

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

BLM Office: Buffalo Field Office, Wyoming

DNA #: WY-070-DNA12-233

Casefile Number: 4907479

Proposed Action Title/Type: Little Rawhide Allotment Grazing Lease Renewal

Location of Proposed Action: T.51N, R.72W, Sec.11: NW¹/₄NW¹/₄
 (See attached map)

Applicant: Charles T. Rourke

A. Description of the Proposed Action: The proposed action is for the BLM to issue a new 10-year term grazing lease to Charles T. Rourke for the Little Rawhide Allotment (02279). There are no modifications to the current terms and conditions outlined in the expiring lease held by Charles T. Rourke. Rourke leases the base property from the landowner, Peabody Caballo Mining, LLC. The term of the proposed lease coincides with the terms of the lease agreement between the landowner and this lessee. The BLM lease terminates upon termination or expiration of the base property lease. The terms of the proposed lease are as follows:

Allotment	Number & Kind	Grazing Period	% Public Land	Type Use	AUMs
Little Rawhide (02279)	170 Cattle	03/01 to 02/28	100	Custodial	10

B. Conformance with the Land Use Plan (LUP) and Related Implementation Plans

LUP Name	<u>Buffalo Resource Management Plan</u>	Date Approved: <u>Oct 1985</u>
Other document	<u>Buffalo RMP Amendments</u>	Date Approved: <u>2001, 2003, 2011</u>
	<u>DOI Secretarial Order No.3310</u>	Date Approved: <u>Dec 2010</u>

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

1985 RMP: *GM-4: Manage "C" Category allotments as described below. Continue current authorized livestock use. Livestock kinds and numbers and the period of use will be authorized as at present for each individual lease.*

2001 Amendment: p. 18: *Livestock grazing is allowed on all public lands in the resource area except on about 6,000 acres where it has been determined to be incompatible with other resource uses or values.*

2003 Amendment: p. 8 and Appendix E provide for: *supporting measures to protect BLM recognized sensitive species (here Greater Sage-Grouse). Areas, such as those seeded, will*

receive an intensive cultural inventory prior to disturbance. Vegetation herbicide treatments of invasive species, cheatgrass, requires a PUP (pesticide use proposal) approved by the BLM WY state office.

DOI Order No.3310: *The public lands in the allotment are lacking in wilderness characteristics due to their small size (under 5,000 acres).*

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

- WY-070-EA08-124, Jenkins and Jones 10-Year Term Grazing Lease Renewals. FONSI/DR signed January 16, 2009.

Note: This EA tiers to the 1985 Buffalo RMP and Amendments of 2001 & 2003 and the Buffalo Final Environmental Impact Statement (FEIS) 1985, and Powder River Basin FEIS, 2003.

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 this existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The Jenkins and Jones Grazing Lease Renewal EA analyzed authorizing livestock grazing on the Little Rawhide Allotment at the following rate:

Allotment	Number & Kind	Grazing Period	% Public Land	Type Use	AUMs
Little Rawhide (02279)	170 Cattle	03/01 to 02/28	100	Custodial	10

The proposed action would authorize the same number and kind of livestock and season of use analyzed in the EA. This is the same grazing that presently occurs. The proposed action is included in the analysis area.

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 EA analyzed a proposed action grazing alternative and a No Action Alternative which would end livestock grazing on these “C” category allotments. These alternatives are consistent with those used currently. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in 2009 that would indicate a need for additional alternatives. Active management of category "C" isolated public lands is at a public cost and management effort largely beyond the scope of generating public benefit; see generally, *Ted Lapis v. U.S.*, 178 IBLA 62 (2009). All mineral development that currently exists in the allotment was present at the time of the previous EA. There is a large open pit coal mine within 0.5 miles of the public lands in the allotment. This mineral development was analyzed in the Eastern Powder River Coal Final Environmental Statement (1997).

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 circumstances would not substantially change the analysis of the new proposed action?

