Prineville District

Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)

Review and Approval

A. Background

Name of Proposed Action: Grazing Permit Renewal for the Keystone (#5024) Allotment.
DNA Number: DOI-BLM-OR-P060-2011-0036-DNA
Location of Proposed Action: Six miles east of Prineville, Oregon (see attached map)
Allotment Summary: 353 acres of public land; 10 AUMs (10 active, 0 suspended); season of use from 02/01 to 02/28 and 3/1 to 11/30.
Purpose of and Need for Action: This action is part of the required NEPA process to renew a grazing permit. The current permittee's grazing authorization for this allotment expired on January 30, 2011.
Description of the Proposed Action: The proposed action is to issue a grazing permit for the Keystone Allotment for a term of ten years in accordance with 43 CFR 4130.2(d), "*The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years...*" All current terms and conditions, AUMs, and season of use will remain unchanged. Terms and conditions for this permit are as follows:

<u>OFFICE/ALLOTMNENT TERMS AND CONDITIONS:</u>

DUE TO VEHICLE MANAGEMENT NEEDS AND REQUIREMENTS IN THE AREA, IT IS IMPERATIVE THAT ON PUBLIC LANDS, THE PERMITTEE USE EXISTING VEHICLE ROUTES, NOT CREATE NEW ROUTES, AND AVOID VEHICLE USE ON MUDDY OR WET SURFACES.

LAND DISTURBING ACTIVITIES ON PUBLIC LANDS ARE NOT PERMITTED WITHOUT PRIOR AUTHORIZATION FROM THE BLM.

ACCESS TO PUBLIC LANDS FOR LAND MANAGEMENT PURPOSES SHALL BE AFFORDED TO BLM PERSONNEL.

THE BLM IS IN THE PROCESS OF IMPLEMENTING THE STANDARDS FOR RANGELAND HEALTH AND GUIDELINES FOR GRAZING MANAGEMENT. THIS LEASE IS SUBJECT TO FUTURE MODIFICATION AS NECESSARY TO ACHIEVE COMPLIANCE WITH THE STANDARDS AND GUIDELINES (43 CFR 4180).

LESSEES ARE REQUIRED TO SUBMIT ACTUAL USE GRAZING RECORDS WITHIN 15 DAYS OF COMPLETION OF THE YEARS GRAZING USE.

SALTING OF LIVESTOCK WITHIN ONE-QUARTER MILE OF WATER IS PROHIBITED. SUPPLEMENTAL FEEDING OF LIVESTOCK ON PUBLIC LANDS IS PROHIBITED WITHOUT PRIOR AUTHORIZATION FROM THE BLM.

LESSEES S ARE REQUIRED TO MAINTAIN ALL RANGE IMPROVEMENTS.

Standard Terms and conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with all the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.

2. They are subject to cancellation, in whole or in part, at any time because of:
a. Noncompliance by the permittee/lessee with rules and regulations.
b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
c. A transfer of grazing preference by the permittee/lessee to another party.
d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
e. Repeated willful unauthorized grazing use.

3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.

4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.

5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.

6. The permittee's/Lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.

9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

10. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of $25 or 10 percent of the amount owed but not more than $250) will be assessed.

11. No Member of, or Delegate to, Congress or Resident Commissioner, after his election of appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statutes (41 U.S.C. 22; 18 U.S.C. Sections 431-433, and 43 CFR Part 7), enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

B. Land Use Plan Conformance

Land Use Plan: Upper Deschutes Record of Decision (ROD) and Resource Management Plan (RMP), September 2005.

The proposed action is in conformance with the applicable plan because it is specifically provided for in the following land use plan decision: Upper Deschutes ROD and RMP, September 2005; page 76, Objective LG-1: *"...provide for continued livestock grazing..."*; page 78, Allocation/Allowable Uses, No. 9: *Livestock grazing will continue to be allowed under permit..."*; and pages 245 - 249 in Appendix G.

C. Applicable National Environmental Policy Act (NEPA) document and related documents to the Proposed Action

The following NEPA document covers the proposed action.
Environmental Impact Statement (EIS): Proposed Upper Deschutes RMP and Final EIS, January 2005.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, the proposed action is essentially the same as the Preferred Alternative analyzed in the Upper Deschutes RMP FEIS, Volume 2, pages 183 – 192 and Volume 3, Appendix G pages 207 – 211. The proposed action is located within the same geographic area previously analyzed in the listed NEPA documents.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the Upper Deschutes RMP FEIS compared the relative likelihood of grazing conflicts across allotments within the Planning Area, and analyzed the effects of discontinued grazing in areas where potential for conflicts was highest. This approach is still appropriate for the proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, and updated lists of BLM sensitive species)? Can you reasonably conclude that all new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the existing analysis remains valid based on the Upper Deschutes RMP FEIS. However, Wilderness Characteristics was not evaluated in that EIS. The current findings for that resource are that there are no wilderness qualities on public lands within the Dry Creek or Carey grazing allotment areas. These public

lands were not identified for having wilderness qualities in the past 1978-9 BLM Wilderness Intensive Inventory, or in the current Wilderness Inventory Update, due to their small size and lack of outstanding solitude or primitive, unconfined recreation opportunities. There is no other new information or circumstances that would change the analysis of the proposed action. There is no other new information or circumstances that would substantially change the analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?

