

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Bennett Grazing Renewal

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0002-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: 10/4/2012
DATE DUE: 10/18/2012

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

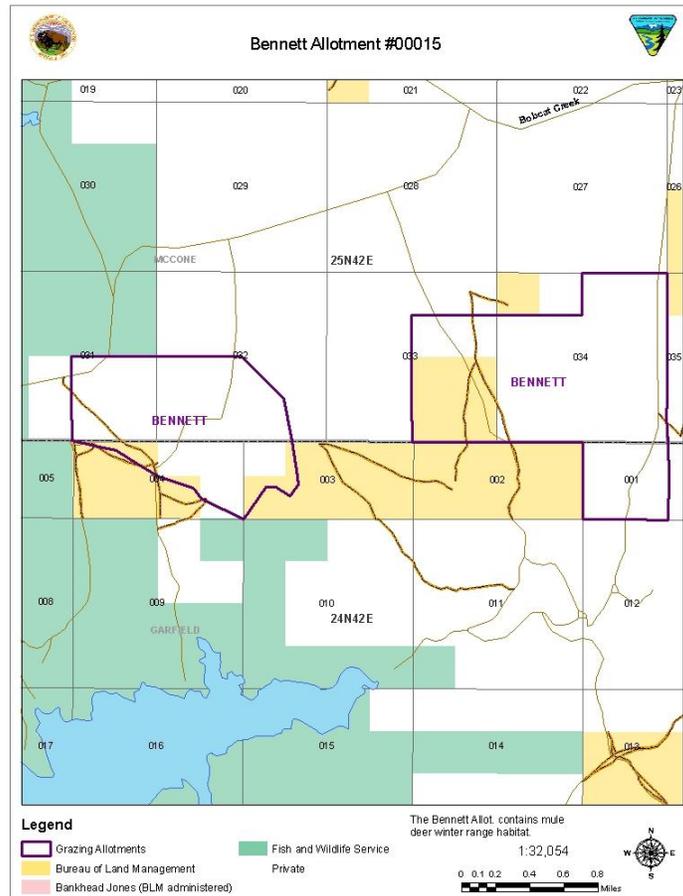
BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2013-0002-DNA

Case File No: 2502012

Proposed Action Title/Type: Bennett Allotment Renewal

Location/Legal Description: McCone County, T24N R42E parcels in sections 2, 3, and 4 and T25N R42E a parcel in section 33



A: Description of the Proposed Action: Issue a new BLM grazing permit to coincide with the term of the recently submitted base property lease for the Bennett Allotment (#00015). The percent public land will be updated to reflect the accurate fence locations. The new lease is good through December 31, 2015. The term of the BLM grazing permit will be from March 1, 2013 to December 31, 2015. The permit will be issued with the same terms and conditions as the previous grazing permit.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Bennett	84	Cattle	05/01	09/14	25	Active	95

Total Active AUMs: 95

Terms and conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land.

Applicant: Current Lessee

County: McCone

DNA Originator: Bea Knudson

B. Land Use Plan (LUP) Conformance

LUP Name* Big Dry RMP 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** MT-020-2000-176 Date Approved: 10/25/00
MT-020-2006-235 Date Approved: 04/12/06

**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:

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 recognizes livestock grazing within the preferred alternative of the final EIS.

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).

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.

Big Dry RMP ROD signed 1996; Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997; Grazing Permit or Lease Renewal Environmental Assessment EA (MT-020-2000-176) approved 10/25/00, Greg Salvesson from Feezell/Haskins (MT-020-2006-408) approved 8/29/2006.

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).

The allotment passed the Standards and Guidelines for Rangeland Health in 1999.
S&G Assessment EA MT-020-1999-73, approved July 1999

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 exact same action and location, with different term permit dates (March 1, 2009 until December 31, 2012).

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 alternative in the existing Environmental Assessment analyzed the effects of livestock grazing. The 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 April 2006.

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 impacts of the current proposed action are unchanged from the existing Environmental Assessment. The number of livestock, season of use and operator will remain 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.

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>
Bobby Baker	Wildlife Biologist	Wildlife	BB 10/4/12
Reyer Rens	Supv RMS	Review	RR 10/5/2012



Environmental Coordinator

10/26/2012
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

10/26/2012
Date



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 #2502012

December 04, 2013

Certified Mail No: 7011350000345158788
Return Receipt Requested

Greg and Ken Salveson
6078 Kid Curry Road
Malta, Mt 59538

NOTICE OF PROPOSED DECISION

BACKGROUND

The Bennett Allotment No. 00015 is located approximately 15 miles southeast of Fort Peck, Montana in McCone County. The allotment consists of 378 acres of BLM lands and 1373 acres of private land. The BLM acreage on the Bennett Allotment has 95 AUMs of active use. The allotment was assessed in 1999 for Standards of Rangeland Health, and passed all standards.

In October, 2012, a base property lease renewal between Michelle Feezell (owners) and Greg and Ken Salveson (lessees) was submitted to the Miles City BLM Office. The permit will be issued for three years with the same terms and conditions as the previous grazing permit.

In October 2012, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2013-0002-DNA) to analyze the issuance of the BLM grazing permit. The proposed action listed that the total active use for the Bennett Allotment would be 95 AUMs active use. The DNA was signed 10/26/2012.

PROPOSED DECISION

It is my proposed decision to issue a grazing permit, which authorizes the grazing of the Bennett Allotment No. 00015 as follows. The term of the new grazing permit will be from March 1, 2013 to December 31, 2015.

GR 2502012

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Bennett No. 00015	84	Cattle	05/01	09/14	25	Active	95

Total Active AUMs: 95

Terms and Conditions:

Livestock grazing is authorized for the season and numbers listed above.

RATIONALE

Existing information indicates the Bennett Allotment is meeting the Standards for Rangeland Health (43 CFR 4180). Greg & Ken Salveson submitted all required grazing application forms.

The BLM determined that Greg & Ken Salveson qualified to hold a grazing permit. The issuance of the grazing permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

In October 2012, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2013-0002-DNA) to analyze the issuance of the BLM grazing permit. The proposed action listed that the total active use for the Bennett Allotment would be 95 AUMs active use. The DNA was signed on 10/26/2012.

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 permits

§ 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.

Find enclosed 2 copies of your grazing lease. 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 Bea Knudson, Rangeland Management Specialist at 406-233-2839.

Sincerely,



Todd D. Yeager
Field Manager

Enclosures
Knudson:lrn:11/09/12:Salveson_Decision_Knudson_2012