

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Crago Grazing Renewal

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0044B-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



DATE POSTED: December 12, 2012

DATE DUE: January 7, 2013

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-C020-2012-0044B-DNA

Case File/Project No: GR 2503737

Proposed Action Title/Type: Issuance of Grazing Permit

Location/Legal Description

Carter County (See map at end of the document)

A: Description of the Proposed Action: The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a transfer of grazing preference from Bruce and Kim Crago to the current applicant Bruce Crago. The applicant provided a lease agreement showing control of the Trough Creek Allotment for 5 years. The permit would be issued for 5 years (September 2012 through September 1, 2017). No changes would be made to the existing grazing schedule, grazing preference, kind of livestock, percent public land, or type of use. The permit would be issued as follows:

Gr. 2503737

Allotment	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
00461 Trough Creek	North Breaks	201	Cattle	5/15	10/02	63	Active	587
	House	110	Cattle	5/15	10/02	33	Active	168
	Watts	46	Cattle	5/15	10/02	27	Active	58
	Trough Creek	56	Cattle	5/15	10/02	32	Active	83
	Black PT	43	Cattle	5/15	10/02	57	Active	113
	Other	9	Cattle	03/01	02/28	100	Custodial	107

Total Active AUMs: 1,116

Terms and Conditions:

800 Animal Units can only utilize the Breaks Pasture for 36 days.

800 Animal Units can only utilize the House Pasture for 20 days.

800 Animal Units can only utilize the Watts Pasture for 8 days.

800 Animal Units can only utilize the Trough Creek Pasture for 10 days.

800 Animal Units can only utilize the Black Point Pasture for 8 days.

Lines 1, 2, 3, 4, & 5: The Breaks, House, Watts, Trough Creek and Black Point Pastures

will receive deferred rotation grazing by the permittee.

Line 6: Livestock will not be on the public land for the entire season in the Buck, Shed, Tate and Hay Pastures. Livestock numbers are not restricted.

The authorized officer reserves the right to modify annual grazing authorizations as long as the modification is consistent with management objectives, standards for rangeland health and remains within the permitted AUMs and designated season of use.

Any changes in livestock numbers, turnout and removal dates, and livestock movements, other than those on the grazing permit, billing or grazing application, must be approved in advance by the BLM's authorized officer.

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 lands.

Applicant: Bruce Crago
County: Carter
DNA Originator: Josh Halpin

B. Land Use Plan (LUP) Conformance

LUP Name* Powder River RMP 1985 Date Approved 1996

Other document** Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD Date Approved 1997

Other document** DOI-BLM-MT-C020-2009-0170-EA Date Approved 5/28/2009

Other document** _____ Date Approved _____

**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 Powder River RMP 1985, 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 Powder River RMP Record of Decision (page 1) states that Appendix E- Allotment Summaries and Utilization Computation of the Final Environmental Impact statement (pages 315-332) are

included within the Record of Decision. This appendix includes the allotments that are allocated grazing use.

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

Powder River RMP 1985; Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997; DOI-BLM-MT-C020-2009-0170-EA

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

Powder River RMP Date Approved 1985

DOI-BLM-MT-C020-2009-0170-EA Date Approved 5/28/2009

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).

S&G EA MT-020-99-73.

Cultural Report MT-020-13-090

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 similar to those analyzed in the above referenced documents. The EA's analyzed issuing the permit for the Trough Creek Allotment while analyzing grazing schedule, grazing preference, kind of livestock, percent public land, type of use, or the terms and conditions

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 alternatives in the existing Environmental Assessment analyzed the effects of livestock grazing. These alternatives were determined to be appropriate for the current 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, 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, no new information has been obtained since the original transfer EA was signed in May of 2009.

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 direct and indirect impact of the current proposed action is unchanged from the existing Environmental Assessment. The current proposed action is an administrative name change and the number of livestock and season of use is remaining unchanged. The original EA analyzed the site-specific impacts livestock grazing would have on

the allotment. Since the livestock grazing is not changing on the allotment, the original EA is sufficient for site-specific impacts.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes. The public involvement and interagency review associated with the existing Environmental Assessment is adequate for the current proposed action per agency requirements. The NEPA log is available on the Miles City Field Office web page for public access.

