

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Pasture 4 & Cabin Creek Allotment
Grazing Transfer

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0103-DNA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



Worksheet
Documentation of NEPA Adequacy (DNA)
 U.S. Department of the Interior
 Bureau of Land Management (BLM)

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2013-0103-DNA

Case File/Project No: GR 2502869

Proposed Action Title/Type: 130219 Pasture 4 & Cabin Creek Allotment Transfers - DNA

Location/Legal Description: Prairie Co.

T. 11 N., R. 55 E., Sections 1 (All), 10 (All), 11 (S1/2), 12 (All), 13 (All), 14 (All), 15 (All), 22 (E1/2, E1/2W1/2), 23 (All), 24 (All), 25 (All), 26 (S1/2), 27 (NE) and 35 (NENE)

T. 11 N., R. 56 E., Sections 18 (W1/2)

T. 12 N., R. 56 E., Sec. 31 All

A: Description of the Proposed Action:

The purpose and need of this DNA is to issue a grazing permit for the Pasture #4 Common Allotment (#01341) and the Cabin Creek Allotment (#01361) to the new base property owner, due to the submission of a warranty deed showing control of the base property has changed. The term of the permit for the Pasture #4 Common and Cabin Creek Allotments will be the same as outlined in the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA. This is to have all three permits for Pasture #4 Common Allotment #01341 to end at the same time. This will allow collection of data and time to address areas of concern in Pasture #4 Common Allotment. The permit would run from March 1, 2013 through February 28, 2015. The grazing permit will be issued as follows:

GR# 2502869

| | Livestock Number | Livestock Kind | Grazing Begin | Period End | %PL | Type Use | AUMs |
|---|-------------------------|-----------------------|----------------------|-------------------|------------|-----------------|-------------|
| Pasture #4 Common Allotment #01341 | 174 | Cattle | 05/15 | 11/09 | 90 | Active | 922 |
| Cabin Creek Allotment #01361 | 40 | Cattle | 03/01 | 05/14 | 100 | Active | 67 |
| | 40 | Cattle | 11/04 | 02/28 | 100 | Active | 108 |

Total Active AUMs: Pasture #4 Common Allotment 922

Total Active AUMs: Cabin Creek Allotment 175

Terms and Conditions:

Line 1: Grazing is on a season and numbers.

Line 2: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted. Grazing is not to exceed the allotted AUMs. 100 cows can graze for 53 days or 175 head for one month.

Supplemental feed (includes salting) will not be placed within one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public land.

Applicant(s): Poppe Land & Livestock, LLC

County: Prairie Co.

DNA Originator: Jeff Gustad

B. Land Use Plan (LUP) Conformance

LUP Name Big Dry RMP, ROD Date Approved: 1996

Other document Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota Date Approved: 1999

Other document** DOI-BLM-MT-C020-2011-0243-EA Date Approved: March 5, 2012

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions). *This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 12 "Terms and conditions are a tool to achieve resource conditions in the standard". The Big Dry RMP ROD (page 11) recognizes livestock grazing within the preferred alternative of the final EIS.*

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Pasture #4 Common Allotment and Cabin Creek Allotment Transfer [EA No.MT-020-2011-0243](#)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

Standards for Rangeland Health Assessment, October 2004 for both Allotments and in 2009 for Pasture #4 Common Allotment.

Cultural Report Cultural Report MT-020-12-397

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 the same as the proposed action in the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA. The impacts from this transfer would be the same as the proposed action in the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA.*

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values? *Yes, the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA analyzed the proposed action and considered a No Action alternative. There would be no environmental effects different from the existing EA.*

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? *Yes, the existing analysis is adequate. There is no new information available.*

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? *Yes, the impacts analyzed in the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA are the same as for the current proposed action. The Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA analyzed site specific impacts on the same allotment as the proposed action. The cumulative impacts are unchanged from those identified in the Pasture #4 Common and Cabin Creek Allotment Transfers #DOI-BLM-MT-C020-2011-0243-EA.*

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

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

| <u>Name</u> | <u>Title</u> | <u>Resource Represented</u> | <u>Initials & Date</u> |
|-------------|--------------------|-----------------------------|----------------------------|
| Dale Tribby | Wildlife Biologist | Wildlife | <i>dct</i> 03/11/13 |
| Reyer Rens | Supervisory RMS | Review | RR 3/20/2013 |
| | | | |



