requirement for that number of cattle is approximately 618,024 AUMs of forage or equivalent. If all AUMs on BLM allotments authorized to APR were consumed by bison, it would amount to 1.25% of the forage in Phillips County. It is reasonable to conclude that this would not destabilize the livestock industry in Phillips County. As stated above, the grazing statutes and rules do provide BLM the authority to change the class of livestock on grazing permits from cattle to bison, or, cattle to bison and/or cattle.</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
1. (continued)	(see above)	(see above)	(see above)	<p>Regarding the suggestion that a “multiple use compatibility analysis” be conducted to evaluate technical distinctions between domestic livestock and indigenous animals for purposes of grazing on BLM chiefly valuable for-grazing district lands, the terminology “multiple use compatibility analysis” is not specifically stated in any law, regulation, directive, or handbook as a requirement to change a class of livestock, or to modify the terms and conditions of a grazing permit. While the regulation does indicate that a special grazing permit allows for use by a controlled indigenous animal, such use shall be consistent with multiple-use objectives, by ensuring that this action is in conformance with the existing land use plan that satisfies this multiple-use objective. It is BLM policy that all actions approved or authorized by the BLM must conform to the existing land use plan where one exists (43 CFR 1610.5-3, 516 DM 11.5). The BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan (LUP). The BLM’s planning regulations state that the term “conformity” or “conformance” means that “... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment” (43 CFR 1601.0-5(b)). Land use plans ensure that the public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. The land use plan in this instance—Hi-Line District Resource Management Plan—reviewed, analyzed, allocated, and directed the management of the multiple resources and resource uses. Pages 13 and 346 of the HiLine FEIS provide additional discussion of how bison are managed. A No Bison Grazing alternative was considered and dismissed in the PRMP / FEIS because no scientifically- and/or resource-based reason was identified.</p> <p>As the EA states on pages 1-2 and 1-3, the proposed action and alternatives are in conformance with the governing RMP. This Environmental Assessment is taking a hard look at the resources and resource uses that may be affected by the proposed action and alternatives at a site-specific level. In essence, it is assessing the compatibility among the multiple resources and resource uses under the various alternatives to determine if there are any significant impacts requiring design features or mitigation measures, or an Environmental Impact Statement. As previously stated, no boundary changes to TGA Montana Grazing District number 1 are being proposed, therefore the TGA “chiefly valuable for-grazing” provisions do not apply.</p>
2.	Montana Department of Natural Resources and Conservation; Montana Department of Justice; Montana Natural Resource Coalition; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Public Lands Council; Fergus County Commissioners; Missouri River Stewards	Other Laws, Regulations, Policies, or Programs	Commenters stated that the proposed change-in-use would conflict with existing law, in that the Federal Land Policy and Management Act (FLPMA) defines grazing permits and leases as those documents “authorizing use [...] for the purpose of grazing domestic livestock”, which would not allow the BLM to issue the grazing permit contemplated in the preferred alternative.	<p>The issue of whether bison may qualify as “livestock” for which grazing permits may be issued under the TGA was addressed by the Department of the Interior through the Office of Hearings and Appeals Administrative Law Judge Harvey C. Sweitzer in a Decision issued on September 25, 1976, in the case of Hampton Sheep Co. v. Bureau of Land Management, Docket No. Wyoming 1-71-1. That Decision recognized that bison or other animals, which would ordinarily be categorized as wildlife, may be considered “livestock” for purposes of issuing grazing permits under the TGA when they are treated in substantial respects as livestock and have characteristics in common with livestock.</p> <p>In so holding, the Judge Sweitzer noted that the TGA provides authority for the issuance of permits to graze “livestock,” that the TGA does not define</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
2. (continued)	(see above)	(see above)	(see above)	<p>“livestock,” and that Congress likely did not consider whether bison would qualify as “livestock,” as the legislative history of the TGA contains no reference to bison. The absence of a regulatory definition for “livestock” was also noted. The said decision was not appealed.</p> <p>On November 15, 2000, in the case of Norman and Norman v. Bureau of Land Management, Docket No. CO-01-99-02, Judge Sweitzer issued a decision that applicable law authorizes BLM to permit bison grazing. Judge Sweitzer included the following in the decision:</p> <p>“... the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §§ 1701-84, and the Public Rangeland Improvement Act (PRIA), 43 U.S.C. §§ 1901-08, were enacted in 1976 and 1978, respectively. Both of those acts refer to the issuance of permits for the grazing of “domestic livestock.” See, e.g., 43 U.S.C. §§ 1752, 1905. In 1978, the regulations were also amended to include the following definition for “livestock” or “kind of livestock”: “species of domestic livestock—cattle, sheep, horses, burros, and goats.” 43 C.F.R. § 4100.0-5(r) (1978). See 43 Fed. Reg. 29058 (July 5, 1978).</p> <p>Additionally, those regulatory amendments included a provision allowing the grant of permits or leases to authorize grazing use by privately owned or controlled “indigenous animals” so long as that grazing use is consistent with land use plans. 43 C.F.R. § 4130.4-4 (1978). In 1982 the reference to land use plans was replaced with a reference to multiple use objectives so that grazing use by indigenous animals “shall be consistent with multiple use objectives.” 47 Fed. Reg. 41702, 41706 (September 21, 1982). The provision was later recodified at 43 C.F.R. § 4130.6-4 (60 Fed. Reg. 9894 (February 22, 1995)). Whether or not grazing use by bison may still be permitted as grazing use by “livestock” or “domestic livestock,” it is clear that the regulations also allow for the permitting of grazing use by indigenous animals, which would include bison, so long as that use is consistent with multiple use objectives.”</p> <p>The decision by Judge Sweitzer was not appealed.</p> <p>The BLM has authorized grazing permits and leases with bison as a class of livestock prior to the passage of FLPMA, and has issued grazing permit and leases with bison as a class of livestock after the passage of FLPMA. The BLM is currently authorizing over 30 grazing permits and leases for bison in seven states. Pages 13 and 346 of the HiLine FEIS provide additional discussion of how bison are managed. A No Bison Grazing alternative was considered and dismissed in the PRMP / FEIS because no scientifically-and/or resource-based reason was identified.</p>
3.	American Prairie Reserve	Consistency with Existing Land Use Plans and BLM Management Direction	One commenter cited the HiLine RMP and FEIS process as evidence of the BLM having extensively and publicly vetted its administration of grazing permits for bison in the HiLine planning area and having previously authorized change in use applications like APR's. Commenters pointed out that BLM received no formal protest or objections about the use of grazing permits for privately-owned bison nor any written comments regarding the RMP's provision that such grazing could be authorized through change-of-use requests.	BLM notes the commenter's statement, which is in response to other comments arguing that a change in use could not be authorized under existing regulations.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
4.	Montana Natural Resource Coalition	Taylor Grazing Act	One commenter stated that the proposed change-in-use would conflict with existing law, stating that Chiefly Valuable for Grazing (CVG) districts are not subject to private appropriation and do not constitute “reservations” under the Federal Power Act of June 1920 (FPA) which defines reservations as "lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws."	<p>The change-in-use applied for does not conflict with applicable law, which provides for changes in use per under 43 CFR, Part 4110.3. See the previous discussion of Judge Sweitzer’s decisions.</p> <p>The discussion contained in Concern Statement numbers 1 and 2 addresses the point at which “chiefly valuable for grazing” is to be considered. There are no land disposals or boundary changes to TGA Montana Grazing District number 1 proposed by any of the alternatives so no “chiefly valuable for grazing” determinations would be required.</p> <p>The reservation status under the Federal Power Act allows the Interior Department to issue conditions on licenses issued by the Federal Energy Regulatory Commission for hydropower projects on TGA grazing district lands. There are no hydroelectric projects proposed by any of the alternatives or in the grazing permit application made by APR. Therefore, the Federal Power Act of 1920 is not applicable.</p>
5.	American Prairie Reserve	Consistency with Existing Land Use Plans and BLM Management Direction; Taylor Grazing Act; Other Laws, Regulations, Policies, or Programs	One commenter noted that opposition to the proposed change-in-use is based on a misinterpretation of the Taylor Grazing Act, and reliance upon superseded lower court decisions and an irrelevant 2001 Solicitor's Opinion pertaining to the Federal Power Act that describes how lands subject to the TGA are "reservations" for purposes of the Federal Power Act of 1920. Commenters further emphasized that lands involved in APR change-of-use application involve no hydropower licensing process that would be subject to oversight from the Federal Energy Regulatory Commission.	BLM notes the commenter’s statement, which is in response to other comments arguing that a change in use could not be authorized under existing regulations.
