

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
**U.S. Department of the Interior**  
**Bureau of Land Management**  
**Las Cruces District Office**

**Nepa Log Number:** DOI-BLM-NM-030-2010-085-DNA

**Casefile/Project Number:** Hanover Lease No. 04542

**Proposed Action Title/Type:** Renewal of Grazing Lease for the Hanover Lease No. 04542

**Location/Legal Description:** Township 17 South, Range 12 West, Sections 16, 20 and 21. This allotment is located in Grant County New Mexico approximately 10 miles northeast of Silver City, New Mexico on State highway 90. The lease contains 112 acres of Federal land with the base property described as private lands in the SW<sup>1</sup>/<sub>4</sub> of Section 16, T. 17 S., R. 12 W., and part of the E <sup>1</sup>/<sub>2</sub> E <sup>1</sup>/<sub>2</sub> of Section 20, T. 17 S., R. 12 W.

**Applicant:** Jay and/or Rachel Killough, Lessee and Chino Mines Co., Lessor

**1 Description of the Proposed Action and any applicable design standards:**

The proposed action is to renew the term grazing lease for the Hanover Lease No. 04542 which is a Section 15 grazing allotment under the Taylor Grazing Act. It was analyzed for a 10 year term grazing lease under Environmental Assessment NM-030-99-103, dated April 28, 1999. The grazing lease for this lease would authorize 2 Cattle Yearlong (CYL), or 24 Federal AUMs, March 1 to February 28 each year, billed at 100 percent public land.

When the transfer from Ron L. Strain to Jay and Rachel Killough was processed in 2005, the BLM was informed by Jerry Donaldson of Chino Mines that there were an additional 48 acres within the ranch boundary. At that time, one additional cow was added to the lease, making it 24 Federal AUMs billed at 100% Federal range. This additional acreage does not change the analysis because there are no T & E species, it is the same range site, and the habitat remains consistent with what was analyzed in 1999. The Hanover Lease is an "M" (Maintain) category lease under the Selective Rangeland Management System and would be renewed for another 10-year term lease.

There are no Terms and Conditions for this lease and the issuance of a new grazing lease meets the criteria for a DNA as described below.

**2 Land Use Plan (LUP) Conformance**

Mimbres Resource Management Plan Approved December 1993.

**2.1 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):**

Under Livestock Grazing, page 2-24 of the Mimbres Resource Management Plan addresses the initial livestock grazing use on all allotments. While the land use plan does not specifically indicate that a grazing permit/lease will be issued for this allotment, issuance is clearly consistent and within the intent of the LUP.

### **3 Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

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

- Notice of Final Decision, dated April 28, 1999  
(Note: When no protests were filed, the Proposed Decision became the Final Decision)
- Finding of No Significant Impact, dated April 28, 1999
- Environmental Assessment No. NM-030-99-103, dated April 28, 1999

### **4 NEPA Adequacy Criteria**

#### **4.1 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 to renew the term grazing lease for the same allotment analyzed in EA-NM-030-99-103. The terms and conditions would be the same as those on the current term grazing lease. No new projects have been constructed and the existing special designations and rights-of-ways have not changed since the previous analysis.

#### **4.2 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, and resource values?**

Yes, the range of alternatives analyzed in EA No. NM-030-99-103 is appropriate with respect to the grazing lease renewal of the Hanover Lease. The environmental concerns, resource values, circumstances and interests are not expected to be affected as a result of the proposed action.

Since the issuance of the Decision, no new monitoring data has been collected.

#### **4.3 Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

While some additional information may have been collected, the existing analysis is valid in light of that new information regarding this allotment.

**Wildlife** – It was determined that there would be a “no effect” on the following species that may be found on this allotment: American Peregrine Falcon, Bald Eagle, Gray Vireo, Loggerhead Shrike, Meams Pocket Gopher, Cave Myotis Bat, and the Fringed Myotis Bat. It was noted that the Pale Townsends’s Big-eared Bat could be impacted if the allotment “is not grazed in such a way to keep it in fair to good condition with

trend improving.” However, “areas that might possibly be used for roosting or maternity sites are in very rough areas not suitable for grazing.”

**Wildlife Ramps** - There are no waters on the public lands of this lease, therefore information on wildlife ramps is not applicable.

**Cultural Resources** – During the scoping process, EA-NM-030-99-103 addressed that “there is a high potential for archeological and historic sites. The high probability is due to there being many drainages within and adjacent to this allotment, and the fact that mining has occurred in the area for over 100 years.” Should an allotment management plan be prepared, all archaeological and historic sites must be taken into account.” While it is standard operating procedure to complete archaeological surveys on new projects, surveys are usually not completed in salting/supplemental feeding locations. Due to the nature of surface archaeological remains, avoidance of surface sites is the primary form of mitigation. Therefore, as part of the mitigation measure, placement of supplemental feeds, minerals, vitamins and protein, in liquid or block form in or near any visible archaeological site will be restricted. This requirement would not significantly change the conclusions in EA-NM-030-99-103.

**4.4 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?**

No new projects have been completed on this allotment and, although there is a new lessee, the management practices have not changed and they are not proposed to be changed. The methodology and analytical approach used in EA NM-030-99-103 continues to be appropriate. The direct, indirect and cumulative effects for the proposed action are thus similar to those analyzed in EA NM-030-99-103.

**4.5 Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, EA NM-030-99-103 was mailed to the interested public for a 30 day comment period. The subsequent Proposed Decision was also issued to the public for a 15-day protest and a 30-day appeal period. No comments, protests or appeals were received.

In addition, a proposed decision will be issued to the lessee and interested public as part of the reissuance of the new term grazing lease. The proposed decision will allow for a protest and appeal period in accordance with the grazing regulations.

**5 Persons/Agencies /BLM Staff Consulted**

<b>Name</b>	<b>Title</b>	<b>Resource Represented</b>
Tom Holcomb	Archeologist	Cultural
Jack Barnitz	Wildlife Biologist	Botany (T & E)
Jack Barnitz	Wildlife Biologist	Wildlife (T & E)
Dona Rutherford	Range Technician	Range

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**6 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:

A specific term and condition restricting placement of the supplemental feed, mineral, etc. in or near visible archaeological sites will not be specifically added to the terms and condition of the lease; however, this mitigation measure will be addressed through all encompassing term and condition stating that "Grazing use will be in accordance with the proposed action and mitigation measures identified in NM-030-99-103 and DOI-BLM-NM-030-2010-\*\*\*-DNA."

## 7 Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation cited herein fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Project Lead \_\_\_Dona Rutherford /s/\_\_\_\_\_

NEPA Coordinator \_\_\_\_\_Jennifer Montoya /s/\_\_\_\_\_

Assistant District Manager: \_\_\_Jim McCormick /s/\_\_\_\_\_ Date \_\_5/25/2010\_\_\_\_\_

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.