

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Carter County Unit**  
**Grazing Transfer**

Determination of NEPA Adequacy  
DOI-BLM-MT-C020-2013-0060-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)

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**BLM Office:** Miles City

**NEPA Number:** DOI-BLM-MT-C020-2013-0060-DNA

**Case File/Project No:** GR 2504021

**Proposed Action Title/Type:** 121227 Carter County Unit Transfer - DNA

**Location/Legal Description:** Carter Co.

**T. 4S. R. 57E. Sec. 6, 7, 18.**

**T. 4S. R. 56E. Sec. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24.**

**A: Description of the Proposed Action:**

The proposed action is to ensure the allotment continues to meet Land Health Standards and issue a grazing permit to the applicant for the Carter County Unit Allotment (#00456) for a term of three years. In December, 2012, a lease agreement was submitted to the Miles City Field Office indicating the applicant is in control of the base property for the Carter County Unit Allotment. This lease agreement included the legal descriptions of the recognized base property for the allotment. The allotment was determined to be meeting Standards and Guidelines for Rangeland Health in 2004. The term of the grazing permits will be from 03/01/13 to 03/01/2016. The grazing permit will be issued as follows:

GR# 2504021

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Carter Co. Unit #00456		166	C	06/01	10/15	71	Active	531

Total Active AUMs: 531

**Terms and Conditions**

Grazing in accordance with signed Nisley AMP dated 9/02/1971 and revised 10/28/1991. Actual use report is due no later than 15 days after grazing is ended on AMP; or permittee will be billed for the total preference and actual use will still be required.

The term of the permit will run from March 1, 2013 through March 1, 2016, which coincides with the dates of the base property lease. Provided that current monitoring

information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through March 1, 2023.

**Applicant(s):** Applicants: Steve Stoddard  
Base Property owner: Dan and Susan Nisley Revocable Trusts

**County:** Carter Co.

**DNA Originator:** Jeff Gustad

## **B. Land Use Plan (LUP) Conformance**

LUP Name Powder River RMP, ROD Date Approved: 1985

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-C020-2012-0174-EA Date Approved: June 20, 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 Powder River RMP ROD approved in 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".*

## **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.  
*Carter County Unit Permit Renewal 2012 EA No. DOI-BLM-MT-C020-2012-0174, signed on June 20, 2012.*

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, July 1999.*  
*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 similar to the proposed action in the Carter County Unit Permit Renewal 2012 EA No.DOI-BLM-MT-C020-2012-0174. The Carter County Unit Permit Renewal 2012 EA addressed issuing a grazing permit for the same allotment covered by the John and Dan Nisley AMP revised in 1991.*

**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 Carter County Unit Permit Renewal 2012 EA No.DOI-BLM-MT-C020-2012-0174 analyzed the proposed action and considered a No Action alternative and reduction of grazing preference due to the presence of sage grouse. Those alternatives are appropriate because these are non-controversial grazing permits.*

**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 Carter County Unit Permit Renewal 2012 EA No.DOI-BLM-MT-C020-2012-0174 are the same as for the current proposed action. The Carter County Unit Permit Renewal 2012 EA No.DOI-BLM-MT-C020-2012-0174 analyzed site specific impacts on the same allotment as the proposed action. The cumulative impacts are unchanged from those identified in the Carter County Unit Permit Renewal 2012 EA No.DOI-BLM-MT-C020-2012-0174.*

**4. 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>	Resource Represented	Initials & Date
Bobby Baker	Wildlife Biologist	Wildlife	BJB 1/4/13
Reyer Rens	Supervisory RMS	Review	RR 1/14/2013

\_\_\_\_\_  
Environmental Coordinator

\_\_\_\_\_  
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.

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**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

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Todd D. Yeager  
Field Manager  
Miles City Field Office

