Forest Service

Nebraska National Forests and Grasslands

125 North Main Street
Chadron, NE 69337
308-432-0300
308-432-0304

File Code: 1950
Date: October 5 2026

RE: Compliance with 7 CFR 1b.4(d)(38)

(USDA-38d-USFS): Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR part 219 et seq. that provide broad guidance and information for project and activity decision-making in a NFS unit. (The plan approval document required by 36 CFR part 219 satisfies the documentation requirement for this categorical exclusion.) Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under USDA NEPA procedures.

In review of the proposed amendments, it was determined that no approval of projects and activities is designated. All proposed amendments are programmatic in nature and only modify or remove nonapplicable or nonpriority guidance found within the Nebraska National Forests and Grasslands (NNFG) Land and Resource Management Plan (LRMP). All proposals to remove components from the LRMP consist of guidelines (thou shall do) or objectives (thou shall strive to achieve) that either don't assist in meeting land management desired conditions for future planning efforts or are no longer a priority objective. All standards (thou will do) that are proposed to be amended will remain, but with updated language to meet current conditions, objectives, rules, or regulations. Furthermore, the proposed amendments do not command anyone from refraining from undertaking projects or activities. Additionally, no components are being added, such as standards or desired conditions, that could be seen as directing staff from undertaking projects or activities.

I, the Responsible Official, find that the proposed amendments are in compliance with 7 CFR 1b.4(d)(38) for use of this categorical exclusion.

Amanda Gehrt
Digitally signed by AMANDA GEHRT
Date: 2026.10.05 12:07:51 -06'00'

AMANDA GEHRT
Forest Supervisor
Nebraska National Forests and Grasslands

USDA Forest Service
U.S. DEPARTMENT OF AGRICULTURE

Nebraska National Forests & Grasslands

Land and Resource Management Plan
Proposed Amendments



Purpose: The purpose of this proposal is to amend multiple components of the NNFG LRMP related to infrastructure, range management, recreation, special uses and sensitive, focal and/or threatened and endangered species management.

Need: The need is to update LRMP components that have become outdated and inapplicable for land management due to changed conditions across the NNFG.

Proposed Action: This project proposes to amend multiple components of the LRMP. The subsequent information breaks these components down by resources. Within each section are listed where the component applies, the current component language, the proposal to amend or remove, need for change, and finally the review for compliance with 7 CFR 1b.4(d)(38).

INFRASTRUCTURE AMENDMENTS

Infrastructure is defined in the LRMP as the facilities, utilities, and transportation systems needed to meet public and administrative needs (LRMP p. G-25). Infrastructure examples include, but is not limited to, fences, water developments, roads, trails, pit toilets, etc.

Figure 1. Fence and gate infrastructure on the Fort Pierre National Grassland.



Gates

Forest & Grassland-wide

1. Install all gates so they are easily opened and closed by all users. **Guideline** (LRMP p.1-30)

   Proposal: Amend - Install gates in high-use areas, such as developed recreation sites or heavily traveled National Forest Service roads and trails, so they are easily opened and closed by users. **Guideline**

   Need for Change: Current language that includes all gates is unattainable. By focusing on high-use areas USFS staff can better meet the needs of our users and achieve this guideline.

   Compliance with 7 CFR 1b.4(d)(38): Amending the language while maintaining that easily opened and closed gates exist in high-use areas does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. Amending this guidance does not approve a project nor refrain anyone from undertaking any future projects related to the construction of gates.

Water Development

Fort Pierre Geographic Area

2. Allow no net gain in the number of water developments, while maintaining or increasing the surface area covered by ponds providing brood habitat for waterfowl and fisheries. **Guideline** (LRMP p. 2-71)

   Proposal: Amend – Maintain or increase the surface area covered by suitable ponds that provide brood habitat for waterfowl and sustainable fisheries. **Guideline**

   Need for Change: Installation of reliable water developments is a key objective in combating the spread of undesirable plant species. The use of water developments to assist in livestock distribution for prairie restoration has been a useful tool in the management of invasive species not only on the Fort Pierre Geographic area, but across the NNFG.

   Compliance with 7 CFR 1b.4(d)(38): Amending the language while maintaining that suitable wetlands be managed for waterfowl and fisheries does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. Removal of guidance for no net gain in water

developments does not approve a project nor refrain anyone from undertaking any future projects related to water developments. The proposed amendment aligns infrastructure development for proper land management with current needs and objectives within the Geographic Area, while still allowing a project level analysis to determine proper resource protections and requirements.