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

<u>Name</u>	<u>Title</u>	<u>Represented</u>	<u>Date</u>
Bobby Baker	Wildlife Biologist	Wildlife	12/19/12 BJB
Reyer Rens	Supv Range Mgt Spec	Review	RR 1/24/2013
Doug Melton	Archeologist	Cultural/Paleo	01/21/13 DM Cultural Report MT- 020-13-090

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.



Environmental Coordinator

1/28/2013
Date

CONCLUSION

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation in *DOI-BLM-MT-C020-2009-0170* 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

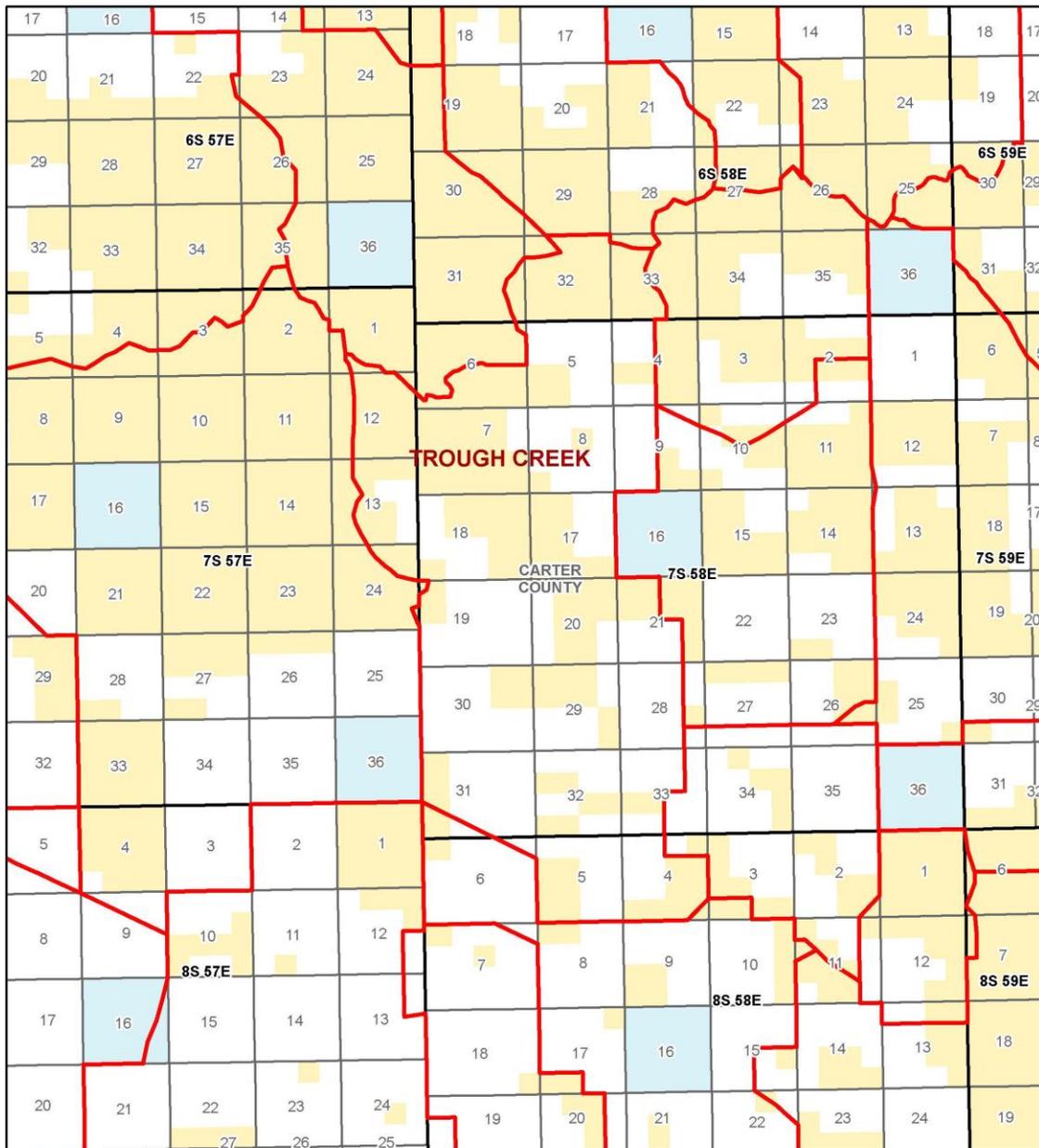
1/28/2013

Date



Trough Creek

12/11/2012



	Grazing Allotment Polygons
	BLM - Public Domain
	Private
	Division of State Lands