6.	Phillips Conservation District; Montana Department of Livestock; Missouri River Conservation Districts Council; Montana Cattlemen’s Association; Private Individuals	Range of Alternatives (general comment); Consistency with Existing Land Use Plans and BLM Management Direction; Fish and Wildlife; Common Allotment Management; Public Health and Safety; Range Improvement	Commenters expressed concern that proposed fencing alterations would be insufficient to contain bison (citing the National Bison Association recommendation that bison fencing should be six feet in height) and indicated that the state standard, which is only designed to meet a minimum requirement to control cattle, would not be adequate to contain bison, particularly in the extremely rough country that characterizes the Missouri Breaks.	<p>The BLM requires the permittee to manage the livestock which graze the public land under a grazing permit. (43 CFR §4130.7) Management of livestock includes containment. If APR cannot successfully contain the bison to its appropriate pastures and/or allotments, BLM has the authority to modify permit terms and conditions (including the kind of livestock) to achieve compliance up to, and including, cancelling the permit. Additionally, under Montana state law, APR cannot allow its bison to run at large; it must keep them contained or subject itself to potential penalties.</p> <p>As is stated on page 3-14 of the EA, properly constructed and maintained electrified 3-, 4-, and 5-wire high-tensile fencing is highly effective in containing captive bison herds. When evaluating a fence’s ability to contain domestic bison, consideration should be given to the ability of the herd to access the proper quality and quantity of food and water (MFWP 2012). Like all permittees, APR is required to keep livestock contained within pastures.</p> <p>The BLM allotments that are proposed for bison grazing are meeting land health standards (as described in Section 3.4.4 of the EA), and produce ample forage and have good water sources. This significantly reduces the need for more restrictive fencing as may be recommended by the National Bison Association.</p> <p>The two allotments in the Malta FO where bison have been authorized contain terrain and topography typically found in the northern prairie. The fencing on these allotments has a similar configuration to the fencing modifications proposed under alternatives B and C. The allotments under this proposal have similar, terrain and topography, therefore it is reasonable to forecast that the fencing changes will be sufficient to contain the bison on these allotments as well.</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
6. (continued)	(see above)	(see above)	(see above)	Additionally, there are three other allotments within the North Central Montana District authorized for bison that utilize similar fence configurations with no known containment issues.
7.	PhillCo Economic Growth Council; Phillips County Commissioners; Missouri River Conservation Districts Council; Montana Association of State Grazing Districts; United Property Owners of Montana, Inc.; Montana Department of Natural Resources and Conservation; Montana Stockgrowers Association; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Montana Department of Livestock; Private Individuals	Other Laws, Regulations, Policies, or Programs; Socioeconomics; Cattle Grazing	Commenters suggested that the use of cattle production budgets and related inputs for the analysis of socioeconomic impacts was not appropriate for a non-production-oriented bison operation such as APR.	BLM employed the use of best-available science in the development of analysis contained in the EA. Given the absence of available budgetary data for non-production-oriented bison operations, a surrogate of production enterprise budgets for bison was used to predict, with the highest possible level of accuracy, the effects on local economies from the proposed change in use. Appendix D contains an overview of the rationale and technical approach to modelling bison farm budgets. Non-production based models were not available for use. The bison farm budget provided in Foulke and others (2001), while production-oriented, reflects the best available science and published information on the topic and was used because it allowed for modeled, quantifiable estimates of economic effects.
8.	Missouri River Conservation Districts Council; Valley County Board of Commissioners; State of Montana Department of Agriculture; Phillips Conservation District; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Private Individuals	Socioeconomics	Commenters called for the EA to more directly address the economic impacts of the change in use from cattle ranching to bison preservation in terms of the actual amount of revenue lost or generated for local economies	BLM employed the use of best-available science in the development of analysis contained in the EA. Given the absence of available budgetary data for non-production-oriented bison operations, a surrogate of production enterprise budgets for bison was used to predict, with the highest possible level of accuracy, the effects on local economies from the proposed change in use. Appendix D contains an overview of the rationale and technical approach to modelling bison farm budgets. The EA directly addresses the economic impacts of the change in use. These effects are described in Section 3.4.6, under the analysis for Alternative B. Implementation of the proposed change in use would result in a gain of the equivalent of four full-time jobs at the county level (up from 24 jobs under Alternative A to 28 jobs under Alternative B), while labor income, value added, and total output would all see increases at the county level. The modest job gains would occur in the industry categories of veterinary services, crop farming, and non-cattle animal production.
9.	Prairie County Cooperative State Grazing District; Montana Department of Fish, Wildlife & Parks; Prairie County Cooperative State Grazing District; Montana Wool Growers Association; Private Individuals	Range of Alternatives (general comment); Common Allotment Management; Best Available Information/ Baseline Data; Consistency with Plans and BLM Management Direction; Fish and Wildlife; Common Allotment Management; Rangeland Health; Riparian-Wetland Habitat	Commenters expressed concern that removal of internal fences under the proposed action would allow for overgrazing in certain areas of the allotments, thereby damaging land resources, and that allowing removal of interior fences to create a larger pasture would be contradictory to "rest rotation" schedules established to ensure resource protection.	The impacts analysis in Sections 3.4.4—Rangeland Health, 3.4.5—Riparian-Wetland Habitat, and 3.4.7—Vegetation did not reveal any significant damage to land resources. The analysis indicates vegetative communities would likely improve, riparian areas would continue upwards trends, and rangeland health would be maintained. Under the proposed action most allotments would be in some sort of deferred rotation or rest-rotation grazing regime. Under all alternatives, BLM is required to monitor allotments for land health standards. If any allotment is determined to not be meeting the standards for rangeland health, changes would be made to bring it back into compliance. Changes could include additional fencing, rest-rotation practices, or reduction in AUMs.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
10.	Montana Stockgrowers Association; Prairie County Cooperative State Grazing District; Private Individuals	Range of Alternatives (general comment), including new alternatives; Suggestion for a Specific Change to an Alternative; Consistency with Plans and BLM Management Direction; Rangeland Health; Riparian-Wetland Habitat	Commenters expressed concern over rangeland health effects that would occur as a result of year-round grazing.	<p>Year-round grazing is not a component of the alternatives. Allotments permitted from 3/1 to 2/28 are often necessary to accommodate deferred and rest-rotation grazing systems. The BLM considered an alternative that would allow all allotments in the area to be open to year-round livestock grazing; however, this alternative was dismissed because allotments operate on individual permits, and the permits would have to be formally modified in which case permittees would have to request modifications to their permits on an individual basis.</p> <p>Box Elder and Telegraph Creek were retained for year-round grazing in order to allow the BLM to monitor the effects of year-round grazing on these two allotments that had been previously authorized for year-round use.</p> <p>Further, it should be noted that the Telegraph Creek allotment, while operated under a year-round grazing permit, is currently managed under a pasture rotation system. To provide clarification in the EA, the following text was added to additional terms and conditions under Alternative C in Section 2.4:</p> <p>“The Telegraph Creek allotment would remain on a 3/1 to 2/28 grazing schedule, and all current fencing will remain in place. Pastures would be grazed year-round. Monitoring would be established to allow BLM the ability to study bison movements in a year-round grazing system with internal fences in place.”</p>
11.	Fergus Conservation District; Montana Department of Justice; Montana Stockgrowers Association; Public Lands Council; Phillips County Commissioners; Valley County Board of Commissioners; Missouri River Stewards; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); United Property Owners of Montana, Inc.; Private Individuals	General Cumulative Impacts; General Effects Analysis; Socioeconomics; Consistency with Existing Land Use Plans and BLM Management Direction; Other Laws, Regulations, Policies, or Programs; Special Designations (including Wilderness, ACECs, WSRs, NHTs);	<p>Commenters requested that the potential for APR's future conversion of additional allotments within lands in bordering counties should be considered as a reasonably foreseeable action in the EA and more fully evaluated. In addition, commenters stated that the EA should address conformity with local plans in neighboring counties where APR has indicated an intent to acquire more property.</p> <p>Commenters noted that the EA lacks a cumulative effects analysis that adequately addresses impacts to adjacent landowners and communities and that, in addition, the potential for cumulative impacts could last longer than the 10-year permit. One commenter noted that the EA does not analyze the reasonably foreseeable future USFWS project of introducing bison on the Charles M. Russell National Wildlife Refuge.</p>	<p>In Section 3.3.2 of the EA, <i>Past, Present, and Reasonably Foreseeable Future Actions</i>, it is made clear that, in addition to the seven BLM-administered allotments being considered in this EA, APR currently operates on other federal and nonfederal ranch lands. The description of APR's holdings has been updated in Section 3.3.2 of the EA to read as follows: “APR reports deeded holdings of 117,611 acres and 334,817 acres of state and federal leases.”</p> <p>The potential exists for future conversion lands leased to APR from cattle to cattle or bison grazing on federal and nonfederal lands. In a previous, withdrawn proposal submitted on November 20, 2017, APR proposed the BLM issue a 10-year grazing permit for cattle and/or indigenous animals (bison) for 31,893 AUMs of federal grazing permitted use on the following 20 BLM-administered allotments.</p> <p>Effects from such reasonably foreseeable future actions on lands considered in the current proposal are analyzed under cumulative impacts for each resource area. When considered within the context of regional plans and actions, including grazing by APR on other federal and nonfederal ranch lands in the four surrounding counties within which APR currently holds title to property, the proposed action would contribute incrementally to cumulative effects but would not result in considerable cumulative impacts on resources. It is reasonable to assume that APR would continue to remove interior fences across private lands they manage and convert livestock type from cattle to cattle or bison. Other past, present, or reasonably foreseeable actions include modifications to the landscape occurring within the grazing allotments (such as, range improvement project construction in the vicinity), and continued livestock grazing authorizations, including additional conversion from cattle grazing to bison pasturing on adjacent federal and nonfederal lands. However, these actions</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
