

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

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

A. BLM Office: Klamath Falls R.A. OR-014 **Permit/Lease:** #3601075

Proposed Action Title/Type: The proposed action is to renew an expiring 10-year grazing permit/lease (#3601075) for Eldon Kent for approximately 7231 acres of BLM administered land known as the Dry Prairie Allotment (#885). The permit/lease expires on 2/28/2006 and is being renewed in accordance with the grazing regulations at 43 Code of Federal Regulations (CFR) §4110.1; §4110.2-1(a) (1) & (c); §4110.2-2(a); §4130.2; and §4130.3; and other pertinent policy and guidance.

(Note: This permit renewal combines two previous grazing permits - #3601071 & #3601075 - which expire 2/28/2006 and have been combined in to one permit #3601075 as both base properties are now owned by one organization, i.e. the Hamilton Family LLC.)

Location of Proposed Action: The BLM Section 15 (of the *Taylor Grazing Act of 1934*) administered lands that comprise the Dry Prairie #885 allotment are located within T38S&39S, R14E, (see attached map). In addition to the BLM lands, there is a smaller amount of privately owned lands that border or are contained within the Dry Prairie allotment which are used in common with the BLM.

Description of the Proposed Action: This DNA will be considered as in effect for ten years, i.e. 3/1/2006 through 2/28/2016. However, since the BLM grazing permit/lease is based on a private base property lease, the term of the re-issued grazing permit/lease will be the term of that private base lease or 10-years, whichever is less. Grazing permits/lease are typically issued for 10 year terms as authorized by the grazing regulations at §4130.2(d), unless the base property lease is for a lesser period of time, in which case the permit/lease is authorized for the effective period of the base lease (§4130.2(d)(3)). This DNA is considered appropriate NEPA conformance for future base property leases, with the same grazing parameters, through 2/28/2016. The parameters of the renewed grazing permit/lease would be the same as the previous permit and as follows:

<u>ALLOTMENT</u>	<u>LIVESTOCK</u>	<u>GRAZING PERIOD</u>	<u>AUMs</u>
Dry Prairie (0885)	70 cattle	05/15-08/31	283 AUMs

Applicant (if any): Eldon Kent
 Permit/lease renewal application sent on 9/8/05 and received on 9/30/05

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

LUP Name*: *Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement* (KFRA RMP/EIS dated September 1994)

Date Approved: June 1995 via the *Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary* (KFRA ROD/RMP/RPS)

Other document**: None

* List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

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

The KFRA ROD/RMP/RPS states on page 62 to “*Provide for livestock grazing in an environmentally sensitive manner, consistent with other objectives and land use allocations. Resolve resource conflicts and concerns and ensure that livestock grazing use is consistent with the objectives and direction found in Appendix H (Grazing Management)*” (emphasis added). Also later on that same page is the following: “*Provide for initial levels of livestock grazing within the parameters outlined, by allotment, in Appendix H.*”

The 1994 KFRA RMP/EIS listed the parameters for the Dry Prairie allotment on page L-56; parameters which are consistent with the current grazing permit/lease and proposed renewal. The 1995 KFRA ROD/RMP/RPS - Appendix H - listed the grazing parameters for the Dry Prairie allotment on page H-56. The parameters for the proposed action (permit/lease renewal) were the same as the past grazing permit/lease, though somewhat different than that proposed in the KFRA ROD/RMP/RPS. Specifically, that plan listed a season of use of 04/15 to 08/31.

That plan also noted that “*All changes...livestock grazing management will be made through the monitoring and evaluation process as outlined in the (the plan)...*” The “*monitoring and evaluation process*” outlined in the plan is now primarily the *Rangeland Health Standards Assessment* (RHSA) process, which as structured in this resource area, includes an evaluation of existing monitoring and related information. The RHSA assessment was completed in 1999 and determined that no changes in grazing management were necessary at that time nor are they believed to be necessary at this time. The one exception to this is that the RHSA allowed use to occur into September in the Dry Prairie pasture, as yearly conditions allow, based on the forage domination of that pasture by unfenced private meadow lands which are leased by the permittees.

-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) and, if applicable, implementation plan decisions:

Not Applicable - the action is specifically provided for in the LUP.

