January 7, 1977

George Turcott, Associate Director
George Lea, Deputy Assistant Director
for Resources
Kay Wilkes, Chief, Division of
Range
Dave Walter
Bureau of Land Management
Department of the Interior
Interior Building
Washington, D.C. 20240

Gentlemen:

At our meeting in San Francisco on December 14, 1976, and again in our telephone conversation on January 5, 1977, NRDC and BLM representatives have discussed the following issues: (1) the Bureau's plans with respect to the Challis impact statement; (2) the contents of the livestock grazing environmental impact statements ("EIS's") in general, including questions raised concerning the kinds of alternatives which each should consider and the necessity of each to analyze the capacity of proposed allotments to support any level of livestock grazing; and (3) the Bureau's proposal to make substantial changes in the current schedule for preparation of grazing EIS's which was approved by Judge Flannery in his final judgment in NRDC et al. v. Morton et. al., 388 F. Supp. 829 (D.D.C. 1974).

The purpose of this letter is to set forth our concerns with respect to each of these issues, as well as to indicate the relationships between them in the hope that we will be able to reach a mutually satisfactory agreement on all. Our views on these matters may be summarized as follows, and are discussed in detail following this summary.
(1) The Challis statement.

According to George Lea, the final version of the Challis statement will be submitted to the Council on Environmental Quality on Monday, January 10, 1977, in accordance with the Bureau's second proposed notice of deviation from the EIS schedule. Based on our review of the draft and statements by Bureau personnel concerning the final EIS, it is unlikely that the final will satisfy the requirements of the National Environmental Policy Act of 1969 ("NEPA") as applied to the BLM's livestock grazing programs. Indeed, the "notice to reviewers" which will be included in the statement, and which was read to us over the telephone, virtually admits that the document is inadequate under NEPA. Moreover, when Director Berklund spoke with Johanna Wald in Reno, Nevada, on November 9, 1976, he voiced his extreme displeasure with the quality of the document and stated that it would be "lousy."

Unquestionably, both NEPA and Judge Flannery's decision require the preparation and publication of an adequate final EIS on livestock grazing in the Challis Unit. See, e.g., 388 F. Supp. at 841. Issuance of an inadequate final statement, with or without the notice which was read to us over the telephone, will not satisfy this requirement. Under the circumstances, it is clear that the BLM must either rewrite the entire statement or prepare a supplement to it, which remedies the defects of the final version. In the notice read to us, the Bureau fails to make any commitment to do either. In addition, the notice fails to establish a time frame in which the requirements of NEPA will be met.

NRDC and the other plaintiffs in the grazing suit will be compelled to return to court to obtain a judgment declaring the Challis EIS inadequate and establishing a schedule for issuance of a revised version or a supplement, unless we can reach an agreement with the Bureau on the precise course of action which the agency will follow with respect to the statement after January 10, 1977.
(2) The contents of grazing EIS's.

If we are unable to reach agreement with the BLM, litigation challenging the adequacy of the Challis EIS would be based on the following grounds, among others: (1) the failure of the EIS to consider meaningful alternatives to the amount of livestock use contemplated in the proposed action, and (2) its failure to analyze the capacity of any of the land in the Unit to support the levels of livestock use involved in the proposed action and any of the "alternatives" involving grazing which the statement considers.

We have already filed comments on the Challis draft which discuss these problems in detail. These same defects exist in the draft EIS on grazing in the San Luis, Colorado Resource Area and the preliminary draft EIS on the Tonopah, Nevada Study Area, both of which we recently reviewed. Our comments on the San Luis draft are set forth below as a further illustration of our concerns. Again, it is our hope that we can reach agreement with the Bureau on the manner in which these essential elements of future grazing EIS's will be handled.

(3) The proposed changes in the EIS schedule.