11. (continued)	(see above)	(see above)	(see above)	<p>are not part of the current proposed action submitted to BLM. No detailed requests or proposals have been submitted to BLM that would allow for further analysis of direct and indirect effects.</p> <p>The introduction of wild bison on the Charles M. Russell National Wildlife Refuge is speculative at this time. In August 2021, the Charles M. Russell National Wildlife Refuge (CMR) began a long-term stakeholder engagement and social science research to learn more about interests and perspectives related to wildlife, wildlife habitat, and the potential reintroduction of bison and bighorn sheep on the Refuge. This project will not seek agreement or decide on a plan concerning wildlife, wildlife habitat, or the potential reintroduction of bison and bighorn sheep. There is no decision that the government will be making at this time (Charles M. Russell National Wildlife refuge website, accessed on 11/4/21.) It should be noted that the above-described process for potential reintroduction at CMR pertains to wild or non-controlled bison. By contrast, BLM is analyzing effects from grazing authorizations for domesticated bison.</p>
12.	Montana Department of Justice; State of Montana; Private Individuals	Public Outreach; Requested Public Meeting	Commenters proposed alternative methods of public involvement. While some suggested that in-person meetings would only draw members of the ranching community, others noted that the virtual public meeting forum excluded certain members of the public.	<p>The BLM recognizes that the public invests considerable time and effort to submit comments during the comment period; as such, it developed a comment analysis method to ensure that all comments were considered in the development of the EA, as directed by NEPA regulations.</p> <p>Prior to preparation of this EA, the public was notified of the proposed action via news release on March 21, 2018, announcing a public scoping period from April 9 to May 9, 2018. The news release also provided notice of a series of four BLM-hosted in-person open house-style public meetings, which were held on April 9 and 12, 2018, in four communities in north-central Montana: Winnett, Winifred, Malta and Glasgow.</p> <p>Following publication of the preliminary EA on July 1, 2021, a 90-day public comment period allowed for public input from July 1st to September 28, 2021. EA comment period durations are commonly 30-days. In this case, the original closing date of the 60-day public comment period, which was August 31st, was extended to September 28th in response to requests from the public for a comment period extension.</p> <p>Due to COVID-19 pandemic-related concerns in late 2021, the decision was made by BLM to hold a virtual meeting. One virtual public meeting was held on July 21st, during which BLM staff described the proposed action, provided instruction on submitting comments on the EA, and accepted verbal public comments during the meeting. Throughout the duration of the public comment period, BLM received comments primarily through the comment mechanism that was provided on the project website. Comments were also received by mail.</p>
13.	Wild Montana; Alliance For The Wild Rockies; Smithsonian Conservation Biology Institute; Gallatin Wildlife Association; Private Individuals	Range of Alternatives (general comment); Fish and Wildlife	Commenters concerned about wildlife indicated support for the proposed action based on the conclusion that changing grazing permits to allow for modification or reconstruction of fencing would have beneficial impacts on wildlife by mitigating or removing physical barriers to species movement across the landscape. Some commenters requested additional information regarding how such fence removal would benefit wildlife.	In Section 3.4.1, the EA describes how the removal or partial removal of interior fences would decrease wildlife habitat fragmentation by reducing barriers to movement of big game and also improving habitat for special status species such as Greater Sage-Grouse that rely on large and contiguous areas of habitat to support home ranges and/or migration routes. To the extent that any fencing is being converted to wildlife friendly fencing, such change would be a benefit to wildlife Fence removal would also decrease the availability of perches for avian predators in the area, which would potentially decrease mortality of Greater Sage-Grouse and other special status wildlife species that are vulnerable to avian predation.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
14.	Missouri River Conservation Districts Council; North Blaine County Cooperative State Grazing District; Montana Wool Growers Association; Montana Farm Bureau Federation; Montana Association of State Grazing Districts; Montana Public Lands Council; United Property Owners of Montana, Inc.; Montana Stockgrowers Association; Public Lands Council; Missouri River Stewards; Private Individuals	NEPA Classification of Action; Tiered NEPA Compliance	Commenters requested that the BLM develop an Environmental Impact Statement (EIS) because the proposed action would result in significant impacts.	The EA specifically identifies and discusses potential impacts on BLM-administered lands that may occur as a result of the proposed action. The FONSI concludes that the proposed action would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. BLM provided, as part of the preliminary EA released to the public, an unsigned FONSI along with the EA to show that no significance factors were met. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore an environmental impact statement is not warranted.
15.	United Property Owners of Montana, Inc.; Montana Department of Justice; Missouri River Stewards; Private Individuals	Public Outreach	Commenters requested information regarding how public comments, including those from the 2021 comment period, would be considered in the final decision and expressed concern that public input was limited to APR's November 2017 grazing request and not extended to APR's September 2018 revised request.	<p>The BLM comment analysis and response application (CARA) database was used to manage all public comments. All public comment was entered into the database, which stores the full text of all correspondence and allows each comment to be coded by topic and issue. The EA has been updated based on public comment received.</p> <p>The BLM recognizes that the public invests considerable time and effort to submit comments during the comment period; as such, it developed a comment analysis method to ensure that all comments were considered in the development of the EA, as directed by NEPA regulations.</p> <p>Prior to preparation of this EA, the public was notified of the proposed action via news release on March 21, 2018, announcing a public scoping period from April 9 to May 9, 2018. The news release also provided notice of a series of four BLM-hosted in-person open house-style public meetings, which were held from April 9 to April 12, 2018, in four communities in north-central Montana: Winnett, Winifred, Malta and Glasgow.</p> <p>Scoping comments addressing the original 2017 request were used to develop issues for the EA. Issues identified through scoping were determined to be applicable to the revised September 18 proposal. Submissions received during the comment period were used to further refine the EA which will be considered in the decision.</p> <p>Following publication of the preliminary EA on July 1, 2021, a 90-day public comment period allowed for public input from July 1st to September 28, 2021. EA comment period durations are commonly 30-days. In this case, the original closing date of the 60-day public comment period, which was August 31st, was extended to September 28th in response to requests from the public for a comment period extension.</p> <p>A virtual public meeting was held on July 21, 2021, during which BLM staff described the proposed action, provided instruction on submitting comments on the EA, and accepted verbal public comments during the meeting. Throughout the duration of the public comment period, BLM received comments primarily through the comment mechanism that was provided on the project website. Comments were also received by mail.</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
16.	United Property Owners of Montana, Inc.; Western Watersheds Project; Private Individuals	Range of Alternatives (general comment); Special Status Species; Monitoring, Maintenance, and Adaptive Management	Commenters requested clarification regarding the following threshold for taking action to reduce livestock if habitat conditions for Greater Sage-Grouse are not achieved: "more than half of three or more than three key monitoring sites within an allotment," that would possibly reduce livestock numbers by 10 percent.	These threshold and management response criteria were developed based on direction from the Department of the Interior's Adaptive Management Implementation Policy for Greater Sage-Grouse (522 DM 1, 2008), Washington Office(WO) Instruction Memorandum (IM) 2018-23 which states "when field offices fully process a permit within PHMA, they will develop thresholds and responses for analysis" in accordance with the policies set forth in that IM. The Malta Field Office selected criteria which allow flexibility in selecting the appropriate number of representative sites based on the size of the allotment and the type of management change that is being monitored. The desired conditions for Greater Sage-Grouse habitat are included in Table 2.3-2 of the HiLine RMP (2015). More details on the adaptive management process are available in the HiLine RMP, Appendix J: Adaptive Management Strategy for Greater Sage-Grouse Habitat Management (2015).
17.	Montana Department of Natural Resources; Phillips County Commissioners; Private Individuals	Rangeland Health; Monitoring, Maintenance, and Adaptive Management	Commenters requested that the BLM require APR to tag and identify bison, disclose transfer and restocking plans, and submit annual Actual Livestock Grazing Use reports and an animal reduction plan that contains population triggers. Commenters also noted that APR has over allocated their AUMs in recent years, according to past Actual Livestock Grazing Use reports.	<p>The requirement for tagging for identification would be unnecessary as ownership of the bison is not in question or dispute. APR already submits Actual Use Reports annually for monitoring purposes. All permittees and lessees are required to operate within the specified permitted use for each allotment.</p> <p>Ownership of livestock grazing on public land is subject to a rapid and accurate determination to detect, control, or prove unauthorized grazing use. At this time, there are no other domestic or "wild" bison or buffalo herds in the vicinity of the proposed action. Ownership of the bison has not been in dispute. If other bison or buffalo herds are established in the vicinity of these allotments, then BLM may require additional branding or tagging for the orderly administration of the public lands.</p> <p>APR has filed identifying markings include a brand, earmarks, and wattles with the BLM. APR must comply with the requirements of the State of Montana relating to identification of livestock, (See section 2-3 of the EA.) as well as health and sanitation. If APR is found in violation of these State laws and regulations, it may constitute a prohibited act that may be subject to the civil penalties set forth at 43 CFR§ 4170.1-1.</p> <p>Transfer and restocking plans are beyond the purview of the BLM. BLM requires APR to submit actual use reports annually for monitoring and billing purposes. BLM allotment inspections and livestock counts have not indicated excess bison running on the BLM allotments.</p>
18.	Private Individual	Monitoring, Maintenance, and Adaptive Management	One commenter noted that the BLM should confirm with the Phillips County brand inspector or the Montana Department of Livestock the amount of bison shipments APR has conducted across county lines to confirm APRs claim that excess bison have been shipped off of allotments.	BLM continues to monitor bison numbers through compliance inspections, monitoring and actual use reporting. If such procedures detect a reason to investigate APR's stock numbers, BLM would contact the local brand inspectors or Montana Department of Livestock to initiate an investigation.