Bessey Geographic Area

3. Allow no net increase in water developments. **Objective** (LRMP p. 2-8)

   Proposal: Remove

   Need for Change: See previously proposed amendment.

   Compliance with 7 CFR 1b.4(d)(38): See previously proposed amendment.

McKelvie Geographic Area

4. Allow no net increase in water developments. **Objective** (LRMP p. 2-15)

   Proposal: Remove

   Need for Change: See above Need for Change for “Water Development” #2.

   Compliance with 7 CFR 1b.4(d)(38): See above “Water Development” #2.

Pine Ridge Geographic Area

5. Allow no net increase in the number of water developments. **Guideline** (LRMP p. 2-89)

   Proposal: Remove

   Need for Change: See above Need for Change for “Water Development” #2.

Compliance with 7 CFR 1b.4(d)(38): See above “Water Development” #2.

Fence Construction

Forest & Grassland-wide

6. Do not authorize construction of new woven wire fences and barbed-wire fences with 5 or more strands. This doesn't include fences designed to specifically exclude wildlife. **Guideline** (LRMP p. 1-13)

   Proposal: Remove

   Need for Change: Previous guidelines found in the LRMP direct the reader to Appendix B: Big Game Fence Specifications. Appendix B states the same information as the proposed guideline to be removed.

   Compliance with 7 CFR 1b.4(d)(38): Removing this guideline does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. Removing this guidance does not approve a project nor refrain anyone from undertaking any future projects related to the fence construction. Removal would alleviate redundancy and possible confusion within the LRMP and place guidance for fence construction under one location within the Plan.

RANGE MANAGEMENT AMENDMENTS

Range management is defined in the LRMP as a distinct discipline founded on ecological principles and dealing with the use of rangelands and range resources for a variety of purposes. These purposes include use as watersheds, wildlife habitat, grazing by livestock, recreation, and aesthetics, as well as associated uses. Range management can be classified in many ways. Such things as controlling livestock numbers within present capacity of the range to maintaining full plant vigor while achieving proper livestock utilization of available forage. These goals, among others, can be achieved through implementation of proper grazing systems and construction and installation of range improvements.

Figure 2. Calf on the Fort Pierre National Grassland.



Rest Pasture

Fort Pierre Geographic Area

1. Maintain at least 10 percent of the suitable rangeland in rest each year. **Objective** (LRMP p. 2-70)

   Proposal: Amend - Rest a minimum average of 10% of the suitable rangeland over a ten-year period. **Objective**

   Need for Change: Current language limits variability over time of rest pasture acreages while still averaging 10% overall. Having the ability to adapt to changing conditions (e.g. drought, invasive species management) may require more or less pastures to be rested. Additionally, pasture sizes can vary from as small as 20 acres to as large as 1200 acres, or more. So, annually as pastures are chosen for rest, based on previous monitoring and management objectives, percentages will range based on acreages of each pasture.

   Compliance with 7 CFR 1b.4(d)(38): Amending this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. Amending this guidance does not approve a project nor refrain anyone from undertaking any future actions related to pasture rest within the Fort Pierre Geographic Area. This proposed amendment would align this objective with what is happening during active land management and would not change the overall outcome during the annual planning process.

Pasture Size

Bessey Geographic Area

2. Increase the average pasture size by 15 percent over the decade. **Objective** (LRMP p. 2-8)

   Proposal: Remove

   Need for Change: Due to changed conditions, reducing pasture sizes may be useful for ecological restoration efforts. For example, reductions in some areas are focused on using targeted livestock grazing as a vegetation management tool to combat invasive species.

Compliance with 7 CFR 1b.4(d)(38): Amending this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. Amending this guidance does not approve a project nor refrain anyone from undertaking any future actions related to the pasture size within the Geographic Area. This proposed amendment would assist land managers in meeting the desired conditions for the vegetation and improving overall forest and grassland health. Removal would still allow pasture sizes to be changed, smaller or larger, based on monitoring and determined needs.

McKelvie Geographic Area

3. Maintain average pasture size over the life of the plan. **Objective** (LRMP p. 2-15)

   Proposal: Remove

   Need for Change: See previously proposed amendment.

