

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

McRae Allotment
Grazing Renewal

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0154-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: May 20, 2013

DATE DUE: June 5, 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-C020-2013-0154-DNA

Case File/Project No: 2502217

Proposed Action Title/Type: McRae Allotment Renewal

Location/Legal Description: Custer and Rosebud Counties, Montana –
See map attached at end of document T10N R44E Sec. 2 (Rosebud County), T10N R45E Sec. 18, 20, 28 & 30 (Custer County)

A: Description of the Proposed Action: The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a permit for the McRae Allotment (#00716) to the current applicant. The term permit would be issued for ten years (January 1, 2014 through February 28, 2023). No changes would be made to the existing 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# 2502217

McRae Allotment #00716	Livestock Number	Livestock Kind	Grazing Begin	Period End	% PL	Type Use	AUMs
McRae	34	Cattle	3/01	2/28	100	Custodial	410

Total Active AUMs: 410

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.

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: Permittee

County: Rosebud and Custer County

DNA Originator: Kirk Anderson

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-C020-2009-0259-EA Date Approved: August 12, 2009

*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.

- *Big Dry RMP ROD signed 1996*
- *McRae Allotment (#00716) Permit Transfer EA signed August 12, 2009 ([DOI-BLM-MT-C020-2009-0259-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).

- *S & G EA MT-020-99-73. The L-S and original Trianlge T Allotment passed the Standards for Rangeland Health assessment in 1999. The allotment is still considered to be meeting the Standards for Rangeland health.*
- *Cultural Report MT-020-09-340*

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 analyzed issuing the permit for the McRae 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 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 a renewal and the terms and conditions remain unchanged. The original EA analyzed the site-specific impacts livestock grazing would have on the allotment.

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 EA 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>	Resource Represented	Initials & Date
Bobby Baker	Wildlife Biologist	Wildlife	5/21/13, BJB
Reyer Rens	Supervisory RMS	Review	RR 5/23/2013


Environmental Coordinator

05/24/2013
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 In EA MT-020-2008-317 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



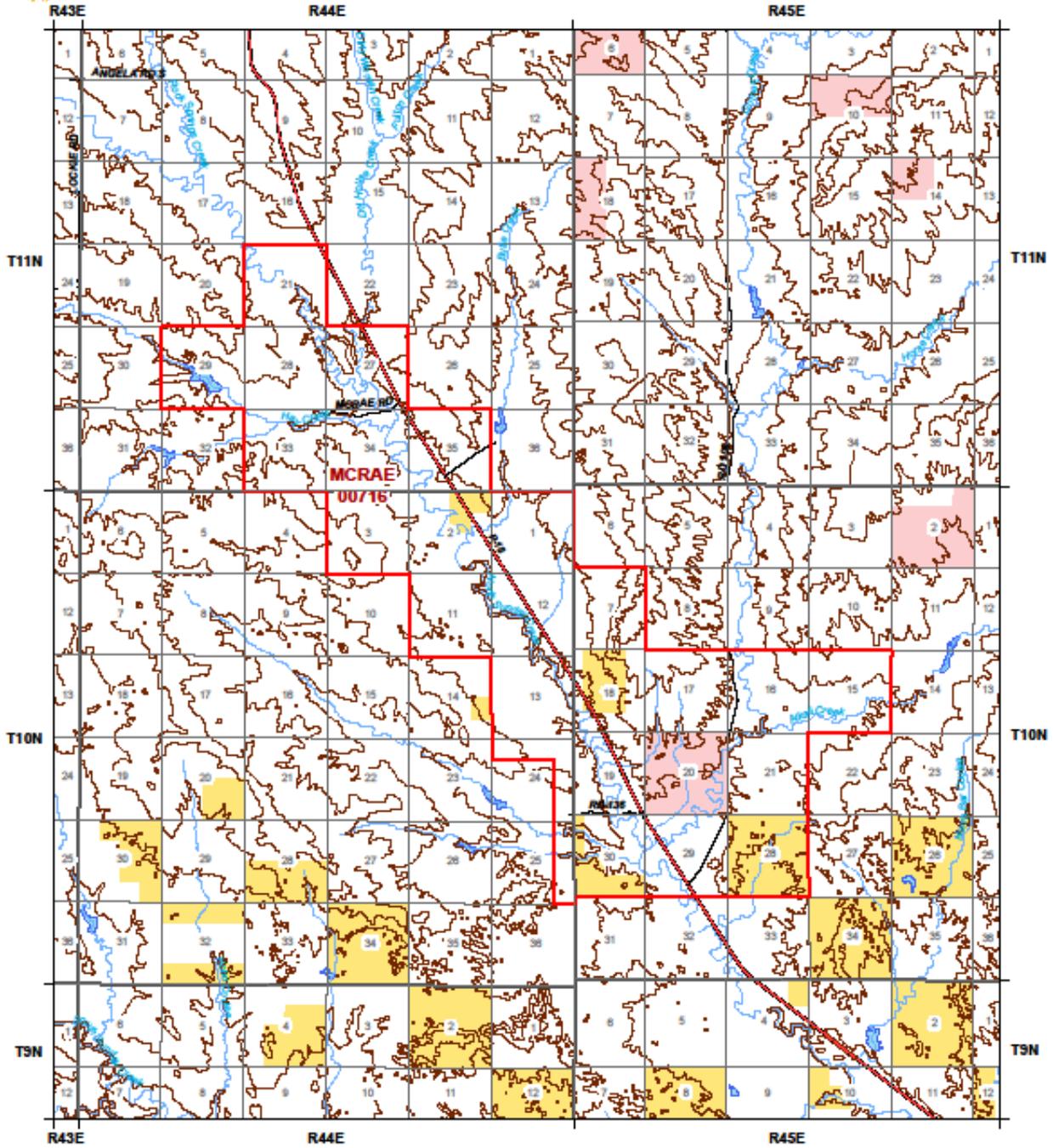
Todd D. Yeager
Field Manager
Miles City Field Office

05/24/2013

Date



McRae Allotment #00716



Allotments Boundary
 Bnkhd-Jns
 BLM

User Name: kjanders Date: 5/21/2013 1:100,000



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

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.



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# 2502217

June 10, 2013

Royce Ponessa
P.O. Box 171
Angela, MT 59312

Certified Mail No: 7011350000345173859
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The McRae Allotment (#00716) is located approximately 2 miles southeast of Miles City, Montana in Custer and Rosebud Counties. The McRae Allotment consists of 1,874 acres of BLM administered lands containing 410 AUMs of authorized active use, 640 acres of state lands, and 11,231 acres of private lands.

The allotment was assessed for and met Land Health Standards in 1999 and subsequent field visits have confirmed that the standards are being met.

Royce Ponessa has submitted to the Miles City BLM Field Office a deed showing control of the base property associated with this allotment and all other required forms have been submitted and accepted by the Miles City Field Office.

In May 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy Worksheet (MT-C020-2013-0154-DNA) to analyze the issuance of the grazing permit to Royce Ponessa for the above mentioned allotment. The worksheet was signed by the authorized officer on May 24, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the McRae Allotment (#00716) to Royce Ponessa. The permit will be issued from January 1, 2014 through February 28, 2023. The permit will be issued as follows:

GR# 2502217

McRae Allotment #00716	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
McRae	34	Cattle	3/01	2/28	100	Custodial	410

Total Active AUMs: 410 AUMs

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.

Supplemental feed (includes salting) will not be placed within one quarter (1/4) 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.

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 an Environmental Assessment (MT-C020-2013-0154-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 May 24, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Royce Ponessa 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. 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 office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 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