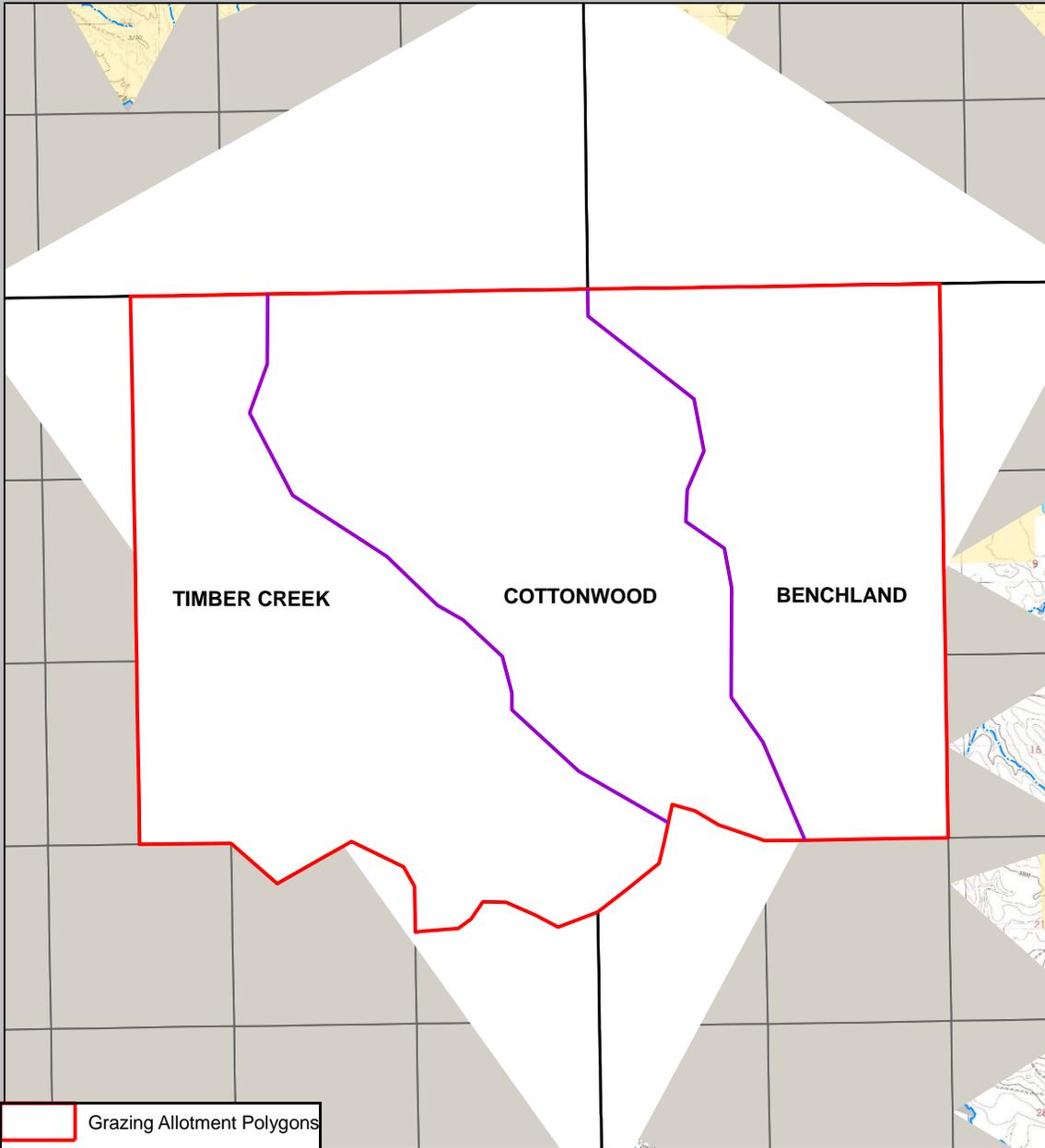
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Date



# Carter County Unit #00456

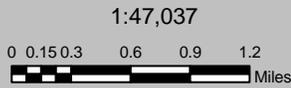
4/24/12



	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

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 1:24,000 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.

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](http://www.blm.gov/mt)

In Reply Refer To:  
4100 (MT021)  
GR# 2504021

April 11, 2013

Steve Stoddard  
Box 340  
Broadus, MT 59317

Certified Mail No: 70113500000345171688  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Carter County Unit (#00456) is located approximately 20 miles north of Hammond in Carter County. The Carter County Unit consists of 6,532 acres of BLM-Land Utilization containing 531 AUMs of authorized active use. There are 2,400 acres of private land.

The allotment was assessed for and met Land Health Standards in 2004. Subsequent field visits indicate the allotment continues to meet the Standards.

In December 2012, a Miles City Field Office BLM interdisciplinary team initiated a Document of NEPA Adequacy (DOI-BLM-MT-C020-2013-0060-DNA) to analyze the issuance of the grazing permit for the Custer County Unit Allotment. The Document of NEPA Adequacy was signed by the authorized officer on January 18, 2013.

### PROPOSED DECISION

It is my proposed decision to issue a grazing permit to Steve Stoddard for the Carter County Unit Allotment (#00456). The term of the grazing lease will be for 3 years (March 1, 2013– February 28, 2016). The grazing permit will be issued as follows:

GR# 2504021

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Carter Co. Unit #00456		166	C	06/01	10/15	71	Active	531

Total Active AUMs: 531

### Terms and Conditions

Grazing in accordance with signed Nisley AMP dated 9/02/1971 and revised 10/28/1991. Actual use report is due no later than 15 days after grazing is ended on AMP; or permittee will be billed for the total preference and actual use will still be required.

The term of the permit will run from March 1, 2013 through March 1, 2016, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that

range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through February 28, 2023.

## **RATIONALE**

The issuance of the grazing permit is provided through a valid lease agreement showing control of the base property for this allotment being submitted to the BLM. The lease agreement 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-C020-2013-0060-DNA) to analyze transferring the permit for the Carter County Unit Allotment. The standard terms and conditions of the permit did not change. The proposed action listed the total active use would be 531 AUMs and 0 AUMs suspended use. The Document of NEPA Adequacy (DOI-BLM-MT-C020-2012-0060-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 Steve Stoddard 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](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 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 Permits (2 copies: please sign and return to the Miles City Field Office)
- Allotment Map

Gustad:lrn:4/9/13:Steve\_Stoddard\_Change\_Decision\_Letter\_Gustad\_2013