

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Three Bar Creek
Grazing Permit

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0087-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: February 15, 2013

DATE DUE: March 2, 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-C020-2013-0087-DNA

Case File/Project No: GR 2503998

Proposed Action Title/Type: Three Bar Creek Allotment Transfer

Location/Legal Description: Powder River County

T8S, R48E, portions of Sections 24 & 25

T8S, R49E, portions of Sections 20, 21, 22, 27, 30, 31, 32, 34 & 35

T9S, R49E, portions of Sections 1, 2, 4, 5, 6, 8, 9 & 11

A: Description of the Proposed Action: The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a 10 year permit to the base property lessee of the Three Bar Creek Allotment (#00852). The term of the permit will be 03/01/2013 to 02/28/2023. No changes would be made to the previous grazing schedule, grazing preference, kind of livestock, percent public land, type of use, or the terms and conditions. The permit would be issued as follows:

GR # 2503998

Allotment Name	Allotment Number	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Three Bar Creek	00852	40	Cattle	03/01	02/28	100	Custodial	478

Total Active AUMs: 478

Terms and Conditions:

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.

Applicant: Permittee

County: Powder River

DNA Originator: Philip Reiersen

B. Land Use Plan (LUP) Conformance

LUP Name* Powder River RMP Date Approved 1985

Other document** _____ Date Approved

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 accordance with the Powder River RMP Record of Decision approved in 1985, as amended by the Standard 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.

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

[DOI-BLM-MT-C020-2009-0334-EA](#)

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, August 2009

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 DOI-BLM-MT-C020-2009-0334-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, DOI-BLM-MT-C020-2009-0334-EA analyzed the proposed action and considered a No Action alternative. Those alternatives are appropriate because this is a non-controversial grazing permit.*

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 DOI-BLM-MT-C020-2009-0334-EA are the same as for the current proposed action. The same document also analyzed site specific impacts on the same allotment as the proposed action as well as the cumulative impacts which are unchanged.*

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>
Jesse Hankins	Wildlife Biologist	Wildlife	JCH 3/6/13
Reyer Rens	Supervisory RMS	Review	RR 3/20/2013

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.