C. Identify the applicable 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.

Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement (KFRA RMP/EIS dated September 1994) approved via the June 1995 *Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary* (KFRA ROD/RMP/RPS). This is the overall land use plan (LUP) for the Klamath Falls Resource Area.

Klamath Falls Resource Area Fire Management EA #OR-014-94-09 (June 10, 1994)

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

In 1995, section 7 (Endangered Species Act) consultation with the USFWS was initiated in regards to grazing and the endangered shortnose sucker, which resides in Gerber Reservoir and its tributaries including Ben Hall Creek in the Dry Prairie allotment. A biological evaluation/assessment was completed for this and two neighboring allotments and a Biological Opinion (BO) issued that allowed grazing within certain parameters and with required intensive monitoring. The grazing permit reflects the approved grazing parameters of the BO. A Rangeland Health Standards Assessment was completed for this allotment in FY 1999 and is discussed later.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Documentation of answer and explanation:

The proposed action (permit/lease re-issuance) is consistent with, if not identical to, the grazing management identified in the KFRA RMP/EIS Preferred Alternative - called the "Proposed Resource Management Plan" or PRMP (also called the "Final RMP/EIS"). Specifics by allotment are found in Appendix L, with the Dry Prairie allotment on page L-56. The preferred alternative was affirmed and implemented by the KFRA ROD/RMP/RPS, where the allotment specific information is found in Appendix H, page H-56. Though the season-of-use of the proposed permit/lease renewal is slightly different than that found in the KFRA ROD/RMP/RPS, it is not significantly different, and the Dry Prairie RHSA found grazing to be appropriate with the existing season of use of 5/01– 08/31 (with the September extension option available as appropriate in the Dry Prairie pasture due to the private lands). Environmental impacts of grazing, for all alternatives, are found in Chapter 4 - "Environmental Consequences" (4-1 through 4-143) - of the KFRA RMP/EIS. Since the proposed action (permit/lease renewal grazing parameters) and the Dry Prairie allotment were specifically analyzed in the plan and the RHSA completed, affirming the grazing lease as is, the answer to this NEPA adequacy question must be "yes".

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation:

The proposed action (permit/lease renewal) lies within the range of various alternatives identified and analyzed in the KFRA RMP/EIS (summarized in table S-1 "Comparisons of Allocations and Management by Alternative", pages 18-50; and S-2 "Summary of Environmental Consequences by Alternative", pages 52-53). This array and range of alternatives included the No Action alternative (status quo); five other alternatives (A through E) that covered a span of management from a strong emphasis on commodities production to a strong emphasis on resource protection/preservation; and the PRMP that emphasizes a balanced approach of producing an array of socially valuable products within the concept of ecosystem management. Since this plan is relatively recent (1995), it more than adequately reflects "current environmental concerns, interests, and resource values". Recent formal evaluations of the RMP (1999 & 2003) affirmed the validity and adequacy of the plan.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new

information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation: A review was conducted to determine if any new information, studies, and/or analyses has been collected/completed since 1995 that would materially differ from that collected/completed during the RMP/EIS process. No new information has been collected or analyzed for this allotment that would change the analysis and conclusions completed during the RMP/EIS process. However, the following information is pertinent to the full addressing of this NEPA adequacy question:

- The science done during the Interior Columbia Basin Ecosystem Management Planning (ICBEMP) effort did not indicate any new or significant information that would modify the management direction in this allotment; that effort's broad scale did not allow for the specificity of the KFRA RMP.
- The allotment is an "I" (improve) category allotment, (I) allotments receive the most management attention. A partial reconstruction of approximately 1 mile of fence (West boundary fence of the BLM land) was completed in 2004. There have been no other indications in recent years that the allotment has any significant livestock grazing related resource problems that need extensive monitoring and/or management changes. Recent field checks of the allotment (October 2005) indicated that the current grazing use is consistent with LUP objectives and appropriate for the perpetuation and/or improvement of the vegetation community.
- During the field seasons of 1997 and 1998 the entire Gerber Block was ecological site inventoried (ESI) which includes an Order 3 soil survey. This survey found that almost 98% of the allotment vegetation was in either late seral ("good") or Potential Natural Community ("PNC" or "excellent") condition, indicating high ecological functionality and an absence of significant impacts from livestock grazing.
- As noted earlier, this allotment has been under section 7 consultation (ESA) since 1995. Because of this it has had copious amounts of rangeland monitoring studies collected on it and multiple re-evaluations of that data done periodically. These studies/evaluations have all shown that the current grazing use is appropriate for the conditions and potential of area.
- In accordance with 43 CFR §4180 and related policy direction, the Klamath Falls Resource Area is implementing the *Standards for Rangeland Health and Guidelines for Grazing Management* (S&G's), as approved by the Klamath PAC/RAC. A *Rangeland Health Standards Assessment* was completed for this allotment during FY 1999. The Assessment found that the grazing use as currently permitted is appropriate for maintaining adequate (or better) rangeland vegetation conditions.
- The entire Gerber Block was also analyzed in the "Gerber-Willow Valley Watershed Analysis", which was completed in 2003. This analysis also reaffirmed the good conditions of the allotment already elaborated on above.
- Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan.

To summarize, the existing analysis and subsequent conclusions in the LUP are still considered valid at this time, including the described and analyzed livestock grazing impacts. Likewise, it is reasonable to conclude that the new information and new circumstances are insignificant with regard to the analysis of the proposed action. If anything, the Dry Prairie allotment is in better condition than when the LUP was completed – a tribute to the utility of that plan.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation:

The KFRA RMP/EIS, and subsequent ROD/RMP/RPS, designated domestic livestock grazing as a principle or major use for this allotment under the principle of multiple-use on a sustained yield basis in accordance with FLPMA. The development of the Proposed Resource Management Plan in the RMP/EIS, as adjusted or affirmed by the ROD/RMP/RPS, meets NEPA standards for impact analysis. The methodology and analyses employed in the RMP/EIS are still considered valid as this planning effort is relatively recent (ROD - June 1995) and considered up to date procedurally. Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan. Litigation related or induced direction since the ROD has not indicated that the LUP “methodology and analytical approach” is dated, obsolete, or in need of amendment. The plan is “maintained” regularly to keep it current by incorporating new information, updating for new policies and procedures, and correcting errors as they are found. In addition, all the rangeland monitoring, studies, and survey methods (i.e. ESI) utilized in the resource area prior to and during the planning process continue to be accepted (or required) BLM methods and procedures. These accepted methods continue to be utilized where and as needed.

(Note: The KFRA RMP/EIS is being revised at this time due to the results of a timber production lawsuit totally unrelated to grazing use or rangeland vegetation conditions. It is scheduled to be completed in 2008.)

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation:

The proposed action is consistent with the impact analysis KFRA RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS. The impacts of livestock grazing were analyzed in most of the major sections of Chapter 4 - Environmental Consequences (pages 4-1 through 4-143) in the RMP/EIS. No new information has come to light since completion of the plan that would indicate that the previously analyzed direct/indirect impacts would be substantially different. Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan, including its impact analysis.

The details of the proposed action were also covered specifically in Appendix H - *Grazing Management and Rangeland Program Summary* (page H-56) of the KFRA ROD/RMP/RPS. During the pre-RMP process in 1990-91, a series of IDT meetings were held to specifically address the formulation of objectives for every grazing allotment in the KFRA. These objectives were based on the monitoring (or related) data collected, past allotment categorization efforts (1982, as subsequently revised), as well as professional judgment based on field observations up to that time. As noted earlier a *Rangeland Health Standards Assessment* was completed for this allotment during FY 1999. The Assessment found that the grazing use as currently permitted is appropriate for maintaining adequate (or better) rangeland vegetation conditions and no changes in management were or are needed.

In summary, it is thought at this time, based on current information and judgment, that this NEPA Adequacy “question” is in the affirmative; that the direct and indirect impacts of re-issuing this grazing permit are unchanged from that identified in the LUP and that plan also adequately analyzes the site-specific impacts.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

The proposed action as analyzed in the PRMP of the KFRA RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS, would not change analysis of cumulative impacts. Any adverse cumulative impacts are the same as, and within the parameters of those identified and accepted in that earlier planning effort for this allotments grazing use, since the proposed action was specifically analyzed in the RMP/EIS. Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan, including the cumulative impact analysis. In addition, the recent analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) have not indicated any cumulative impacts beyond those anticipated in the earlier analyses. (In addition, the ICBEMP, due to its regional approach, does not have the specificity of the RMP.)