The Bureau has asked us to agree to substantial changes in the existing schedule for preparation of grazing EIS's. These changes involve alterations in the boundaries of areas to be covered by future statements, as well as a significant reduction in the total number of statements that will be prepared over the next 13 years. We are primarily concerned, however, about the extent to which the proposed schedule differs from the existing schedule in both the number of statements that will be produced and the acres of Public Lands that will be covered thereby in 1979 and 1980. Under the proposed schedule, we would have to wait seven years, until Fiscal Year 1983, for the cumulative total of acres covered by final statements to equal the amount which would be covered in only five years if the current schedule is followed. The preliminary responses of our clients in the grazing suit to the proposed schedule indicate that they share this concern. If this problem can be alleviated, we would expect that an agreed-upon schedule
would be part of the same agreement resolving the issues described above.

DETAILED DISCUSSION OF THESE ISSUES

A. The Challis Statement

The final version of the Challis EIS has not been released as of this date, but there is every indication that the final has not remedied the serious deficiencies in the draft. Indeed, we wonder whether the Bureau's lawyers would even dispute the inadequacy of the Challis statement, if a suit were filed challenging its sufficiency as a matter of law. If this did become an issue, however, perhaps the most compelling evidence of the document's failure to meet applicable legal standards would come from the Bureau itself -- e.g., the "notice to reviewers," Director Berklund's statements about the EIS, and the statements of other Bureau employees about its defects. In addition, the inadequacy of the draft EIS is attested to by the comments of most of the individuals and organizations who reviewed it, including professional range scientists and the Council for Agricultural Science and Technology.

As indicated above, NEPA requires federal agencies to prepare adequate analyses of the environmental impacts of major actions proposed by them, and alternatives thereto. In NRDC v. Morton, the Court found that the Bureau's yearly issuance of domestic livestock grazing permits was a major federal action which "clearly may have a severe impact on local environments." 388 F. Supp. at 834. Accordingly, the Court ordered the BLM to "prepare, publicly circulate and consider" site-specific environmental impact statements on grazing "which satisfy the National Environmental Policy Act in all respects". Id., at 841 (emphasis added).

The Bureau surely cannot dispute its obligation to prepare adequate final EIS's. Indeed, in its request for additional time to prepare the final version of the Challis statement, the Bureau represented that this time was necessary to enable the EIS "to fully comply with the requirements of NEPA. . . ." Second Notice of Proposed Deviation, p. 3. Moreover, Assistant
Director Koenings, in his affidavit in support of the extension, not only acknowledged the need for the final statement to "fully" comply with NEPA, but stressed the fact that "it is important that this initial EIS . . . be properly prepared to provide a basis for future livestock grazing EIS's. . . ." (Koenings affidavit, p. 2). Unfortunately, however, according to Bureau reports, it appears unlikely that the statement will meet the requirements established by Judge Flannery's opinion.

It is beyond question that the mere inclusion of the "notice to reviewers" which was read to us will not remedy any defects. Moreover, the fact that this disclaimer promises that no final action with respect to the proposed grazing management will be taken until additional data is obtained, ignores Judge Flannery's explicit requirement that the environmental impacts of existing grazing be adequately analyzed in the final EIS's filed on schedule. Final Judgment (June 18, 1975), § 7, pp. 3-4.

NEPA mandates that "major federal actions" be taken only when it can be assured that the officials responsible for deciding whether to proceed have considered all relevant factors. The implementation of major action prior to the completion of an adequate environmental analysis makes a "mockery' of the procedural mandates of NEPA." NRDC v. NRC, 8 ERC 2065, 2079 (2d Cir. 1976). As Judge Flannery's final judgment makes clear, existing livestock grazing activities -- i.e., the continued issuance of permits for livestock grazing at current levels and pursuant to current management -- are major federal actions. Hence, a promise not to implement proposed management actions while at the same time continuing "current" management activities in no way meets the requirements of Judge Flannery's order.

It is clear as a matter of law that inadequate EIS's must be rewritten or supplemented prior to the taking of a major federal action. See, e.g., NRDC v. NRC, supra, 8 ERC at 2076; NRDC v. Morton, 377 F. Supp. 170, 172 (D.D.C. 1972).