19.	Montana Department of Natural Resources and Conservation; Montana Department of Fish, Wildlife & Parks; South Phillips County Grazing District; PhillCo Economic Growth Council; Phillips County Commissioners; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Fergus County Commissioners; Valley County Board of Commissioners; Private Individuals	Cooperating Agency; Consistency with Existing Land Use Plans and BLM Management Direction; Bison Grazing; General Cumulative Impacts; Grazing Permit Issuance; Monitoring, Maintenance, and Adaptive Management	Commenters expressed concern that APR has been in non-compliance with Allotment Management Plans, including those which govern school trust lands managed by DNRC, and questioned their ability to manage future allotments.	This decision will serve as the new grazing management plan for these allotments. BLM will continue to conduct compliance inspections and monitor conditions within all allotments, which are currently meeting land health standards.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
20.	American Prairie Reserve	Grazing Permit Issuance	One commenter noted that APR is not proposing to retire its grazing permits or halt or suspend its use of the public lands for grazing purposes. Instead, it has requested a change of use to substitute one form of grazing (bison) for another (cows). These commenters stated that APR holds base property and qualifies for a preference under the TGA.	<p>APR is a corporation that is in good standing with the Montana Secretary of State, and it owns the base property to which the preference for the associated allotments is attached; therefore, it is qualified under the regulations for grazing use. Furthermore, APR has been determined to have a satisfactory record of performance for the grant of new, or renewed, grazing permits.</p> <p>APR is requesting a change in the class of livestock from cattle to cattle or indigenous livestock (which includes bison), as well as changes to the terms and conditions of its permits, and changes to several range improvements (See sections 1.2 and 2.3 of the EA).</p>
21.	Montana Department of Livestock; Montana Department of Natural Resources and Conservation; Private Individuals	General Effects Analysis; Grazing Permit Issuance	Commenters noted that the EA analysis is not clear regarding the management of bison and cattle concurrently or separately. If they are managed concurrently there could be conflicting uses and range improvements.	<p>Co-mingled grazing would likely not occur under the proposed action. The proposed modification from cattle to cattle/indigenous animals is to reflect APR's phased stocking plans over the next ten years. The permit would allow for any combination of cattle or indigenous livestock during the season of use.</p> <p>The East Dry Fork allotment is a common allotment grazed by two separate operators. Information on the allotment is presented in Section 3.4.2.</p> <p>The BLM considered an alternative in which the permit would allow for grazing in common of APR bison with cattle from other permittees on BLM-administered lands. This is presented in Section 2.7.6. This alternative was dismissed because such an alternative would not fully meet the purpose and need of the proposed action.</p>
22.	United Property Owners of Montana, Inc.; Private Individuals	Grazing Permit Issuance	Commenters noted that the changes to the East Dry Fork allotment, a common allotment, have not been confirmed with the common allotment owner and conflicting grazing use could occur during trailing.	An administrative error in the reported number of AUMs for the Jacobs allotment as reported in the EA (in Sections 2.3 and 3.4.2) has been identified and corrected. Many meetings have occurred with the current allotment holder, APR and BLM concerning this issue. Any decision made on this allotment will be in conjunction with all parties involved.
23.	Montana Cattlemen's Association; Private Individual	Suggestion for a New Alternative or Component of an Alternative; Grazing Permit Issuance	Commenters expressed concern regarding the change in length of grazing season to extend the grazing period from May 1 to April 1 because other landowners have to wait until May 1 and grass is more vulnerable to grazing pressure in April, which is of particular concern given that the total AUM's are not reduced and more animals will be grazing for a shorter period of time, thereby increasing grazing intensity.	<p>The following text was added to the discussion of Rangeland Health (in Section 3.4.4) under alternatives B and C:</p> <p>Changes in grazing season length (e.g. extending early season grazing from May to April) would increase grazing intensity on some allotments. This extension of the grazing period is not expected to result in adverse effects on rangeland health, however, given the ability of the authorized officer to modify terms and conditions of the permit or lease when the grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives. In addition, terms and conditions may be modified if additional information indicates that revision is necessary to the Standards of Rangeland Health, as described in 43 CFR 4180 (Code Public Lands).</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
24.	United Property Owners of Montana, Inc.; Private Individuals	Range of Alternatives (general comment); Bison Grazing; Grazing Permit Issuance	Commenters suggested that the BLM eliminate the assumption that bison will consume the same amount of forage per animal as cattle and adjust the proposed season long use stocking rate to consider differences in forage availability per acre, including natural availability, distance to water, and animal preference.	<p>BLM employed the use of best-available science in the development of analysis contained in the EA.</p> <p>The NRCS handbook indicates (in Table 6-5 on Page 6-9) that "Bison (mature)" and "Cow, with calf" constitute equivalent animal-units with identical day/month/year forage consumption. Also, Handbook H-4130-1, clarifies that for billing purposes one bison is equal to one AUM.</p> <p>On Page 3-30, the EA describes differences in foraging behavior between cattle and bison by describing how, in contrast to cattle, which demonstrate a strong selection for riparian areas, lowlands, and water resources, bison will select higher elevations for grazing. The EA cites a study which found that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations, while bison selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes. A second study was also cited which found that bison also feed almost exclusively on grasses.</p> <p>Levels of permitted use are further refined by subsequent monitoring and allotment evaluations.</p>
25.	Gallatin Wildlife Association; Montana Association of State Grazing Districts; Montana Department of Natural Resources and Conservation; Public Lands Council; Private Individuals	Range Improvement	Commenters noted that removal of rangeland improvements such as fencing and water features would result in impacts that have not been adequately analyzed in the EA.	<p>BLM employed the use of best-available science in the development of analysis contained in the EA. Scientific literature cited in the EA has now been augmented to include additional sources that support findings pertaining to riparian impacts and bison grazing preferences.</p> <p>On Page 3-16, the EA states that modifying or reconstructing 79.6 miles of fencing (43.9 miles reconstructed and 35.7 miles reconstructed as electric only) would provide for the secure containment of bison within designated pastures and adequate separation from adjacent allotments. This constitutes a beneficial impact to common allotment management.</p> <p>Further beneficial effects are described on Page 3-10, where the analysis finds that fencing would decrease wildlife habitat fragmentation, facilitate wildlife passage, improve big game migration and also improve habitat for special status species, such as Greater Sage-Grouse, that rely on large and contiguous areas of habitat to support home ranges and/or migration routes. To the extent that any fencing is being converted to wildlife friendly fencing, such change would be a benefit to wildlife. As stated in the EA: "Modifying or reconstructing 79.6 miles of fencing (43.9 miles reconstructed and 35.7 miles reconstructed as electric only) to meet specific standards according to MFWP's wildlife friendly standards (Appendix B, Fence Design and Maintenance) would improve the condition of big game migration habitat because, although standards for fencing have been in place for many years, modifications and enhancements would facilitate wildlife passage (Paige 2012)." Fence removal would also decrease the availability of perches for avian predators in the area, which would potentially decrease mortality of Greater Sage-Grouse and other special status wildlife species that are vulnerable to avian predation.</p> <p>No water developments are proposed for removal under the action alternatives (See sections 2.3, 2.4, and 2.5 of the EA).</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
26.	Montana Public Lands Council; Montana Stockgrowers Association; Private Individuals	Range of Alternatives (general comment); Range Improvement; Monitoring, Maintenance, and Adaptive Management	Commenters indicated that fencing modifications and changes that are included in the EA have already been completed by the APR and have, therefore, been constructed without proper approval.	Existing fence modifications on APR allotments were previously approved where BLM had authority to grant such approval. The EA is analyzing the impacts of authorizing modification, removal and construction of range improvements as compared to the No Action alternative. The responsibility to install fencing along the boundary between federal public lands and lands owned by non-federal entities generally rests with the non-federal landowners. While the responsibility to install fencing along a boundary typically resides with the non-federal neighbor and the federal government is immune from State and local government requirements concerning fence installation or design, federal officials must comply with fencing requirements or standards identified in federal legislation and regulations. There are several fences that would be modified, removed or constructed under Alternative B—see section 2-3 and Appendix A of the EA. There are several fences that would be modified to include electrical fencing under Alternative C—see section 2.4 and Appendix A of the EA.
27.	Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Montana Natural Resource Coalition; Montana Association of State Grazing Districts; Montana Stockgrowers Association; Public Lands Council; South Phillips County Grazing District; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Private Individuals	Cooperating Agency; Government to Government Consultation; Consistency with Existing Land Use Plans and BLM Management Direction; Requested Documents or Info; Grazing Permit Issuance	Commenters expressed concern over the lack of consultation and coordination with other organizations, such as grazing districts, that have existing Memorandums of Understanding and Cooperating Agreements in place with BLM, and that grazing applications have not been provided to the Grazing District Secretary.	BLM, both locally and regionally, attended numerous meetings with county commissioners, grazing districts, stock growers association, grass commission and others to talk about issues surrounding the APR. In addition, in 2018 BLM held four public scoping meetings in four local communities to collect comments and input. Over 2500 comments were received through this process. After releasing the EA for public comment and review, BLM held a virtual public meeting in July 2021 which was broadly available to accept comments to the preliminary EA. Maps and the 2017 APR grazing proposal was posted to ePlanning on April 3, 2018. APR's revised proposal were made available on October 22, 2019. BLM will continue to involve grazing districts and other organizations during this process. BLM is substantially in compliance with existing MOUs and cooperative agreements that are not in conflict with BLM policy and regulation.