Yes. With respect to DOI Secretarial Order No.3310, the public lands in the Little Rawhide allotment are lacking in wilderness characteristics due to their small size (less than 5,000 acres). The rangeland health assessment standard is consistent and unchanged. The existing analysis includes a number of threatened, endangered, and sensitive species within the boundary of the Little Rawhide Allotment. The existing EA analyzes the impacts of grazing in the Little Rawhide allotment on threatened & endangered and BLM sensitive species, including Ute ladies'-tresses, migratory birds, raptors, greater Greater Sage-Grouse, black-tailed prairie dogs, black-footed ferrets, bald eagles and mountain plover. Greater Sage-Grouse breeding and wintering habitat is present on the public lands in the allotment; ongoing livestock grazing is not expected to affect use of the area by Greater Sage-Grouse. The EA also analyzes impacts to big game, additional mammals, and raptors. Grazing has occurred historically in this allotment and these species have continued to flourish. BLM sensitive species that were designated after the publication of the Little Rawhide EA include a variety of frog, bat, bird and plant species. Habitat for the majority of these species is not available on public lands in the Little Rawhide allotment and there are no known occurrences of threatened or endangered species on this allotment. Should these species occur incidentally, the effects of ongoing livestock operations as described in the new proposed action are not expected to significantly impact these species' populations. This allotment and BLM parcel are not in Greater Sage-Grouse primary habitat.

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(s)?

Yes. The direct, indirect, and cumulative effects that would result from implementation of the new proposed action are similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents to which this proposal tiers. The EA describes and analyzes impacts to cultural resources, invasive species, threatened, endangered, and sensitive species, soils, vegetation, wildlife, and range management under both the proposed action and no action alternatives. Multiple resource specialists were consulted in development of the analysis. This is consistent with NEPA and current environmental assessment procedures.

The direct, indirect, and cumulative impacts of livestock grazing in the Little Rawhide Allotment are adequately addressed in the EA. There should be no additional effects on vegetation, wildlife, cultural, and other resources, as livestock grazing has occurred historically on this allotment. The EA identified no significant impacts to the site.

There is currently no oil, gas, or mineral development present on the public lands in the Little Rawhide Allotment, however the Peabody Caballo Mining Company operates a large open pit coal mine less than 0.5 miles from the BLM lands and has leased the rights to mine coal under the public lands in the allotment. Impacts from this mineral development are addressed in the Eastern Powder River Coal Final Environmental Statement (1997). Any additional future impacts from federal mineral development will be addressed in a NEPA document specific to the

proposed project. The EA also addresses noxious weed infestation in its effects analysis. Current BLM EA procedures address impacts to Greater Sage-Grouse under cumulative effects, and these are not addressed in the existing EA. However, ongoing livestock operations should not substantially add to these effects.

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

Yes. Livestock grazing throughout the Buffalo Field Office was addressed in the 1985 RMP, the 2001 and 2003 RMP Amendments. Development of each of these documents was accompanied by substantial opportunities for public comment and involvement. During preparation of the 2009 EA, interested parties were notified of the NEPA process and had opportunity to participate and comment on the document. A protest and appeal period was available for the EA; none were received.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Charlotte Darling	Rangeland Management Specialist	Range/Preparer
Clint Crago	Archaeologist	Cultural Resources
Scott Jawors	Wildlife Biologist	Wildlife
Chris Durham	Asst. Field Manager	Resources
John Kelley	Planning & Env. Coordinator	NEPA Planning

Refer to the EA and EIS for a complete list of the original environmental analysis team members.