NRDC v. NRC, supra, is directly applicable to the instant situation. The Nuclear Regulatory Commission had decided to prepare an EIS on the wide-scale use of mixed oxide fuel in nuclear reactors. Although the draft version of the statement
constituted a "herculean undertaking," it was "generally conceded"
to be inadequate. 8 ERC at 2069. Accordingly, in addition to
the preparation of a final statement, the Commission represented
that it would prepare a supplement to the original draft. Id., at
2070. Prior to the issuance of the final or supplement,
however, it proposed to issue interim licenses for certain facili-
ties. The court held that the interim licensing proposed by
the Commission constituted a major federal action (Id., at 2079)
and that the draft constituted "a legally insufficient
environmental impact statement". Id., at 2077. Accordingly, it
refused to allow the interim licensing prior to the issuance
of an adequate environmental analysis.

If an agreement could be reached on the preparation of a
supplement to the Challis EIS on a timely basis, we would not
suggest that livestock grazing must be halted in the interim --
although that is clearly an available remedy in court under
NRDC v. NRC. For present purposes, the point is simply that it
will not suffice for the Bureau to say that, at some unspecified
date in the future, it will determine whether or not to prepare
a supplement to the Challis EIS. Accordingly, we propose that
the Bureau agree that, by a certain date, it will issue a supple-
ment which will remedy the defects of the final statement in the
particular respects discussed below.

B. Contents of EIS's: Alternatives And Grazing Capacities

The opinion in NRDC v. Morton illustrates clearly the
court's recognition of the environmental problems associated with
livestock grazing on the Public Lands, its concern for the
resources involved and its conviction that the Bureau has
failed to fulfill its obligation to properly manage these lands
and their resources.

Against a background of substantially uncontroversed
evidence detailing the "damage that has occurred from over-
grazing and improper land management," even where the Bureau's
land planning procedures have been followed (388 F. Supp. at
834), the court specifically noted that "the crucial questions"
raised by the lawsuit "are whether [resource deterioration resulting from grazing] can be allowed to continue and whether it will be exacerbated by continued grazing." Id., at 840, note 22 (emphasis added).

Accordingly, the court ordered the BLM to prepare legally sufficient environmental statements which discuss in detail "all existing or proposed livestock grazing," and "all reasonable alternatives thereto." Final Judgment, pp. 3-4. In so doing, the court stated that each of the required statements would have to provide the local decision-maker with the data necessary to analyze "all of the specific and particular consequences of" licensing livestock to graze a given area as well as "the alternatives available to him." 388 F. Supp. at 838-839. The court stated that the statements must allow "those who are not part of the decision-making process to adequately evaluate and balance the factors on their own." Id., at 839.

As Judge Flannery noted, two issues are involved in the application of NEPA to the Bureau's grazing programs: whether the continuation of livestock grazing will adversely impact the resources of a given area, and whether any of the adverse impacts of grazing, with or without mitigation, will be allowed to take place. Accordingly, EIS's on grazing must supply information designed to allow both decision-makers and the public to answer two questions: (1) How much grazing, if any, should be permitted in the areas involved? And, (2) How should the amount permitted be managed? In order to answer these questions, the EIS's must, above all else, contain a legally adequate analysis of properly selected, meaningful alternatives to the amount of grazing involved in the proposed action, as well as a rigorous assessment of the capacity of each proposed grazing area to support that use at any given level.

1. Alternatives.

Consideration of alternatives has been referred to as the "linch-pin" of the environmental assessment procedure mandated by NEPA. Monroe County Conservation Council v. Volpe, 472 F.2d 693, 697-698 (2d Cir. 1972). The courts have consistently recognized the overriding importance of this element of the
NEPA process. They have uniformly disapproved of impact statements in which the consideration of alternatives is little more than a pro forma exercise or post-hoc rationalization of decisions previously arrived at in the absence of the environmental impact analysis required by NEPA. They have insisted that statements contain the "detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives" that NEPA was expressly intended to require. NRDC v. Calloway, supra, 8 ERC at 1283.