28.	Phillips County Commissioners; South Phillips County Grazing District; Montana Stockgrowers Association; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District)	Purpose and Need; Range of Alternatives (general comment); Consistency with Existing Land Use Plans and BLM Management Direction	Commenters suggested that BLM, before issuing any further permits to APR, should re-inventory all allotments where APR, by changing its fence locations on base property, has altered its grazing preference (pursuant to 43 CFR § 4110.2).	The grazing regulations at 43 §4100.0-5 define "grazing preference" or "preference" as a superior or priority position against others for the purpose of receiving a grazing permit or lease. This priority is attached to base property owned or controlled by a permittee or lessee. This definition was established by the 1995 grazing regulations. This definition was challenged by the Public Lands Council in Wyoming Federal District Court. The Wyoming judge reversed the rulemaking change; however, the US Court of Appeals overturned the Federal District Court decision and the Supreme Court subsequently upheld the Court of Appeals ruling (Public Lands Council, et al. Petitioners v. Bruce Babbitt, Secretary of the Interior, et al., 2000). The regulations pursuant to 43 CFR §4110.2 require (a) the authorized officer shall find land or water owned or controlled by an applicant to be base property if (1) it is capable of serving as a base of operation for livestock use of public lands within a grazing district ; and (b) after appropriate consultation, cooperation, and coordination, the authorized officer shall specify the length of time for which land base property shall be capable of supporting authorized livestock during the year, relative to the multiple use management objectives of the public lands. The base properties to which the APR allotments are attached, were proven to be capable of serving as bases of operation for livestock use under the previous permittees. When APR acquired ownership of the base property, it applied for the transfer of the grazing preference in accordance

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
28. (continued)	(see above)	(see above)	(see above)	with the regulations. APR certified on the Grazing Preference application that the property was described correctly and that it meets the requirements of the grazing regulations at 43 CFR §41.10.2 (a) and (b) as applicable. The transfers of grazing preference attached to the various base properties were approved by the authorized officer. Changing fence locations on base properties has no effect on the grazing preference attached to a base property. The only actions that would potentially affect the preference attached to a base property would be a transfer from an existing base property to another property, a relinquishment of preference, or a decision to cancel preference. None of these circumstances are applicable to the APR base properties.
29.	Private Individual	Comments Pertaining to Mapping Errors and Map Adjustments	One commenter suggested specific changes to maps depicting fence alignments and fence removal under the proposed action	Existing fence modifications on APR allotments were previously approved where BLM had authority to grant such approval. The EA is analyzing the impacts of authorizing modification, removal and construction of range improvements as compared to the No Action alternative. The responsibility to install fencing along the boundary between federal public lands and lands owned by non-federal entities generally rests with the non-federal landowners. While the responsibility to install fencing along a boundary typically resides with the non-federal neighbor and the federal government is immune from State and local government requirements concerning fence installation or design, federal officials must comply with fencing requirements or standards identified in federal legislation and regulations. There are several fences that would be modified, removed or constructed under Alternative B—see section 2-3 and Appendix A of the EA. There are several fences that would be modified to include electrical fencing under Alternative C—see section 2.4 and Appendix A of the EA.
30.	United Property Owners of Montana, Inc.	Requires detailed review	One commenter expressed concern over a possible conflict of interest given that the BLM contractor provided utilization calculations on APR allotments directly to APR staff.	The BLM contractor performing work under the 3rd-party contract with APR is conducting analysis on behalf of the BLM and not APR. Utilization data (AUMs) must be reported annually to BLM and were calculated for allotments outside of the proposed action. The contractor performed a forage analysis on APR allotments in 2017. Providing such data and analysis does not constitute a conflict of interest.
31.	Private Individual	Range of Alternatives (general comment)	One commenter suggested that the BLM provide pasture acreages for the alternatives to give context to AUMs and seasons.	Calculating individual pasture acreages for each of the alternatives in order to provide AUMs by season of use is not necessary to support the impact methodology in the EA, which is focused on determining potential effects to resources scoped for the analysis.
32.	South Phillips County Grazing District; Missouri River Stewards	Range of Alternatives (general comment); Common Allotment Management	Commenters pointed to discrepancies in the EA regarding the number of AUMs permitted for the Jacobs Family and APR within the East Dry Fork allotment.	An administrative error in the reported number of AUMs for the Jacobs allotment as reported in the EA (in Sections 2.3 and 3.4.2) has been identified and corrected.
33.	Missouri River Stewards	Consistency with Existing Land Use Plans and BLM Management Direction	One commenter suggested that BLM evaluate the proposed action in the context of existing wild bison-related planning directives and initiatives published by Department of the Interior, such as the DOI Bison Conservation Initiative (2008), the DOI Bison Report (2014), and the DOI Bison Conservation Initiative update (May 7,2020).	Under the grazing regulations, the BLM has no authority to authorize “wild bison”. Through the land use planning process, the BLM can provide habitat for “wild bison”. However, the BLM does not have authority to manage “wild bison” herds or individuals. “Wild bison” are managed by entities with the Federal or state legal authority to do so such as the State of Montana Fish, Wildlife and Parks; the U.S. Fish and Wildlife Service; or the National Park Service. The proposed action is for privately-owned, domestic bison. As such, they are subject to Montana state livestock disease and sanitation laws. Furthermore, Montana law’s definition of “livestock” includes “bison”, Montana Code Annotated, Title 81, Livestock, §81-2-702(5). The proposed action and alternatives require compliance with Montana livestock laws (See section 2.3 of the EA.) and the bison will be rotated and moved through pastures like other livestock authorized on BLM allotments. APR will be required to maintain range improvements and

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
33. (continued)	(see above)	(see above)	(see above)	<p>manage the bison to meet land health standards. Under the BLM grazing regulations at 43 CFR Part 4100, APR will be required to manage the bison as a domesticated livestock herd.</p> <p>The Bison Conservation Initiative (2008) produced a framework for managing bison by the Department of the Interior (DOI) bureaus which articulated a basis for improved management of the species and provided a foundation to strengthen existing and build new partnerships with States, Native American tribes, landowners, agricultural interests, conservationists and others interested in bison. The framework established steps to address the health and genetic composition of DOI bison herds, and acknowledged the ecological and cultural role of bison on the American landscape. It proposed specific actions to better manage and integrate bison populations on select Interior lands.</p> <p>The 2014 DOI Bison Conservation Report provided an overview of all existing DOI bison resources, and where bison conservation planning involving DOI lands is currently under consideration in Arizona, Colorado, Nebraska, New Mexico, and South Dakota. The DOI proposed that innovative collaboration amongst tribes, states, landowners, conservation groups, commercial bison producers, agricultural interests and others interested in bison, will be crucial to build partnerships amidst larger landscapes suitable for ranging bison, while concurrently generating and maintaining sustainable local and regional economies and communities.</p> <p>The 2020 Bison Conservation Initiative (BCI) reaffirms the DOI commitment to both leadership and partnership to ensure the conservation and restoration of wild American bison. Collaborative approaches to ecological and cultural restoration of American bison are central to the BCI. The next steps of DOI bison conservation will be to synergize the science, on-the-ground manager experience, bureau and Department leadership with partners from states, tribal nations, and nongovernmental organizations (NGOs) to implement coordinated conservation action. DOI remains uniquely positioned to play an active role in developing the next stage in bison conservation by working with others to accomplish linked ecological and cultural restoration goals that are both broader and more meaningful than DOI could accomplish on its own.</p> <p>The Hi-Line RMP addressed “wild bison” in context with the 2008 Bison Initiative and the 2014 Bison Report as follows:</p> <p>“A distinction is made between bison that are privately owned and considered livestock and those that are considered wildlife (publicly owned) that fall under the jurisdiction of the State of Montana.</p> <p>The Department of the Interior Bison Conservation Initiative (DOI 2008) provides guidance to address the health and genetic composition of the Department’s bison herds in seven national wildlife refuges and five national parks, which are all outside of the planning area. While the initiative does mention that the “Charles M. Russell National Wildlife Refuge is in the early stages of considering devoting part of the refuge to bison habitat with adjoining landowners, including the Bureau of Land Management,” the USFWS has taken the position that it will not consider reintroducing wild bison on the refuge unless MFWP initiates an effort to restore wild bison on a large landscape (USFWS 2012a).</p> <p>In May 2012, MFWP began the public scoping process for their Statewide Bison Management Plan EIS. The programmatic EIS will examine an array</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
33. (continued)	(see above)	(see above)	(see above)	<p>of possible alternatives from a no action alternative to a number of different bison restoration alternatives (MFWP 2012a). The BLM recognizes the State's role in managing native wildlife and would work cooperatively with MFWP, USFWS, other agencies, partners, and cooperators in the development of a wild bison restoration plan."</p> <p>After the Hi-Line RMP was published, the state of Montana ended its wild bison plan in 2021. In 2021, the Charles M. Russell National Wildlife Refuge (CMR) began a long-term stakeholder engagement and social science research to learn more about interests and perspectives related to wildlife, wildlife habitat, and the potential reintroduction of bison and bighorn sheep on the Refuge. This project will not seek agreement or decide on a plan concerning wildlife, wildlife habitat, or the potential reintroduction of bison and bighorn sheep. There is no decision that the government will be making at this time. (Charles M. Russell National Wildlife refuge website accessed 11/4/21.)</p>