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

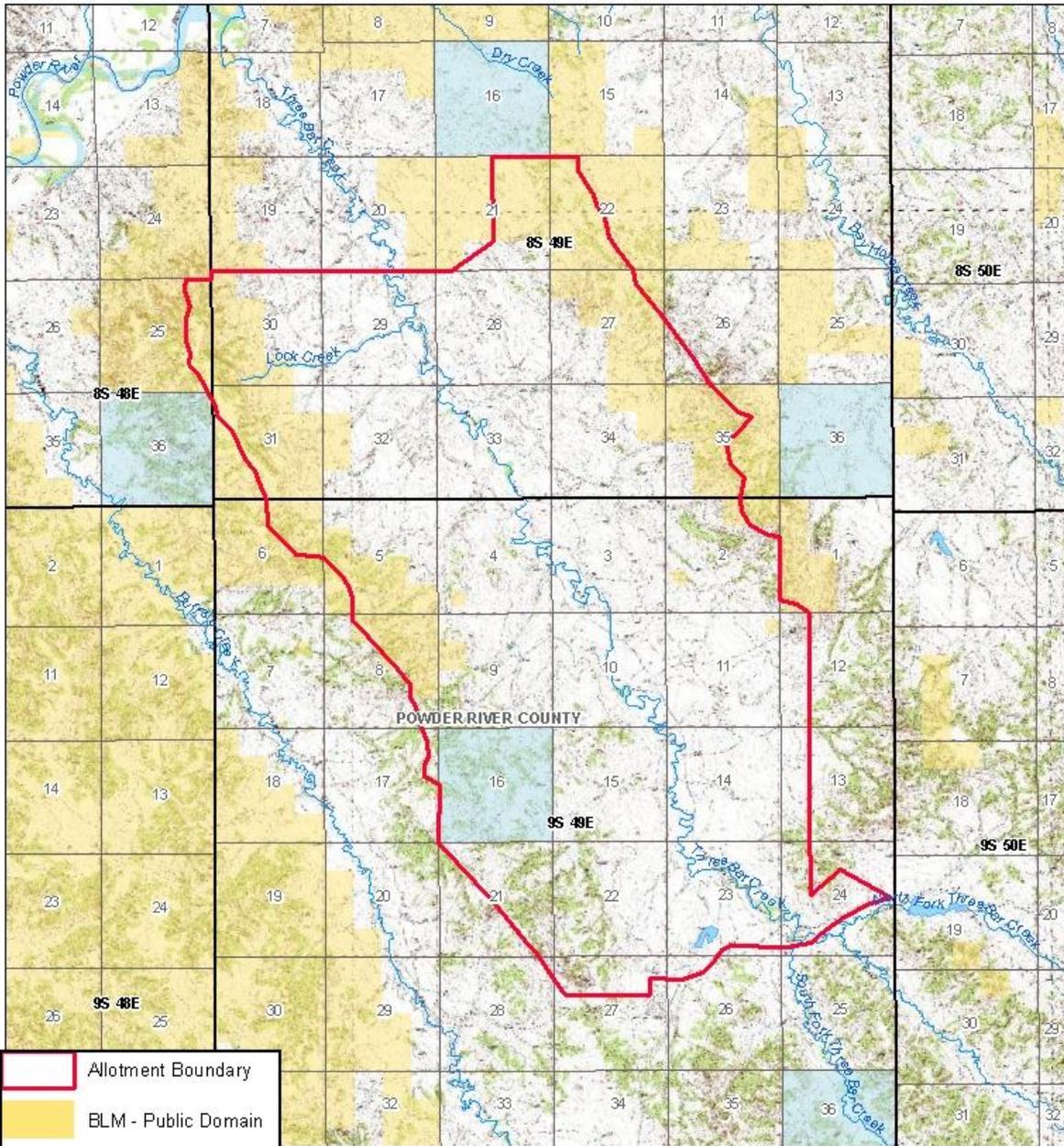
Todd D. Yeager
Field Manager
Miles City Field Office

Date



Three Bar Creek #00852

2013



	Allotment Boundary
	BLM - Public Domain
	Private
	Division of State Lands
	WATER

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

1:75,000



UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 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 (MTC021)
GR# 2503998

April 15, 2013

Hubbard Cattle Co., LLC.
No. 2. Three Bar Ranch Road
Recluse, WY 82725

Certified Mail No: 7011350000345171770
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Three Bar Creek Allotment (#00852) is located approximately 27 miles Southwest of Broadus in Powder River County. The allotment consists of 3,076 acres of BLM managed lands, 11,490 acres of private lands and 640 acres of State Lands. The BLM administered acreage on the Three Bar Creek Allotment has 478 AUMs of active use.

The allotment was determined to be meeting the Land Health Standards in 2000. A re-assessments in 2009 found the allotment continues to meet the Standards.

Hubbard Cattle Co., LLC. submitted a lease agreement for the base property for the Three Bar Creek Allotment. In addition, they submitted Form 4120-1 (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 February 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2013-0087-DNA) to analyze the issuance of the grazing permit to Hubbard Cattle Co., LLC. for the above mentioned allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 27, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Three Bar Creek Allotment (#00852) to Hubbard Cattle Co., LLC. The permit will be issued for a ten year term from 03/01/2013 through 02/28/2023. The permit will be issued as follows:

GR# 2503998

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Three Bar Creek #00852	40	Cattle	03/01	02/28	100	Custodial	478

Total Active AUMs: 478

Terms and Conditions:

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.

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 forms, the Miles City BLM Field Office interdisciplinary team initiated a Documentation of NEPA Adequacy (DOI-BLM-MT-C020-2013-0087-DNA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 27, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Hubbard Cattle Co., 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.

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 office.

If you have any questions on this document please contact Philip Reiersen, Rangeland Management Specialist, at (406) 233-3144 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

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

Reiersen:lrn:4/12/13:Hubbard_Decision_Letter_Reiersen_2013