Environmental Coordinator

3/27/2013
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

CONCLUSION

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

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

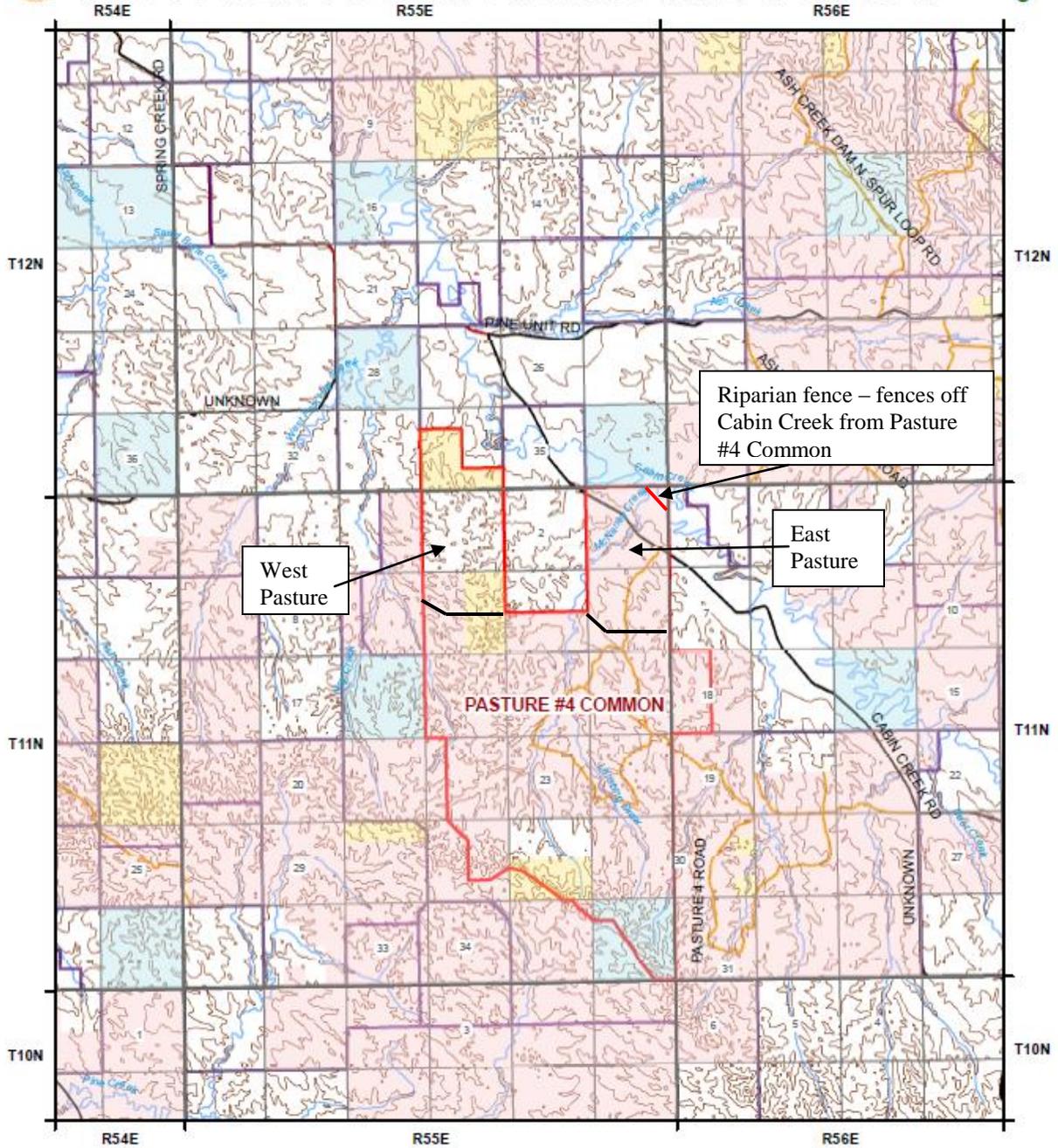


 Todd D. Yeager
 Field Manager
 Miles City Field Office

3/27/2013
 Date



PASTURE #4 COMMON ALLOTMENT #01341



- BLM - Land Utilization
- BLM - Public Domain
- Private
- Division of State Lands
- Allotment Boundary