34.	Gallatin Wildlife Association; Private Individuals	Consistency with Existing Land Use Plans and BLM Management Direction	Commenters suggested alternative nomenclature when referring to bison throughout the EA. Specifically, they called for them to be termed "private indigenous animals".	<p>The grazing regulations at 43 CFR 4130.6-4 allow for the permitting of grazing use by privately owned or controlled indigenous animals, which would include bison, so long as that use is consistent with multiple use objectives. Under 43 CFR §4130.7(b), authorized users shall comply with the requirements of the State in which the public lands are located relating to branding of livestock, breed, grade, and number of bulls, health and sanitation. Under Montana law, "Bison" means domestic bison or feral bison and "Domestic bison" means a bison that is not a wild buffalo or wild bison. (MCA 81-1-101)</p> <p>To better clarify this distinction, the terms "domestic indigenous animals" and "indigenous livestock" have been replaced with the term "domestic indigenous livestock" throughout the EA. While BLM recognizes that the term "domestic" does not completely describe the genetic make-up of the animals that APR manages, the term is used throughout the EA to denote bison that are contained within and grazed upon public lands permitted by BLM and to distinguish the animals from free-range or wild bison. This terminology is consistent with agency policy.</p>
35.	United Property Owners of Montana, Inc.	General Effects Analysis	One commenter noted that the EA does not address how the APR bison population will be counted and whether the count each year will be actual or based on an estimate.	<p>The BLM then verifies compliance with the terms and conditions of the permit (including numbers) by allotment inspections and livestock counts through the year (See section 3.4.4, p. 3-22). The permittee submits actual grazing use reports at the end of the grazing season. If discrepancies are noted between actual use reports and allotment inspections, then follow-up investigations are initiated.</p> <p>The following statement has been included in Section 2.1 of the EA. "Periodic vegetation monitoring, compliance checks, livestock counts, land health assessments, and other RMP requirements will occur."</p>
36.	United Property Owners of Montana, Inc.; Montana Department of Livestock	Suggestion for a Specific Change to an Alternative; Consistency with Existing Land Use Plans and BLM Management Direction	Commenters requested that BLM include identification and annual actual use reporting requirements as a condition of permit issuance under the proposed action in order to facilitate Montana Department of Livestock in its statutory duty to regulate the movement, containment, and identification of livestock. These commenters cited concern about proposer identification in the event of bison escaping from APR containments.	<p>Annual actual use reporting is a term and condition of all three action alternatives—see sections 2.3, 2.4, and 2.5. There is also a term and condition under the proposed action that tagging or identification of individual bison would meet the requirements of Montana Department of Livestock. See section 2.3. At this time, there are no other domestic or "wild" bison or buffalo herds in the vicinity of the proposed action. Ownership of the bison has not been in dispute. If other bison or buffalo herds are established in the vicinity of these allotments, then BLM may require additional branding or tagging for the orderly administration of the public lands. Branding or tagging requirements can be implemented by agreement or decision.</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
37.	Montana Wool Growers Association; Valley County Board of Commissioners; Montana Sportsmen for Fish and Wildlife (MTSFW); Private Individuals	Other Laws, Regulations, Policies, or Programs; Public Health and Safety; Recreation	Commenters noted that the EA analysis does not address multiple use concerns for recreation activities, including hunting, fishing, and trapping, nor their compatibility with bison grazing.	Additional discussion of recreation has been added to the EA as Section 1.6.7. The discussion presents rationale for considering and eliminating from further analysis the topic of Recreation. Hunting, fishing, trapping and other recreational opportunities were not raised as issues during the public or internal scoping processes. However, the BLM manages public lands to provide opportunities for commercial, recreational, and conservation activities. This promotes healthy and productive public lands that create jobs in local communities while supporting traditional land uses such as responsible energy development, timber harvesting, grazing, and recreation, including hunting and fishing. Lands contained within the subject allotments are not managed as part of Special Recreation Management Areas (SRMA) or Extensive Recreation Management Areas (ERMA). The land in the area is managed for dispersed recreation such as hunting, hiking, trapping, and birdwatching. The EA in the Public Health and Safety Section 3.4.3 analyzed and disclosed impacts to dispersed recreation activities such as hunting and hiking.
38.	Montana Department of Natural Resources and Conservation; Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Montana Department of Livestock	Taylor Grazing Act; Common Allotment Management	Commenters stated that the EA failed to adequately analyze the removal of existing permit terms and conditions or to fully disclose and analyze additional terms and conditions.	The terms and conditions of the action alternatives are fully disclosed in sections 2.2, 2.3, and 2.4. The differences among the three action alternatives' terms and conditions are analyzed and disclosed in chapter 3 of the EA.
39.	Montana Stockgrowers Association; Petroleum County Conservation District; Montana Wool Growers Association	Best Available Information/ Baseline Data; Other Laws, Regulations, Policies, or Programs	Commenters stated that the EA is over-reliant on one study to support its conclusions concerning riparian impacts from bison grazing and called for BLM to include additional studies to analyze impacts to riparian areas from year-round grazing.	Year-round grazing is not a component of the alternatives. Allotments permitted from 3/1 to 2/28 are often necessary to accommodate deferred and rest-rotation grazing systems. Scientific literature cited in the EA has been augmented to include additional sources that support findings pertaining to riparian impacts and bison grazing preferences. Under the proposed action most allotments would be in some sort of standard rotation or rest-rotation grazing regime. BLM will closely monitor allotments for land health standards. If any allotment is determined to not be meeting the standards for rangeland health, changes would be made to bring it back into compliance. Changes could include additional fencing, rest-rotation practices, or reduction in AUMs.
40.	Fergus County Commissioners	Consistency with Existing Land Use Plans and BLM Management Direction	One commenter stated that the proposed action is inconsistent with guidance in the HiLine District Office Resource Management Plan (RMP) because the RMP is specific to livestock grazing, and privately-owned indigenous animals functioning with a special use permit and cannot be classified as livestock and do not qualify under "livestock grazing management".	The proposed action is consistent with the approved Hi Line District Office Resource Management Plan (RMP). (See section 1.3.) The allotments included in the proposed action are located within the boundary of the RMP. Responding to an application for changes to permit terms and conditions, changing the seasons of use in certain allotments, modifying terms and conditions of grazing permits, changing classes of livestock, and modifying range improvements are all standard actions incorporated in the RMP. The proposed action is consistent with the direction found on page 3-25 and 3-26 of the ARMP, which states: "Adjustments to livestock management practices or livestock numbers including increases or decreases will be made based on results of monitoring studies, rangeland health assessments, allotment evaluations, and through an environmental review process [...] The NEPA analysis for renewals and modifications of livestock grazing permits/leases that include lands within SFA and PHMA will include specific management thresholds based on the Desired Conditions for Greater Sage-Grouse Habitat (habitat objectives) presented in Table 2.2 and Land Health Standards (43 CFR, Part 4180.2) and ecological site potential, and one or more defined responses that will allow the authorizing officer to make adjustments to livestock grazing that have already been subjected to NEPA analysis [...] Adjustments to meet seasonal Sage-Grouse habitat requirements could include: season or timing

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
40. (continued)	(see above)	(see above)	(see above)	<p>of use; numbers of livestock (includes temporary non-use or livestock removal); distribution of livestock use; intensity of use; and type of livestock (e.g., cattle, sheep, horses, bison, llamas, alpacas and goats) [...]</p> <p>Potential criteria for prioritizing permit modifications could include: ‘Is there a request from the permittee to modify the terms and conditions of his/her permit?’”</p> <p>Furthermore, the Final EIS for the Hi Line RMP states, on page 12: “The grazing regulations provide for authorizing grazing permits for privately owned indigenous animals. The BLM has permitted two allotments in south Phillips County for bison. The BLM has also permitted bison on allotments in other areas of Montana, Colorado, New Mexico, North Dakota, South Dakota, and Wyoming. Any future proposals to change the class of livestock from cattle to bison would be considered as provided by the grazing regulations.”</p> <p>The FEIS also states, on page 204:</p> <p>“Bison in private ownership are considered livestock, and as such can be permitted by the BLM (43 CFR 4130.3-2(e). {43 CFR 4130.6-4}. The primary test in making this distinction is whether or not the owner of the animals qualifies as an applicant under the requirements of the grazing regulations. The grazing regulations define qualified applicants and apply equally to all qualified applicants, regardless of the class of livestock.</p> <p>“Privately owned bison may be authorized to graze under the regulations provided it is consistent with multiple use-sustained yield objectives. No scientifically and/or resource management based reason has been identified for why bison should not be permitted to graze BLM land. At the present time, there are no conflicts identified with other resource objectives if bison were permitted to graze. Implementation of a no bison grazing alternative is not considered reasonable or necessary.</p> <p>“As with other classes of livestock, bison grazing may not be permitted where environmental review indicates conflict with resource objectives and attainment of Standards for Rangeland Health.”</p> <p>The Hi Line RMP went through an extensive public process and no formal protest was received about issuing grazing permits for bison run as livestock.</p> <p>As was previously stated, BLM does have the authority to issue special grazing permits under the authority of 43 CFR §4130.6-4. The proposed action is for privately-owned, domestic bison. As such, they are subject to Montana state livestock disease and sanitation laws. Furthermore, Montana law’s definition of “livestock” includes “bison”, Montana Code Annotated, Title 81, Livestock, §81-2-702(5). The proposed action and alternatives require compliance with Montana livestock laws and the bison will be rotated and moved through pastures like other livestock authorized on BLM allotments. APR will be required to maintain range improvements and manage the bison grazing to meet land health standards. Under the BLM grazing regulations at 43 CFR Part 4100, APR will be required to manage the bison as a domesticated livestock herd.</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
41.	Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Private Individuals	Public Health and Safety; Bison Grazing	Commenters expressed concern regarding the need to test and vaccinate animals and noted that the Montana Department of Livestock does not require any brucellosis testing or vaccinating for animals within the project area.	On December 11, 2020, APR entered into an agreement with the Phillips Conservation District that includes a commitment to provide disease testing for 325 bison annually for the first 5 years and scaling back to 150 bison a year for the following 5 years as part of a disease identification and management plan. The agreement also includes tagging of all tested bison, ongoing brucellosis vaccinations, a treatment plan for escaped bison, and annual meetings providing the opportunity for wide-ranging discussions related to bison and grazing.