Yes, the same effects that would result from the proposed action were analyzed in the Upper Deschutes RMP FEIS for the alternatives in Volume 2, pages 5 – 154 and pages 183 – 192.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, the list of "interested publics" is updated on a regular basis and many of the individuals and organizations on the current "interested publics" list are the same as those on the mailing list for the planning and NEPA documents listed. A final copy of this DNA and the subsequent Proposed Decision will be posted on the Prineville District's internet page for public review. A printed copy of these documents would be available on request.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource Represented
Don Zalunardo	Rangeland Management Specialist	Range
Cassandra Hummel	Natural Resource Specialist	Wildlife
Jeff Moss	Fisheries Biologist	Fisheries
Terry Holtzapple	Archeologist	Cultural Resources
JoAnne Armson	Biological Science Technician	Botany, Special Status Plants
Mike McKay	Hydrologist	Hydrology
Jennifer Moffitt	Natural Resource Specialist	Soils
Berry Phelps	Recreation Planner	Recreation
Teal Purrington	Planning and Environmental Coordinator	NEPA Compliance
Michelle McSwain	Assistant Field Manager	Management

Note: Refer to the listed EIS/EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature

Responsible Official: William Dean Acting for: _____ 11/2/11

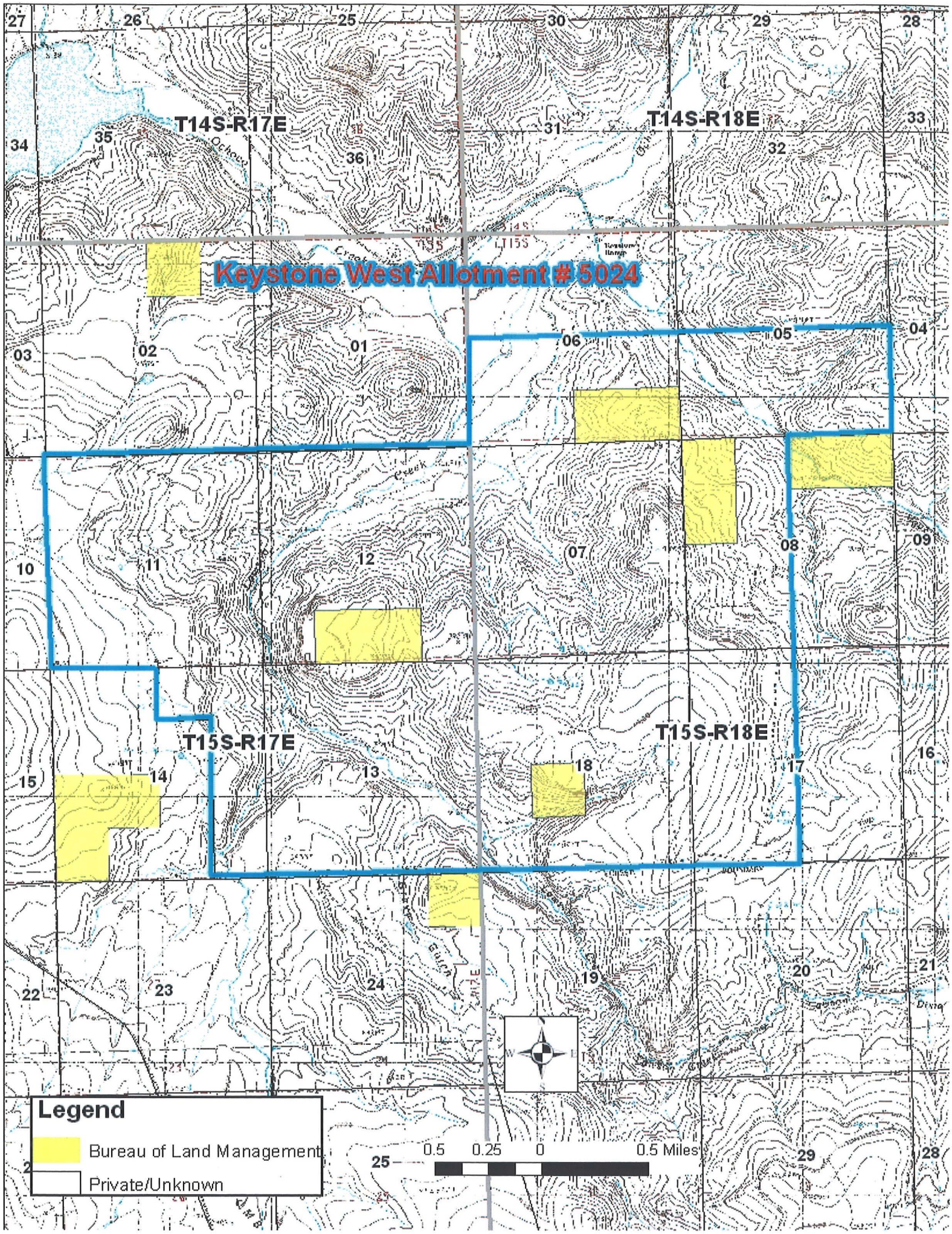
Molly Brown, Deschutes Resource Area Field Manager — Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this

DNA is subject to protest or appeal under 43 CFR Part 4 and the program specific regulations.

Contact Person

For additional information concerning this review, contact: Michelle McSwain, Prineville Field Office, 3050 NE 3rd Street, Prineville, OR 97754, 541-416-6877.


Keystone West Allotment # 5024
T14S-R17E
T14S-R18E
T15S-R17E
T15S-R18E
Legend
Bureau of Land Management
Private/Unknown
0.5 0.25 0 0.5 Miles