In his opinion in NRDC v. Morton, Judge Flannery also recognized the importance and necessity of the consideration of alternatives to existing and proposed levels of grazing. He noted, for example, that the programmatic EIS

"in no way insures that the decision-maker considers all of the specific and particular consequences of his actions or the alternatives available to him. The proposed [programmatic] EIS does not provide the detailed analysis of local geographic conditions necessary for the decision-maker to determine what course of action is appropriate under the circumstances." 388 F. Supp. at 838-839

Moreover, he specifically found that the Bureau's grazing procedures, as revealed in licenses, the Manual and the Range Code, "do not . . . provide the local decision-maker with the data necessary to analyze the alternatives open to him and their consequences." Id. at 839. (Footnote omitted).

However, the San Luis draft, like the Challis draft which preceded it, fails to analyze the kinds of alternatives required by NEPA and by Judge Flannery's decision. The proposal analyzed in the San Luis draft is the licensing of livestock grazing at the level of 34,626 AUMs on certain lands in Colorado. The alternatives to this proposed action which the draft considers include the elimination of livestock grazing and six others, each of which involves more than 31,000 AUMs of livestock use. Although several of the alternatives involving grazing which are examined in the draft -- particularly, the wildlife effective, watershed effective and balanced multiple use management alter-
natives -- purport to embody concepts which might profitably be considered in all grazing statements, the draft distorts these alternatives by assuming as a given, in each instance, continued grazing approximating current levels. As George Lea so aptly put it in our telephone conversation, they are in fact alternative ways of carrying out the proposal and not alternatives to the proposed action.

and constitutes a blatant disregard for NEPA's goals and requirements.

The San Luis draft's treatment of the alternatives is inadequate on its face for several reasons. First, the document fails to demonstrate that the actual management "alternatives" which are considered were, in fact, selected solely to achieve the expressed objective(s) and constitute all the actions necessary to achieve the aims of each. For example, the wildlife effective alternative involves allocating only 871 more AUM's for wildlife than are allocated under the proposed action. Like that action, this alternative would actually result in more AUMs being allocated to livestock than were actually used in 1975. In addition, while the alternative contemplates the revision of 27 AMPs "for resolution of adverse impacts and to further enhance the various wildlife resources," (Alternative E, p. 1), it considers no changes in any of the remaining 138 areas and associated management actions involved in the proposed action.

The draft purports to set forth the criteria used to determine which AMPs needed revision to achieve the stated objective -- e.g., season of use, class of livestock and amount of grazing. However, it makes no attempt to apply these criteria to any of the allotments in the San Luis Area, including those selected for revision. It does not explain how the various percentages by which livestock grazing would be reduced in the selected allotments were arrived at. Nor does it explain why other discrete alternative actions which would minimize the adverse impacts of grazing on wildlife, such as elimination of fences or implementation of different grazing systems, were not also considered as part of this alternative. In sum, the draft requests readers to believe in the effectiveness and comprehensive
nature of the actions proposed in this alternative, without demonstrating that such belief has a rational basis.

Quite apart from the fact that such explanations are required by law, they are necessary for an understanding of the relationship between all of the alternatives considered in the draft. Unfortunately, the draft lacks "a concise statement of the merits and demerits of each [alternative] as compared with" the proposed action as is required by NEPA. NRDC v. Calloway, supra, 8 ERC at 1284.

With the exception of an alternative dealing with elimination of grazing entirely, all of the alternatives involve more than 31,000 AUMs of livestock use, and most of them involve an increase over the estimated actual grazing use of 1975. As was the case with the alternatives considered in the draft version of the Challis statement, a comparison of the livestock forage allocations involved in the various alternatives considered here suggests that the desire to maintain livestock use at, but preferably above, current actual use levels played a significant part in their development. This comparison suggests that the alternatives presented in this draft are not, in fact, what they purport to be. In other words, it suggests that the wildlife effective alternative, for example, is not an alternative designed to manage the San Luis Resource Area primarily for optimum wildlife production, but rather that it is an alternative designed to maximize wildlife given a certain amount of livestock grazing use.