42.	Smithsonian Conservation Biology Institute; Defenders of Wildlife; Private Individuals	Rangeland Health; Bison Grazing	Commenters suggested that the BLM include an analysis of how bison grazing preferences, such as preference for grasses, differs from cattle grazing preferences and how those differences benefit rangeland and ecosystem health.	On Page 3-30, the EA describes differences in foraging behavior between cattle and bison by describing how, in contrast to cattle, which demonstrate a strong selection for riparian areas, lowlands, and water resources, bison will select higher elevations for grazing. The EA cites a study which found that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations, while bison selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes. A second study was also cited which found that bison also feed almost exclusively on grasses. Additional discussion on forage use can be found in response to concern #44, where the following studies are summarized: Ranglack (2015); Peden et al. (1974); Plumb and Dodd (1993); Van Vuren (2001), Allred et al. (2011). Scientific literature cited in the EA has been augmented to include additional sources that support findings pertaining to riparian impacts and bison grazing preferences.
43.	Smithsonian Conservation Biology Institute; Private Individuals	Bison Grazing; General Effects Analysis	Commenters suggested that the BLM expand year-round grazing study pastures to better inform reintroduction and management of bison herds for both conservation and production.	Expansion of year-round grazing pastures is outside the scope of the proposed action, the purpose of which is to respond to an external proposal submitted to modify terms and conditions on BLM-administered grazing permits held by APR. The proposal includes changes in class of livestock; changes to the authorized seasons-of-use, construction, reconstruction, and/or removal of range improvement projects; adjustments to allotments (such as combining pastures); and administrative actions (such as issuing 10-year grazing permits). The BLM considered an alternative that would allow all allotments in the area to be open to year-round livestock grazing; however, this alternative was dismissed because allotments operate on individual permits, and the permits would have to be formally modified in which case permittees would have to request modifications to their permits on an individual basis.
44.	Montana Public Lands Council; Montana Department of Fish, Wildlife & Parks	Rangeland Health; Bison Grazing	Commenters suggested that in its analysis of fence removal, the BLM should consider herd demographics, forage abundance and quality, and season of use. The analysis should also assess the potential for the bison to escape due to inherent dispersal behavior or the need for additional forage resources.	Impacts from fence removal and proposed changes to the authorized seasons-of-use are described throughout the EA. Regarding forage availability, the BLM regularly performs monitoring and compliance evaluations to ensure that permittees are stocking at specific rates prescribed on individual permits. In addition, during periods of reduced forage (e.g., during drought and following wildfires), AUMs are managed according to procedures described in existing BLM policy (Appendix C, Policy for Administering Public Land Grazing in Montana, North and South Dakota during Periods of Drought). In addition, the EA cites a study by Ranglack (2015) indicating that competition between bison and cattle for shared resources, such as forage, would be minimal. Although their dietary needs and requirements are similar, Bison prefer to graze in the uplands and not riparian areas. Various studies (Peden et al. 1974, Plumb and Dodd 1993, Van Vuren 2001, Allred et al. 2011) have demonstrated that bison, in contrast to cattle, tend to use more open,

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
44. (continued)	(see above)	(see above)	(see above)	<p>upland habitats and avoid forests and riparian areas, spend less time grazing during the growing season, move much greater distances each day and forage over much larger areas, and spend less time at and forage far greater distances from water.</p> <p>The BLM has conducted a classification of public lands to estimate the amount of available forage in the decision area. Generally, livestock allocation levels were estimated to be approximately 30 to 50 percent of the annual vegetation production of area landforms. Following initial surveyed forage allocations, the basis for increasing or decreasing permitted use has been land health evaluations, inventories, and monitoring data (vegetative and levels of use).</p> <p>A discussion of heard demographics is outside the scope of the proposed action, the purpose of which is to respond to an external proposal submitted to modify terms and conditions on BLM-administered grazing permits held by APR. The proposal includes changes in class of livestock; changes to the authorized seasons-of-use, construction, reconstruction, and/or removal of range improvement projects; adjustments to allotments (such as combining pastures); and administrative actions (such as issuing 10-year grazing permits).</p>
45.	United Property Owners of Montana, Inc.	Bison Grazing	One commenter noted that the BLM fails to consider that APR will continue to graze cattle under Alternative B, and instead assumes that APR will only graze bison. Therefore, the EA should analyze the effects of APR utilizing a mix of bison and cattle.	<p>Analysis contained in the EA is directed to the purpose and need for action, which is to respond to an external proposal submitted to modify terms and conditions on BLM-administered grazing permits held by APR. The proposal includes changes in class of livestock; changes to the authorized seasons-of-use, construction, reconstruction, and/or removal of range improvement projects; adjustments to allotments (such as combining pastures); and administrative actions (such as issuing 10-year grazing permits).</p> <p>Co-mingled grazing would likely not occur under Alternative B. The proposed modification from cattle to cattle/indigenous animals is to reflect APR's phased stocking plans over the next ten years, The permit would allow for any combination of cattle or indigenous livestock during the season of use. The BLM considered an alternative in which the permit would allow for grazing in common of APR bison with cattle from other permittees on BLM-administered lands. The alternative was dismissed because such an alternative would not fully meet the purpose and need of the proposed action.</p>
46.	Budd-Falen Law Offices (on behalf of South and North Phillips County State Cooperative Grazing District); Phillips County Commissioners; Private Individual	Public Health and Safety	Commenters expressed concern of the use of electrical fencing and the safety risk presented to other users such as campers, hikers, or hunters. These commenters indicated that gates on BLM allotments currently used by APR are electrified, which is contrary to the EA's description of APR's gates being non-electrified.	<p>All fences pose safety risks to public land users. Barbed wire fences can cause scratches or cuts that increase infection risk, people crossing over buck and pole fences can fall off of them, and electric fences can shock people. Electric fences are common and authorized on a number of BLM allotments throughout the west. Complaints about electrical shocks are rare.</p> <p>As a result of these safety concerns, many design features are included as outlined in section 2.3, p. 2-9, electric fence notification signs would be required at gates and cattle guards. Single cattleguards would be replaced with double cattleguards. Proper signage indicating electrified wire would also be installed. Gates would be non-electrified. Additional features to further ensure public safety would also be incorporated into project design, as needed.</p> <p>To ensure adequate public vehicular access, gates and/or cattleguards would be installed in fences on every publicly accessible road or trail. Additional gates would be installed along fences where access is</p>

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
46. (continued)	(see above)	(see above)	(see above)	recommended by BLM. As a general rule, at least one gate should be installed every 0.50 mile and in sharp angle corners. APR will be required to install additional gates, stiles, or fence ladders where additional public access may be needed in order to ensure public safety.
47.	Smithsonian Conservation Biology Institute; Montana Audubon	Fish and Wildlife	Commenters expressed concern over the decline of native grassland avian species and supported the use of managed bison grazing to reverse the trend of habitat fragmentation by reintroduction of a native ungulate species to the landscape.	In Section 3.4.1. of the EA, a discussion of existing conditions and effects to special status species, including birds, includes a reference to peer-reviewed literature (Knapp et al. 1999) explaining that diversified vegetation and an increase in native plant species could increase the availability, quality, and continuity of wildlife habitat by providing habitat features for a greater diversity of wildlife and more areas suitable for foraging, nesting, and cover.
48.	Montana Department of Fish, Wildlife & Parks; Montana Department of Livestock; PhillCo Economic Growth Council; Montana Sportsmen for Fish and Wildlife (MTSFW); Private Individuals	Fish and Wildlife; Public Health and Safety; Rangeland Health; Bison Grazing; Lands and Realty; Monitoring, Maintenance, and Adaptive Management	Commenters called for additional discussion of diseases that area wildlife might transfer to bison and analysis as to how APR's herd management goals might impact disease transfer, either to other livestock or to wildlife.	Section 3.4.2 of the EA, Common Allotment Management, presents a detailed description and analysis of potential disease transfer, which incorporates the best available science and information. The following diseases may infect bison and are transmissible to other livestock: anthrax, bluetongue, bovine anaplasmosis, bovine brucellosis, bovine spongiform encephalopathy, bovine tuberculosis, bovine viral diarrhea, John's disease, and malignant catarrhal fever. In Montana, brucellosis is the main disease of concern that affects the management of bison. Bison are authorized and managed as livestock and must comport with all Montana Department of Livestock regulations pertaining to disease control and sanitation. Cooperation with state agencies is required pursuant to BLM grazing regulations at 43 CFR 4120.5-2. Pursuant to this requirement, on December 11, 2020, APR entered into an agreement with the Phillips Conservation District, which includes a commitment to provide disease testing for 325 bison annually for the first 5 years, scaling back to 150 bison a year for the following 5 years, as part of a disease identification and management plan.