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

Documentation of answer and explanation:

The KFRA RMP/EIS and ROD/RMP/RPS were distributed to all interested publics and other government agencies for review. Since this proposed permit/lease issuance is essentially as listed in the LUP - and that plan went through all of the appropriate and legally required public/agency review - public involvement is considered at least adequate.

All of those publics/agencies have also been kept informed of plan implementation through periodic planning update reports, i.e. May 1995, October 1997, February 1999, July 2000, August 2002, January 2004 (for FY 2003), FY 2004 (undated but published in 2005), with the 2005 version pending at the time of writing this DNA. These planning updates, or Annual Program Summaries (APS) as they are now called, include information on range program and project accomplishments, updates to the RPS, monitoring accomplishment reports, planned activities for the upcoming year, allotment evaluation and Rangeland Health Standards Assessment scheduling, and other information necessary to allow for adequate public involvement opportunities.

No specific public involvement or "interested public" status (under the grazing regulations at 43 CFR 4100.0-5) has been requested for this allotment, with the exception of the existing permittee, who is granted automatic status.

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>
Tonya Pinckney	Rangeland Technician	Author/Grazing Mgmt.

(See cover sheet for other participants and/or reviewers)

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.

There are no specific mitigation measure(s) recommended or needed at this time. This fact was affirmed in the 1999 RHA and the 2003 Gerber-Willow Valley WA.

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 constitute BLM's compliance with the requirements of NEPA.

 1/23/16

Field Manager, Klamath Falls Resource Area

Date

Klamath Falls Resource Area NEPA Document Routing Slip for Internal Review

Project Name: DRY Prairie / Kent Permit Renewal
Date Initiated: 1-4-06 **Project Lead/Contact:** Tonya Pinckney

Resource or Staff Responsible	Review Priority	Preliminary Review Initials / Date	Comments Attached / Incorporated	Final Review Initials / Date
Manager: Jon Raby	Last	JR 1/23/06		JR 1/23/06
Branch Chief: Heather Bernier	Second to Last		See sticky note	HB 1/13/06
Branch Chief: Larry Brooks	Second to Last			
Planner/EC: Don Hoffheins, Kathy Lindsey	Third from Last		minor edits	KL 1/10/06
Range: Bill Lindsey, Dana Eckard			NONE-INCORP.	BL 1/4/06
Wild Horses: Tonya Pinckney				
Fire/Air Quality: Eric Johnson Joe Foran				
Silviculture: Bill Johnson				
Timber: Mike Bechdolt				
Botany/ACEC/Noxious Weeds: Lou Whiteaker		LW 1/10/06	None	LW 1/10/06
Cultural: Tim Canaday, Michelle Durant		TC 1/11/2006		TC 1/11/2006
Safety/HazMat: Tom Cottingham				
Lands/Realty/Minerals: Linda Younger				
Recreation/Visual/Wilderness: Scott Senter				
Hydrology/Riparian: Liz Berger				
Wildlife/T&E: Steve Hayner		SH 1/9/06	NONE	SH 1/9/06
Wildlife/Fuels: Matt Broyles				
Fisheries/T&E: Scott Snedaker				
W/S Rivers: Grant Weidenbach				
Engineering: Brian McCarty				
Soils/Veg Surveys: Molly Juillerat Amber Knoll				
Wood River Wetlands: Wedge Watkins				
Clearances/Surveys	Needed	Done/Attached	*This document will not sit on your desk for more than 8 hours. Please check on calendar to make sure that the next person will be available to review the document. **Some resource areas may not apply for all projects. If so, just mark "N/A" in "Review Priority" column.	
Cultural	No TC 1/11/2006			
Botanical	No LW 1/10/06			
T&E, BA & or Consultation				
R-O-W Permits				

→ Range improvements (fences, water tanks, etc) will require cultural resource clearance.
TC 1/11/2006