At our December 14, 1976 meeting, BLM representatives initially stated that the Bureau intended to consider as alternatives only those which embodied the land use allocations already made in the MFP. Any arbitrary restriction of alternatives considered in this and any other EIS on grazing to those which approximate as closely as possible the forage allocations made in the applicable MFP is a clear violation of NEPA. The mere fact that the Bureau has determined that this and all grazing EIS's will deal with the AMP's, rather than MFP's, does not mean that the basic forage allocation of the MFP's can forever be insulated in all respects from "the 'finely tuned' and
'systematic balancing analysis' mandated by NEPA." NRDC v. Morton, supra, at 840. 1/

The Bureau has indicated that it may be willing to include alternatives in each EIS which would consider respectively 50 and 25 per cent reductions in current levels of grazing. This approach may afford a basis for resolving this issue between us assuming that in other respects the consideration of alternatives is not infused with the assumption that current grazing levels must continue.

2. Grazing Capacities.

It is clear that the impact statements must present the data available about each given area, assess the reliability of the data and analyze, in a comprehensive manner, what that information indicates about the uses and management of the resources involved, including how forage allocations among competing uses should be made. Like the Challis draft, the San Luis draft fails to perform this task.

For example, the fact that the Bureau proposes to use grazing to improve the current condition of the resources of the area does not relieve the Bureau of the obligation to explain or analyze the decision to use grazing as a management tool. The validity of this decision, and in particular, the capacity of these lands to support grazing at any level cannot be assumed; nor can it be inferred from the benefits which are predicted to result from the proposed grazing or from the objectives of the MFP.

Similarly, the fact that grazing was eliminated from nine allotments by the AMP authors, despite MFP recommendations to the

1/ It should be noted that the "no grazing" alternative is useful because, if properly analyzed, it will provide essential baseline environmental information against which to measure the results of all the other alternatives considered, including the proposed action. Of course no one really expects the BLM to totally eliminate grazing entirely in the San Luis Resource Area or any other of the broad areas to be covered by the forthcoming EIS's. Hence, the San Luis EIS really considers no practical alternatives at all to the basic level of grazing in the proposed action.
contrary, as the result of "a closer examination of the allotments with respect to steepness of slope, wildlife needs and erosion condition of the soil surface," (p. I-84), does not mean that the Bureau is entitled to ask readers of this statement to assume that grazing is a proper use of the remaining allotments and that the proposed grazing levels and systems are also proper. A rigorous analysis of the capacity of a particular area to support livestock grazing at the proposed level is essential to the preparation of an adequate EIS. The statement must demonstrate that the proposed allocations of forage to livestock are in fact proper. As stated in the Bureau's Instruction Memo # 75-407, "Updating Range Management Policy Guidance," "Initial stocking rates are of the utmost importance and must not exceed the existing livestock grazing capacity of the allotment."

However, the draft never analyzes the capacity of any of the areas, given their resources and their current conditions, to support the levels of livestock use or the intensities involved in the proposed action or any of the six alternatives involving grazing which it considers. For example, the draft never analyzes the capacity of the proposed Ra Jadero Canyon allotment to support 621 AUM's of cattle use (p. I-13), given the facts that its current erosion condition is "critical," that 4/5 of its range resource is in fair condition, and that one-fifth is in poor condition. (pp. I-33, II-76). In addition, the draft analyzes the capacity of the resources of this allotment to support the increased intensities of use that will result from the three pasture rest-rotation grazing system that is proposed for it. Similarly, although the proposed Big Horn Creek, Railroad and Llano Allotments are in critical erosion condition (pp. I-34-35) and the total acreage in each is in poor vegetative condition (p. II-76), the ability of these allotments to sustain the proposed grazing use is never analyzed. Here too, the fact that the proposal involves reducing livestock use on the Railroad and Llano Allotments does not mean that the actual allocations need not be explained and that the existence of the allocated forage need not be demonstrated.
An analysis of the capacity of an area to support domestic livestock grazing is also necessary to permit an understanding of why particular grazing systems were selected for the areas involved. The draft seems to recognize its obligation to present an explanation of this process. (p. I-39). However, it merely summarizes the "major points considered in selecting" the various systems (Id.), instead of applying those points to each specific area.