July 15, 2011

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

1:100,000

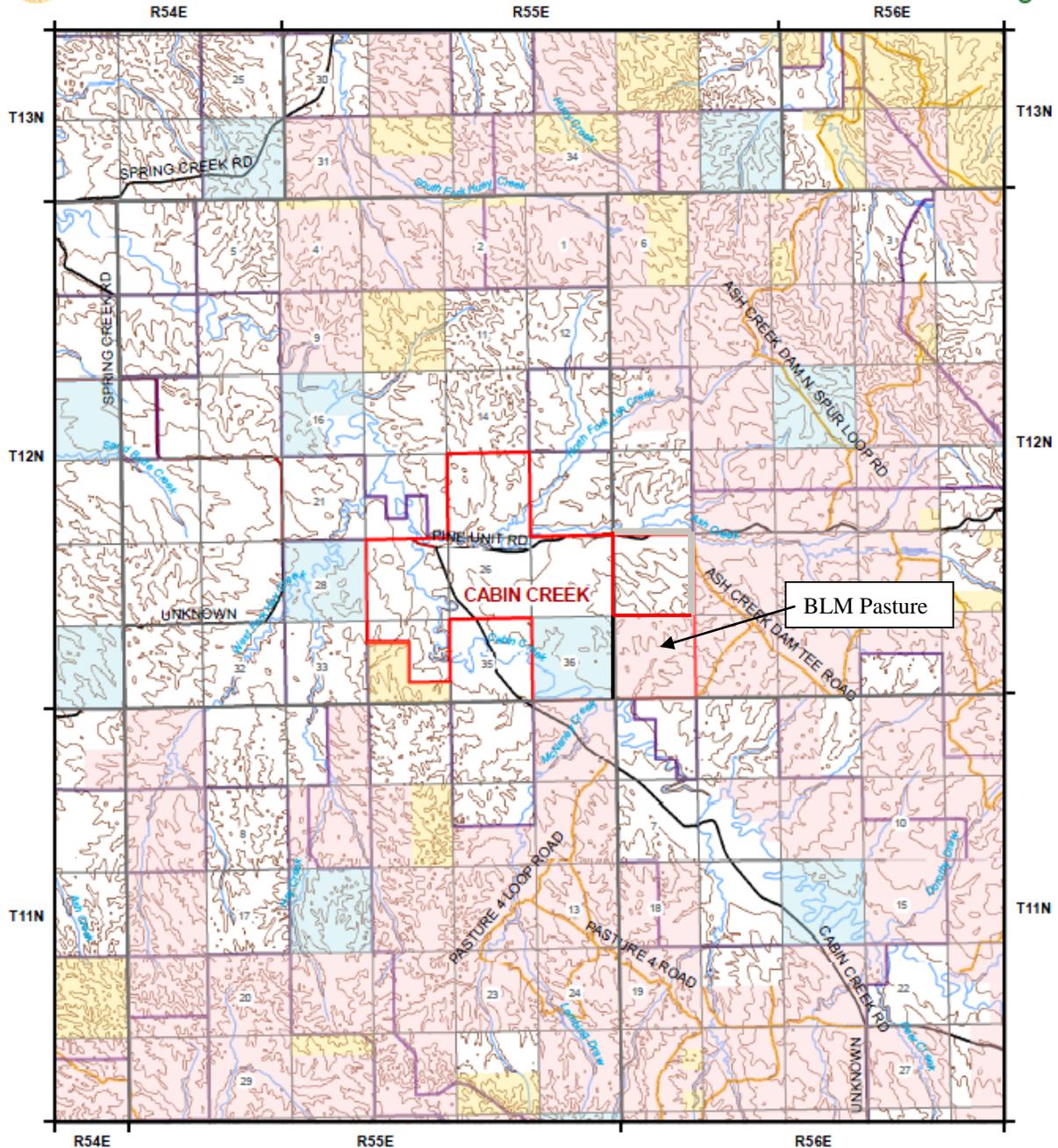


UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION: Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



CABIN CREEK ALLOTMENT #01361



- BLM - Land Utilization
- BLM - Public Domain
- Private
- Division of State Lands
- Allotment Boundary