   Compliance with 7 CFR 1b.4(d)(38): See previously proposed amendment.

Fort Pierre Geographic Area

4. Increase the average pasture size by 25 percent over the decade. **Objective** (LRMP p. 2-69)

   Proposal: Remove

   Need for Change: See above Need for Change for “Pasture Size” #2.

   Compliance with 7 CFR 1b.4(d)(38): See above “Pasture Size” #2.

Fort Pierre Geographic Area

5. Allow no net decrease in the average pasture size. **Guideline** (LRMP p. 2-71)

   Proposal: Remove

   Need for Change: See above Need for Change for “Pasture Size” #2.

   Compliance with 7 CFR 1b.4(d)(38): See above “Pasture Size” #2.

Pine Ridge Geographic Area

6. Allow no net decrease in the average pasture size. **Guideline** (LRMP p. 2-89)

   Proposal: Remove

   Need for Change: See above Need for Change for “Pasture Size” #2.

   Compliance with 7 CFR 1b.4(d)(38): See above “Pasture Size” #2.

Mowing Dates

Forest & Grassland-wide

7. Delay any mowing outside developed sites until July 15 or later to protect ground-nesting birds, including their nests and broods. Project-level analyses will determine the earliest mowing date. **Guideline** (LRMP p. 1-13)

   Proposal: Amend – Outside developed sites, project-level analyses will be used to determine the earliest mowing date based on resource protection and project objectives. **Guideline**

   Need for Change: Mowing is used as a vegetation management tool to combat invasive species, construct prescribed fire control lines, construct wildfire breaks, and for many additional land and resource management purposes. By removing restrictive dates and analyzing each action on a project level we can better protect sensitive resources while still achieving mowing objectives.

   Compliance with 7 CFR 1b.4(d)(38): Amending this guideline does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions related to mowing across the NNFG. The proposed amendment is intended to clarify where this guidance is applicable, as well as clearly specifying that decisions should remain at a project level.

Weed Free Hay

Forest & Grassland-wide

8. Once appropriate consultation with state agencies has taken place, allow only certified noxious weed seed-free products for recreational animal feed or revegetation projects. This includes use of certified hay or straw, and heat-treated, or other appropriately processed products. **Standard** (LRMP p. 1-23)

   Proposal: Amend - Allow only certified noxious weed seed-free products for recreational animal feed or revegetation projects. This includes use of

certified hay or straw, and heat-treated, or other appropriately processed products. **Standard**

Need for Change: Consultation with state agencies is no longer required.

Compliance with 7 CFR 1b.4(d)(38): Amending this standard does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions related to the use of weed seed-free products across the NNFG. The proposed amendment removes outdated guidance that is no longer applicable.

Livestock Feed & Seed

1.1 Wilderness: Soldier Creek Management Area

9. Control noxious and invasive plant species with mechanical, chemical or biological control means. Recreational or permitted livestock must use certified noxious weed seed free forage. **Standard** (LRMP p. 3-4)

Proposal: Amend - Control noxious and invasive plant species with mechanical, chemical or biological control means. **Standard**

Need for Change: Certified noxious weed seed free forage is already addressed in a previous standard in Chapter 1 of the LRMP (see previous proposed amendment). Chapter 1 covers the entirety of the Nebraska National Forests and Grasslands, including the Soldier Creek Wilderness. This proposed amendment would reduce redundancy in the LRMP.

Compliance with 7 CFR 1b.4(d)(38): Amending this standard does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions related to the use of weed seed free products within Soldier Creek Wilderness. The proposed amendment removes redundancy within the LRMP since a Forest and Grassland-wide standard already exists.

Recreation & Special Use Amendments

Recreation across the NNFG includes a multitude of activities. Activities may include, but are not limited to, photography, wildlife viewing, hunting, fishing, and much more. Special uses are defined in the LRMP as improvements or activities owned or carried out by private individuals, corporations, or other business entities on National Forest System lands, including National Grasslands, under the authorization of a permit. (LRMP p. G-52)

Figure 3. Hunter recreating on the Fort Pierre National Grassland.



Recreation

Fall River Southeast Geographic Area

1. Within the life of the plan develop an interpretive trail at the Pioneer Picnic Area. **Objective** (LRMP p. 2-30)

   Proposal: Remove

   Need for Change: Pioneer Picnic Area no longer exists.