In addition, the kind of analysis referred to above is an essential adjunct to the kind of analysis of the applicable MFP which is required by NEPA. Unfortunately, such an analysis is not contained in the draft. As indicated above, the Bureau cannot ask readers to assume that the decision to use grazing as a management tool is correct. Moreover, as we have previously pointed out, all grazing EIS's must contain a description of the goals, objectives and constraints of the applicable MFP. See, e.g., our comments on the Challis Draft EIS, pp. 6-9. The instant draft purports to do this, and in fact its discussion of the MFP represents an improvement over the discussion contained in the Challis draft. However, it fails to contain the kind of detailed analysis of the MFP that is necessary for an understanding of the land allocations made therein and their validity.

For example, the draft summarizes the "grazing management objectives and constraints" used in the preparation of AMP's. However, even where this summary indicates that the applicable MFP made specific recommendations concerning particular allotments, the draft does not identify those allotments. (p. I-83.) Similarly, it identifies "general goals for grazing management" (pp. I-83-84), but it does not identify the site-specific goals for each allotment that were developed in the MFP's. Finally, the draft does not relate these goals, objectives and constraints to the existing resource conditions of the Resource Area.

2/ The draft implies that Table 1-4 contains these goals as they were determined by the MFP's. If this implication is in fact correct, it should be affirmatively stated.
As indicated previously, the fact that the draft concedes that "some deviations from the grazing recommendations" contained in the MFP's were made during preparation of the AMP's (p. I-84), does not mean that there is no necessity to demonstrate the rationality of the unchanged decisions in the site-specific manner described above.

Similarly, it should be noted that it is not satisfactory to merely assert, as this draft does, that certain results can be expected to result from adoption of the proposed systems or alternatives thereto. Even assuming that the draft contains sufficient, accurate baseline data about the resources of the instant area to enable reliable predictions to be made about the impacts of alternative grazing management actions, the statement must describe the precise procedures which were used to produce the results it claims will follow the implementation of any of the various actions. For example, the draft refers to the fact that 10 AMPs already exist in the San Luis Resource Area, and asserts that "trend analyses and range studies being conducted" on these allotments "form the basis for calculating the vegetative changes predicted as a result of the proposed action." (unnumbered insert for p. 111-19) However, no specific information about these studies, such as the length of time they have been conducted, is supplied. None of their specific findings are reported and no description of the way in which those findings were utilized is given. Instead, the draft merely asserts that the cumulative effects of the proposed program will include a 350 percent increase in range in good condition and a 5-19% increase in vegetative cover. (p. 111-20) While we would hope that this result would occur if the proposed program were implemented, the fact remains that the draft must demonstrate the likelihood of its occurrence, rather than ask the public to believe an unsupported assertion.

This same criticism is, as indicated, applicable to the results predicted for all of the alternatives considered in the draft. The discussion of the impacts of eliminating grazing, for example, contains no analysis of the methods used to determine
the predicted changes in sediment yield and in range condition. Indeed, the discussion of the environmental impacts of this alternative consists almost entirely of generalities or unsupported assertions, with no references to specific land areas. Although a few studies are cited to demonstrate the beneficial effects of livestock grazing as a tool for "wildlife production" and for fire suppression (p. VIII-23) no attempt is made to relate the specific findings and conditions of these studies to the environment of the San Luis Resource Area. Moreover, inasmuch as the draft predicts that only minimally beneficial effects will result from eliminating grazing, the Bureau must recognize that it bears a heavy burden to justify this prediction. Cf. the discussion of this alternative in the Challis draft and in the Second Pre-Draft Programmatic Statement at pp. VIII-15-17.

Ever since our investigation of the Bureau's livestock grazing programs began, more than 4 years ago, we have consistently challenged the agency's refusal to provide the kinds of data and analyses described above -- i.e., data and analyses which would allow field personnel and members of the public to evaluate actual, on-the-ground impacts of proposed grazing decisions and alternatives thereto. The entire purpose of our lawsuit against the Bureau was to obtain this kind of full and comprehensive analysis of resource conditions and the impacts of grazing thereon in every area in which grazing is proposed. Judge Flannery agreed with our contention that the Bureau was obligated to prepare such analyses. We do not doubt that he would agree with our contention that neither the Challis statement nor the San Luis draft fulfill the requirements imposed by NEPA and by his opinion and final judgment.