July 15, 2011

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

1:100,000



UNITED STATES DEPARTMENT OF THE INTERIOR
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MILES CITY FIELD OFFICE

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-7000
www.blm.gov/mt

In Reply Refer To:
4100 (MT021)
GR# 2502869

May 15, 2013

Poppe Land & Livestock, LLC
10050 East US Hwy 24
Colorado Springs, CO 80951

Certified Mail No: 70113500000345173279
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Pasture #4 Common (#01341) and Cabin Creek (01361) Allotments are located southeast of Fallon, Montana, in Prairie County. The Pasture #4 Common Allotment consists of 7,808 acres of BLM administrated lands containing 922 AUMs of authorized active use with 0 suspended AUMS. There are 960 acres of private land. The allotment was determined not be meeting the Standards and Guidelines for Rangeland Health in 2004. An interdisciplinary team field visit conducted in 2009 and the allotment is showing progress in meeting the Standards and Guidelines for Rangeland Health. The permit is being issued for two years; this will get the Pasture #4 Common Allotment permittees on the same renewal cycle.

The Cabin Creek Allotment consists of 624 acres of BLM administrated lands containing 175 AUMs of authorized active use with 0 suspended AUMS. There are 2,877 acres of private land and 640 acres of state land. The allotment was determined not to be meeting the Standards and Guidelines for Rangeland Health in 2004. An interdisciplinary team field visit conducted in 2009 stating conditions were stable or a slight upward trend. The allotment shows signs of movement towards meeting the Standards and Guidelines for Rangeland Health.

In February 2013, a Miles City Field Office BLM interdisciplinary team initiated a Document of NEPA Adequacy (DOI-BLM-MT-C020-2013-0103-DNA) to analyze the issuance of the grazing permit for the Pasture #4 Common and Cabin Creek Allotments. The Document of NEPA Adequacy was signed by the authorized officer on March 27, 2013.

PROPOSED DECISION

It is my proposed decision to issue a grazing permit to Poppe Land & Livestock, LLC for the Pasture #4 Common (#01341) and Cabin Creek (#01361) Allotments. The term of the grazing permit will be for 2 years (March 1, 2013– February 28, 2015). The grazing permit will be issued as follows:

GR# 2502869

| | Livestock Number | Livestock Kind | Grazing Begin | Period End | %PL | Type Use | AUMs |
|---|------------------|----------------|---------------|------------|-----|----------|------|
| Pasture #4 Common Allotment #01341 | 174 | Cattle | 05/15 | 11/09 | 90 | Active | 922 |

| | | | | | | | |
|-------------------------------------|----|--------|-------|-------|-----|--------|-----|
| Cabin Creek Allotment #01361 | 27 | Cattle | 03/01 | 05/14 | 100 | Active | 67 |
| | 28 | Cattle | 11/04 | 02/28 | 100 | Active | 108 |

Total Active AUMs: Pasture #4 Common Allotment 922

Total Active AUMs: Cabin Creek Allotment 175

Terms and Conditions:

Line 1: Grazing is on a season and numbers.

Line 2 & 3: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted. Grazing is not to exceed the allotted AUMs. 100 cows can graze for 53 days or 175 head for one month.

Supplemental feed (includes salting) will not be placed within one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public land.

RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all required forms, a Miles City BLM Office interdisciplinary team completed a Document of NEPA Adequacy (DOI-BLM-MT-C020-2013-0103-DNA) to analyze transferring the permit for the Pasture #4 Common (#01341) and Cabin Creek (01361) Allotments. The standard terms and conditions of the permit did not change. The proposed action listed the total active use would be 922 AUMs and 0 AUMs suspended use for the Pasture #4 Common Allotment and 175 AUMs and 0 AUMs suspended for the Cabin Creek Allotment. The Document of NEPA Adequacy (DOI-BLM-MT-C020-2013-0103-DNA) was accepted and signed by the authorized officer on January 18, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Poppe Land and Livestock, LLC meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice (43 CFR 4160.3(a)). A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the Miles City Field Office.

If you have any questions on this document please contact Jeff Gustad, Rangeland Management Specialist, at (406) 233-2832 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
Allotment Map

In addition to the addressee, this decision is being provided to:

Prairie County Cooperative State Grazing District
P.O. Box 622
Terry, MT 59349

Certified Mail No: 7011350000345173286
Return Receipt Requested