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 fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

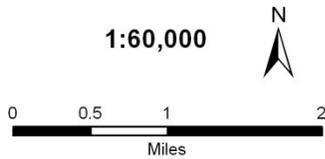
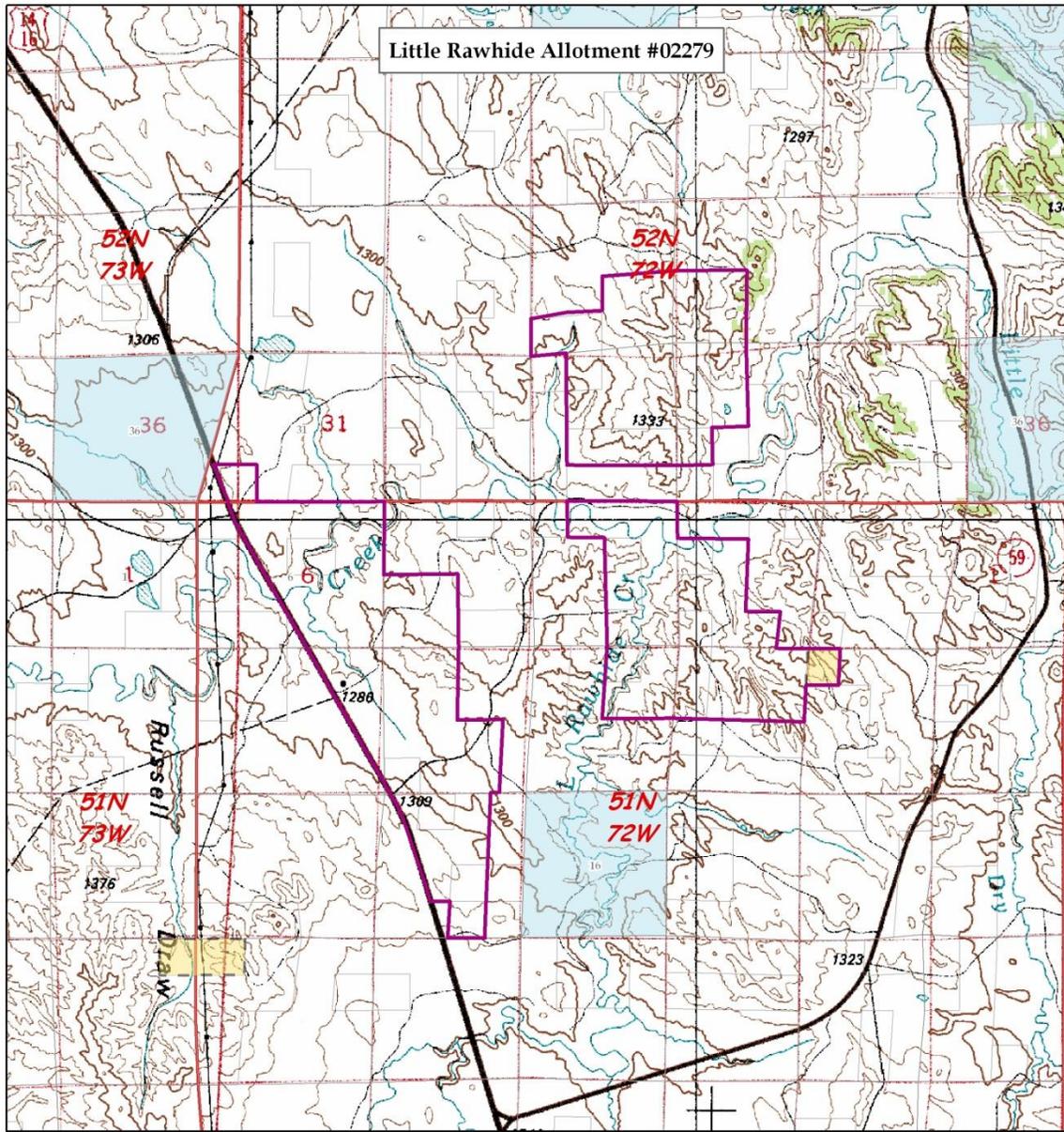
Signature of Project Lead

Signature of NEPA Coordinator

Signature of Responsible Official
Duane Spencer, Field Manager

Date

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.



9/12/2012 cdarling