   Compliance with 7 CFR 1b.4(d)(38): Removing this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. With the Pioneer Picnic Area no longer an active recreation site, this objective is no longer fully achievable. Yet, if the area were resurrected in the future this proposed amendment would not prohibit an interpretive trail from being developed.

Fort Pierre Geographic Area

2. Within the life of the plan develop a trailhead facility and horse/hiking trail (Burnt Thigh) on the east half of the Fort Pierre National Grassland. **Objective** (LRMP p. 2-71)

   Proposal: Remove

   Need for Change: This objective is no longer a priority.

   Compliance with 7 CFR 1b.4(d)(38): Removing this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. Recreation priorities have shifted across this geographic area with less interest in trail development. Yet, if a trailhead facility were ever desired in the future this proposed amendment would not prohibit its development.

Fort Pierre Geographic Area

3. Provide for an interpretive site along Highway 83 in conjunction with the new construction scheduled within the next five years. **Objective** (LRMP p. 2-71)

   Proposal: Remove

   Need for Change: This objective is no longer a priority. The reconstruction of US Highway 83 was completed in 2008.

   Compliance with 7 CFR 1b.4(d)(38): Removing this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. The original intention of this objective was for it to be completed during the reconstruction of US Highway 83 that bisects the geographic area. This objective was never completed, but this proposed amendment does not prohibit the development of an interpretive site from occurring in the future.

Special Uses

Forest and Grassland-wide

4. Place all new pipelines underground. **Guideline** (LRMP p. 1-28)

   Proposal: Amend – Where feasible, place all new utility pipelines underground. **Guideline**

   Need for Change: The placement of pipelines underground is not always feasible depending on terrain and location. The proposed amendment would also assist in defining what type of pipelines the guidance references.

   Compliance with 7 CFR 1b.4(d)(38): Amending this guideline does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. Amending the language only brings clarity to the original intent of the guideline.

Threatened & Endangered Species, Focal Species, & Sensitive Species Amendments

The Nebraska National Forests and Grasslands manages for a myriad of species that are at risk. Guidance found throughout the Nebraska's Land and Resource Management Plan helps land managers focus efforts not only on the species, but also their habitat.

Figure 4. Sharp-tailed grouse dancing on a lek. Fort Pierre National Grassland.



Rodenticide Use

1. Prohibit use of rodenticides (above-ground grain baits) for reducing prairie dog populations outside the period October 1 to January 31 to reduce risks to migratory birds. To reduce risk to other wildlife, do not use burrow fumigants in prairie dog colonies. **Standard** (LRMP p. 1-22)

   Proposal: Amend - When using rodenticides, only apply EPA registered products and follow label directions to minimize the risks to non-target species. **Standard**

   To reduce the risk to nontarget species, do not allow the use of burrow fumigants. **Standard**

   Need for Change: The current language does not align with EPA label directions for the rodenticides commonly used by Forest Service staff or their contractors. Additionally, the dates set within the current standard do not align with State regulations (SDCL 34-20-25) for the use of common rodenticides. This proposed amendment would align on the ground use with EPA labels.

   - Chlorophacinone (Rozol) & Diphacinone (Kaput-D): Typically restricted to application seasons running from October 1 through March 15 (to protect non-target species and align with burrow-baiting restrictions).

   - Zinc Phosphide: Often authorized July through February 28 with required pre-baiting on specific agricultural labels.

   Compliance with 7 CFR 1b.4(d)(38): Amending this guideline does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. Amending this standard aligns USFS guidance with other Federal agency direction, to include product labels. The intended protection of non-target species would still exists.

Blowout Penstemon

2. Coordinate with appropriate state and federal agencies to provide a continued propagation source for blowout penstemon (re-establishment of a greenhouse facility may be critical to achieving recovery goals for this species). **Objective** (LRMP p. 2-9)

   Proposal: Amend - Coordinate with appropriate state and federal agencies to provide a continued propagation source for blowout penstemon. **Objective**

   Need for Change: The current language in parenthesis is not necessary and is no longer a priority objective.

   Compliance with 7 CFR 1b.4(d)(38): Amending this objective does not conflict with guidance found within 7 CFR 1b.4(d)(38) for use of this categorical exclusion. This proposed amendment does not approve a project nor refrain anyone from undertaking any future actions. The language in parenthesis reads more like a suggestion rather than an objective, therefore removing it does not change the intent of this component.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.