As indicated above, we are prepared to go back to court, if we must, to obtain the kind of statement which the Bureau is require to prepare. Rather than do that, however, we would prefer to resolve these matters by an agreement with the Bureau which would ensure that all of the impact statements on grazing which it prepares, including the Challis statement, meet applicable legal standards.
C. Proposed Agreement.

An agreement resolving these issues would have to contain the following terms:

1. The BLM would agree, by a specified future date, to issue a supplement to the Challis statement which will remedy the defects of the final version and which will be circulated for public comment and considered as required by NEPA.

2. The BLM would agree to consider in a Challis supplement certain alternatives to the proposed action, including alternatives designed specifically to analyze the impacts of different levels of livestock grazing use of available forage in the Unit. These alternatives would be set at specified levels of current grazing use -- e.g., 50 percent and 25 percent.

3. The BLM would agree upon the manner in which the additional data to be acquired for Challis would be used in the supplement. In this regard, the Bureau would agree (a) that the capacity of proposed allotments to support the level of livestock use involved in the proposed action and alternatives thereto will be analyzed in site-specific terms; (b) that the data utilized in such determinations and all available information relevant thereto, including for example, adjudicated grazing privileges and amounts and types of non-use involved will be specifically identified, by proposed allotments, and the reliability thereof will be assessed; (c) that the procedures used to predict the results of implementing any level of use will be fully described and their adequacy analyzed, and (d) that the specific, applicable goals, objectives and constraints of the MFP will be set forth, and that any relevant resource data which is lacking, the methods which will be used to obtain them and the impact which their unavailability has for optimum decision-making will be described.

4. The BLM would agree that the standards enunciated for the contents of the Supplement to the Challis statement would also apply to all future grazing statements and that they will serve as the basis for the formulation of comprehensive formal guidelines or regulations concerning the contents of such statements.
If the above matters can be agreed on, we would recommend strongly to our clients that they agree to the Bureau's proposed changes in the current boundaries and schedule for EIS preparation, except for the substantial slippages contemplated by the schedule in FY 1979 and 1980. However, while we would prefer that the Bureau complete EIS's through FY 1981 on approximately the same amount of acreage required in the original schedule, a compromise of the differences between the original and proposed schedules may be possible.

We appreciate your consideration of the issues set forth herein. We are hopeful that this letter will serve as the basis for a mutually acceptable resolution of the differences between us. We look forward to your responses at the meeting scheduled for next Wednesday.

Very truly yours,

Johanna H. Wald

Roger Beers, Esq.

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cc: Hugh Garner, Associate Solicitor, Department of the Interior
    James Schmidt, Office of the Solicitor
    Gail Achterman, Office of the Solicitor
Mr. A. L. Hormay  
PSW Forest and Range Experiment Station  
P.O. Box 245  
Berkeley, Calif. 94701

Dear Gus:

You'll have to excuse me for not writing earlier to thank you for the picture taken during our tour in the Challis area last summer.

It is being framed, and it will hang in my office in Washington, D.C. in the Department of the Interior Building. When I look at it, I will recall many pleasant and profitable hours spent on the ranges in Idaho, but most of all, it will refresh my memory of our friendship.

It's for the latter reason that the picture means much to me, and I wish you were in it. The only lasting thing a man acquires in a lifetime is friendship, except for the love of his family, and I have certainly enjoyed knowing you.

I am going back to Washington with Governor Andrus when he takes over as Secretary of the Interior. My position will be in the lands office. The challenge there will be great, and I look forward to a lot of hard work.

I know you plan to retire in May, but don't be surprised if I call on you for help and advice. Your expertise in range management is badly needed, and I hope you have some good proteges to carry on the work you began in rest-rotation.