49.	Montana Land and Water Alliance	Water Resources	One commenter suggested that no permits be issued until ambiguity over existing water rights on lands utilized by APR are settled by the Montana Water Court.	As described below, there is sufficient water as well as existing rights to use the water which enable the BLM to issue permits for grazing. As stated within the Affected Environment write-up for Rangeland Health (Section 3.4.4 of the Draft EA), it is a BLM objective to ensure water is available for authorized beneficial uses. The State of Montana's Water Management Bureau conducts hydrologic assessments of Montana's surface water and groundwater resources, develops the State Water Plan, and supports development of water resource planning studies. Water rights are administered either by Montana's DNRC New Appropriations Program or by the Montana Water Court. Montana has authority to control or close river basins and groundwater aquifers to certain types of water appropriations because of water availability problems, water contamination problems, and a concern for protecting existing water rights. BLM does not prohibit cattle grazing on other allotments while basins are being adjudicated. The BLM allotments considered in the Draft EA cover ground across Montana's 40E, 40EJ, and 40M water right basins. There are no basin closures in the 40E and 40EJ basins, though the Fort Belknap Tribe – Montana Compact Closure does encompass the 40M basin. The Reserved Water Rights Compact Commission negotiated with the Fort Belknap Tribe and there are stipulations in the 40M basin that close certain sources of water to new appropriations and regulate certain groundwater withdrawals. There are also exceptions for various types and quantities of appropriations that do enable responsible issuance of livestock grazing permits on BLM administered land across the 40M basin. The compact closure in the 40M basin grandfathers in existing stock reservoirs and wells and the majority of

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
49. (continued)	(see above)	(see above)	(see above)	<p>potential new developments on BLM administered land are within the confines of the closure (surface water storage; stock developments of 15 acre feet or less, and groundwater developments of 35 gallons per minute or less).</p> <p>Montana's Statewide adjudication process was initiated with the 1979 passage of Senate Bill 76. The BLM has been effectively issuing and managing livestock grazing permits in the 40E, 40EJ, and 40M basins since that time. Until the adjudication of a stream is completed by the Water Court and until all the objections are settled, water commissioners must rely on historical decrees and prima facie water right claims, filed with the DNRC to enforce water use. The Montana Water Court has the exclusive authority under Montana's Water Use Act to decree and adjudicate (resolve) objections to, or issues on existing water rights (those with dates of first use, called priority dates, before July 1, 1973). The Montana Department of Natural Resources and Conservation (DNRC) is required to help the Montana Water Court in understanding the who, what, where, why and how of each old water right. Once the DNRC completes the examination of water rights in a basin, the Water Court will issue the water right decree for that basin. Unclear or incomplete information remarks on the abstracts of any water rights in the decree will be required to be resolved by the Water Court.</p> <p>Guidelines and procedures for decision making during drought conditions are provided in Appendix D of the Draft EA. At the state level, the Governor's Drought and Water Supply Advisory Committee serves as a clearinghouse for information on water supply conditions and drought mitigation actions.</p> <p>Direct and Indirect Environmental Consequences of all alternatives for Riparian-Wetland Habitat are listed in Section 3.4.5 of the Draft EA.</p> <p>Based on all of the preceding information there is sufficient water and rights to use the water, therefore the BLM can still issue permits for grazing.</p>
50.	Missouri River Conservation Districts Council	Riparian-Wetland Habitat	One commenter noted data inconsistencies in the Kohl et al. 2013 reference used to assess possible improvements in vegetation heterogeneity from bison grazing within the project area.	On Page 3-30, the EA describes differences in foraging behavior between cattle and bison by describing how, in contrast to cattle, which demonstrate a strong selection for riparian areas, lowlands, and water resources, bison will select higher elevations for grazing. The EA cites a study which found that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations, while bison selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes. A second study was also cited which found that bison also feed almost exclusively on grasses.
51.	Prairie County Cooperative State Grazing District; Missouri River Conservation Districts Council; South Phillips County Grazing District; Private Individuals	Rangeland Health; Riparian-Wetland Habitat; Cattle Grazing; Bison Grazing	Commenters suggested that the BLM should not assume the impacts from bison grazing to riparian-wetland habitat would be the same as from cattle and should analyze whether bison grazing will meet standards and conform to guidelines on riparian-wetland habitat on BLM-administered land.	On Page 3-30, the EA describes differences in foraging behavior between cattle and bison by describing how, in contrast to cattle, which demonstrate a strong selection for riparian areas, lowlands, and water resources, bison will select higher elevations for grazing. The EA cites a study which found that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations, while bison selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes. A second study was also cited which found that bison also feed almost exclusively on grasses.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
52.	United Property Owners of Montana, Inc.	Riparian-Wetland Habitat	One commenter noted areas in the EA that are contradictory regarding the effects of bison grazing on riparian areas. Specifically, the EA claims that the impacts from bison around water will be similar to those from currently permitted kinds of livestock, but it also states that bison use riparian areas less intensively than cattle. In addition, the EA claims that "bison will select higher elevations for grazing," but it later states that bison year-round distribution is away from higher elevation steep-slope areas.	The discussion of effects of bison grazing in riparian areas attempts to capture the nuance of findings contained in studies cited in the discussion and is not contradictory. For instance, Kohl and others (2013) noted that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations. Bison, by contrast, selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes; and they tend to utilize more level areas available throughout the year.
53.	Montana Public Lands Council	Rangeland Health	One commenter expressed concern that the removal of fences is contradictory to BLM guidance and suggested that the BLM provide further explanation in the EA as to beneficial impacts of fence removal.	<p>Fence modifications, including removal, are a standard and common practice on BLM-managed allotments. The BLM Fencing Manual (H-1741-1) states that fencing is just one of several means of controlling animals to achieve resource management objectives (Chapter 1). The BLM has the authority under 43 CFR §4120.3-1 to require range improvements to, be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management. In this case under the proposed action, several miles of fence would be constructed, modified, or removed to facilitate this grazing plan.</p> <p>On Page 3-16, the EA states that modifying or reconstructing 79.6 miles of fencing (43.9 miles reconstructed and 35.7 miles reconstructed as electric only) would provide for the secure containment of bison within designated pastures and adequate separation from adjacent allotments. This constitutes a beneficial impact to common allotment management.</p> <p>Further beneficial effects are described on Page 3-10, where the analysis finds that fencing would decrease wildlife habitat fragmentation, facilitate wildlife passage, improve big game migration, and also improve habitat for special status species, such as Greater Sage-Grouse, that rely on large and contiguous areas of habitat to support home ranges and/or migration routes. As stated in the EA: "Modifying or reconstructing 79.6 miles of fencing (43.9 miles reconstructed and 35.7 miles reconstructed as electric only) to meet specific standards according to MFVP's wildlife friendly standards (Appendix B, Fence Design and Maintenance) would improve the condition of big game migration habitat because, although standards for fencing have been in place for many years, modifications and enhancements would facilitate wildlife passage (Paige 2012)." Fence removal would also decrease the availability of perches for avian predators in the area, which would potentially decrease mortality of Greater Sage-Grouse and other special status wildlife species that are vulnerable to avian predation.</p>
54.	Montana Cattlemen's Association	Rangeland Health	One commenter noted that the EA does not provide evidence for the following claim, "Alternative B would contribute incrementally to beneficial cumulative effects on wildlife and their habitats."	The statement regarding incremental benefit is tied to a subsequent statement contained within the same paragraph in the EA, on Page 3-11, which states that continued removal or modification of fences, along with their conservative grazing utilization thus far, should lead to improved habitat conditions for most wildlife species. Specifically, impacts would include improved habitat conditions due to increased vegetation diversity and improved riparian conditions.
55.	Phillips County Commissioners; Private Individual	Common Allotment Management; Rangeland Health	Commenters noted that "APR Grazing Units" are not official BLM allotments and suggested that the term should not be used.	The use of APR grazing units in the project description to describe the proposed action and to identify locations is intended to provide clarification to the reader. Specific BLM allotment names and numbers within the APR grazing units are presented in tables throughout the Chapter 2 discussion of alternatives.

Concern ID	Individual(s) and Organization(s)	Issue Categories	Concern Statement	BLM Response
56.	North Blaine County Cooperative State Grazing District; Private Individuals	Best Available Information/ Baseline Data; Consistency with Existing Land Use Plans and BLM Management Direction; Bison Grazing	Commenters noted that the BLM fails to consider historical information and data for bison grazing and corresponding effects on rangeland vegetation.	<p>The EA utilizes the following historic data and information regarding rangeland health conditions on the allotments in question:</p> <ul style="list-style-type: none"> • The July 27th, 2016 Land Health Assessment Report for the Malta Field Office. • The April 3rd, 2019 Beauchamp Watershed Area Land Health Assessment Report. <p>Additionally, on Page 3-30, the EA describes differences in foraging behavior between cattle and bison by describing how, in contrast to cattle, which demonstrate a strong selection for riparian areas, lowlands, and water resources, bison will select higher elevations for grazing. The EA cites a study which found that cattle spent significantly more time at water than bison and demonstrated strong selection for water resources and low elevations, while bison selected for water sources and areas of higher elevation, while avoiding roads and steeper slopes. A second study was also cited which found that bison also feed almost exclusively on grasses.</p>

Table A-2. Changes to EA in Response to Comments

Concern ID	Change Made
1.	The text of the EA, Section 1.2, which describes how the proposed action is in compliance with the Taylor Grazing Act, has been further augmented for clarity.
10.	To provide clarification in the EA, the following text was added to additional terms and conditions under Alternative C in Section 2.4: “The Telegraph Creek allotment would remain on a 3/1 to 2/28 grazing schedule, and all current fencing will remain in place. Pastures would be grazed year-round. Monitoring would be established to allow BLM the ability to study bison movements in a year-round grazing system with internal fences in place.”
11	The description of APR’s holdings has been updated in Section 3.3.2 of the EA to read as follows: “APR reports deeded holdings of 117,611 acres and 334,817 acres of state and federal leases.”
23	The following text was added to the discussion of Rangeland Health (in Section 3.4.4) under alternatives B and C: Changes in grazing season length (e.g., extending early season grazing from May to April) would increase grazing intensity on some allotments. This extension of the grazing period is not expected to result in adverse effects on rangeland health, however, given the ability of the authorized officer to modify terms and conditions of the permit or lease when the grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives. In addition, terms and conditions may be modified if additional information indicates that revision is necessary to the Standards of Rangeland Health, as described in 43 CFR 4180 (Code Public Lands).
34	Throughout the EA, the terms “domestic indigenous animals” and “indigenous livestock” have been replaced with the term “domestic indigenous livestock”.
37	Additional discussion of recreation was added to the EA as Section 1.6.7. The discussion presents rationale for considering and eliminating from further analysis the topic of Recreation.

This page intentionally left blank.