Projected Coordinate System: NAD 1983 Albers
 Geographic Coordinate System: GCS North American 1983
 Datum: D North American 1983

1:100,000



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

CAUTION:
 Land ownership data is derived from best
 available data and is not shown to scale on this
 map. Therefore, land ownership may not be
 shown for parcels smaller than 10 acres, and
 land ownership lines may have plotting errors
 due to source data.

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



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 (MTC021)
GR 2503737

February 11, 2013

Bruce Crago
10654 Albion Rd
Belle Fourche, SD 57717

Certified Mail No: 70113500000345159686
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Trough Creek (#00461) is located approximately 17 miles northwest of Alzada, Montana, in Carter County. The Trough Creek Allotment consists of 6,684 public land acres, 7,212 private land acres, 21 state land acres and 80 other acres included in the allotment received from other ranchers. Five pastures (Breaks, House, Watts, Trough Creek, and Tate) contain manageable portions of public lands. The other pastures within the allotment (Black Point, Buck, Hay, and Shed Pastures) consist of fragmented and scattered blocks of public land.

The allotment was assessed for Standards for Rangeland Health in 1999. A determination was made in 1999 that the allotment met all five Standards for Rangeland Health. Subsequent allotment visits since 1999 have verified the allotment has continued to meet the standards.

Bruce Crago submitted to the Miles City Field Office a base property lease, which included the legal descriptions of the recognized base property for the Trough Creek Allotment. Bruce Crago also submitted Form 4130 (Grazing Application – Grazing Schedule), Form 4130-1a (Grazing Application – Preference Summary), Form 4130-1b (Grazing Application – Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

In 2013 a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2012-0044-DNA) to analyze the issuance of the grazing permit to Bruce Crago for the above mentioned allotment and signed on, 01 January 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the Trough Creek (#00461) to Bruce Crago. The permit would be issued for a five year term, September 1, 2012 through April 30, 2017. The permit would be issued as follows:

GR# 2503737

Allotment Name & Number	Pasture	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Trough Crk #00461	Breaks	201	Cattle	05/15	10/02	63	Active	587

	House	110	Cattle	05/15	10/02	33	Active	168
	Watts	46	Cattle	05/15	10/02	27	Active	58
	Trough Crk	56	Cattle	05/15	10/02	32	Active	83
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Total Active AUMs: 1,116

Terms and Conditions:

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- 800 animal units can utilize the house pasture for 20 days.
- 800 animal units can utilize the watts pasture for 8 days.
- 800 animal units can utilize the trough creek pasture for 10 days.
- 800 animal units can utilize the black point pasture for 8 days.

Lines 1,2,3,4,& 5; the breaks, house, watts, trough creek and black point pastures will receive deferred rotation grazing by the permittee.

Line 6; livestock will not be on the public land for the entire season in the Buck, Shed, Tate and Hay pastures. Livestock numbers are not restricted.

The authorized officer reserves the right to modify annual grazing authorizations as long as the modifications consistent with management objectives, standards for rangeland health and remains within the permitted AUMs and designated season of use.

Any changes in livestock numbers, turnout and removal dates, and livestock movements, other than those on the grazing permit, billing or grazing application, must be approved in advance by the BLM’s authorized officer.

Supplemental feed (including 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 for public lands.

RATIONALE

The issuance of the grazing permit is provided through a lease showing control of the base property for this allotment. The lease contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms the Miles City BLM Field Office interdisciplinary team initiated an Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2012-0044-DNA) to analyze the issuance of the grazing permit for the allotment and signed on, 01 January 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Bruce Crago met 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.

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 9and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision 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, and
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two (2) 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.

If you have any questions on this document please contact Josh Halpin, Rangeland Management Specialist at (406) 233-2168 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)