We'll keep in touch, and although this is late too, let me wish you a very happy New Year.

Sincerely,

[Signature]

R. J. Bruning  
Special Assistant
Organic Act Directive No. 77-5
Expires: 12/31/77

To: AFO's

From: Associate Director

Subject: Definition of Allotment Management Plan

The allotment management plan (AMP) defined in the Federal Land Policy and Management Act of 1976 (FLP&MA) is no different from the definition in use prior to October 21, 1976.

An AMP is an activity plan for livestock grazing. It is not a multiple use plan for the area covered.

As defined in Sec. 103(k), an "allotment management plan" is to prescribe the manner in which livestock operations will be conducted to meet multiple use, sustained-yield, economic and other needs and objectives and to contain other provisions relating to livestock grazing and other objectives.

The definition does not convert an AMP from a single resource activity plan to a multiple use activity plan. The references to "multiple use," "other needs," and "other objectives" in the definition relate to the fact that these considerations could constrain livestock grazing, and, if so, such constraints are set forth in the AMP. The underscored elements above are to be considered only as they relate to or constrain livestock grazing. Only uses and resources that relate to livestock grazing and facilitating projects are included in an AMP—not all resources and values in the area.

Considered in this context, an AMP is a livestock grazing plan stating the conditions under and the manner in which livestock grazing use will be conducted in order to reach specific management objectives on specific areas of public land. When implemented, it is attached to and becomes part of the permit or lease.

AMP's will continue to prescribe the conditions, manner, and extent of domestic livestock grazing and describe the type, location, ownership, and general specifications for range improvements installed and to be
maintained. AMP's will also contain other provisions relating to
domestic livestock grazing consistent with the Taylor Grazing Act,
FLP&MA, and overall management objectives for areas of public land
necessary for this activity plan to conform and be responsive to
multiple use objectives as set forth in the management framework plan.

George L. Turner
Memorandum

To: District Manager, Susanville

From: State Director, California

Subject: Tuleadad-Homecamp Grazing PDES Review Schedule

This is to confirm the points and schedules discussed in our January 18 meeting in Sacramento on the Tuleadad-Homecamp Grazing PDES:

1. The January 24-25 review by PCS and Resources in Susanville is cancelled to permit more time for your team to complete the PDES in view of recent adjustments in the proposed action.

2. We will receive in Sacramento, no later than the morning of February 10, a copy of your full PDES (all 9 chapters).

3. PCS and Resource Staff will review the PDES on February 10 and 11 and over the weekend if necessary. You and Jim Melton, your Environmental Coordinator & Analysis leader, should plan to be available in the State Office by Friday morning, February 10 for discussions with the review team. (If a decision cannot be reached on the PDES Friday or Saturday - you should plan to stay over to arrive at a decision on Monday, February 14.

4. If the PDES is acceptable, minor tune ups will be made in the State Office and it will be jet-packed back to Washington February 15 or 16 for advance Range Staff and EAS review - our February 22/23 meeting in Washington Office will be confirmed at that time.

5. If the PDES is not acceptable due to need for some substantive improvements, we will phone the Washington Range and EAS Staffs to arrange a delay in the Washington trip.

6. As soon as you complete the principal adjustments to Chapter I, we need to get copies of these sent to the State Office for review. The review team would also appreciate advance forwarding of Chapter
III and any other PDES chapters that may be ready in advance of our February 10-14 review. This will save valuable time and we will keep in mind there may be some on-going smaller adjustments to earlier chapters as you work on the latter chapters of the PDES.

cc: Chief, PCS
    " , Div. of Resources
Mr. A. L. Hormay
Pacific S.W. Forest-Range & Exp. Station
P. O. Box 245
Berkeley, California  94701

Dear Gus:

Here is another sheet or two for your scrapbook (or whatever).

Mike Frisina (our Mt. Haggin man in Butte) assured me the other day he is diligently working on the material you requested. He indicated he would be getting the stuff to you shortly.

Do we still have your correct address?

Best regards,

Joseph L. Egan, Asst. Administrator
Game Management Division

JLE:mk

Enc.