

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:** #3601077

Proposed Action Title/Type: The proposed action is to renew an expiring 10-year grazing permit/lease (#3601077) for Eldon Kent for approximately 282 acres of BLM administered land known as the Pankey Basin Allotment (#0884). The permit/lease expires on 2/28/2005 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.

Location of Proposed Action: The BLM Section 15 (of the *Taylor Grazing Act of 1934*) administered lands that comprise of the Pankey Basin allotment are located about 30 miles east of Klamath Falls, Oregon. This allotment is located within T39S & R14E (see attached map). The BLM lands are intermingled and unfenced from the adjacent private base properties which are being leased by Eldon Kent from Jim Lane. The BLM parcel is not fenced separately and used in common with the private lands.

Description of the Proposed Action: This DNA will be considered as in effect for ten years, i.e. 3/1/2005 through 2/28/2015. 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 a 10 year term under 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)). 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>
Pankey Basin (0884)	12 cattle	5/15 - 8/31	43 AUMs

Applicant (if any): Eldon Kent
 Permit/lease renewal application sent on 10/4/04 and returned by the lessee on 10/26/04.

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 Pankey Basin allotment on page L-55; 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 Pankey Basin allotment on page H-55. 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 5/1 to 8/1. However, 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 FY 2003 and determined that no changes in grazing management were necessary.

-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, a biological evaluation/assessment was completed for the KFRA’s Westside allotments in which the grazing on this allotment was determined by the BLM to be a “no-effect” impact to the two endangered sucker species in the Klamath Basin. The Rangeland Health Standards Assessment (RHSA) for the allotment was completed in 2003 as part of the Gerber-Willow Valley Watershed Analysis (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 Pankey Basin allotment on page L-55. 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-55. Though the season-of-use of the proposed permit/lease renewal is different than that found in the KFRA ROD/RMP/RPS, it is not significantly different, and the Pankey Basin RHSA found grazing to be appropriate with the existing season of use of 5/15 - 8/31. 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 Pankey Basin allotment were specifically analyzed in the plan and the RHSA completed, 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. Allotment monitoring information was collected for and analyzed in the Gerber-Willow Valley Watershed Analysis (July 2003) which contains this allotments' Rangeland Health Standards Assessment (RHSA); see pages 327-329 of that document for specific information for the Pankey Basin allotment. Monitoring studies have indicated that the BLM portion of Pankey Creek which runs through this allotment was - and continues to be - excessively impacted by livestock grazing during the grazing season (summer). Since the public and private lands are not fenced separately

from each other it has been proposed to fence the portion of BLM lands around the creek/meadow. The following additional 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 a low priority "C" (custodial) category allotment which implies that it is either in appropriate condition and/or has little opportunity for resource enhancement. Though the majority of the allotment is in appropriate ecological condition, as noted above, the conditions along Pankey Creek have been negatively impacted by grazing. Recent field checks (summer 2004) of the allotment confirm that the heavy grazing use is suppressing riparian conditions.
- 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 2003 as part of the Gerber-Willow Valley Watershed Analysis. The Assessment found that the grazing use as currently permitted is appropriate for maintaining adequate (or better) rangeland vegetation conditions on the uplands but not along the narrow riparian vegetation strip on Pankey Creek.
- 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.

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.

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-12) 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. Two “*Identified Resources Conflicts/Concerns*” were listed for the Pankey Basin allotment – one dealing with Water quality and one expressing concerns about riparian conditions. As noted earlier a *Rangeland Health Standards Assessment* was completed for this allotment during FY 2003. The Assessment found that grazing use was having a negative impact along the creek/riparian area and proposed fencing of the portion of the creek managed by BLM. Since the BLM lands are grazed in common with the adjacent private lands, fencing is the only viable option. The fencing project is scheduled to be completed in FY05 or possibly early FY06.

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, with another (FY 2004 APS) pending at the time of writing this DNA. These planning updates, or Annual Program Summaries 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.

The 2003 RHSA determined that undesirable grazing related impacts were still occurring to the BLM portion of Pankey Creek. The recommended mitigation was to fence the 0.3 mile portion of Pankey Creek that is being impacted. Since the BLM lands are grazed in common with the adjacent private lands, fencing of the creek is considered the only viable – or at least the most acceptable - option. This fencing is tentatively planned for construction in FY05 or early FY06.

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.

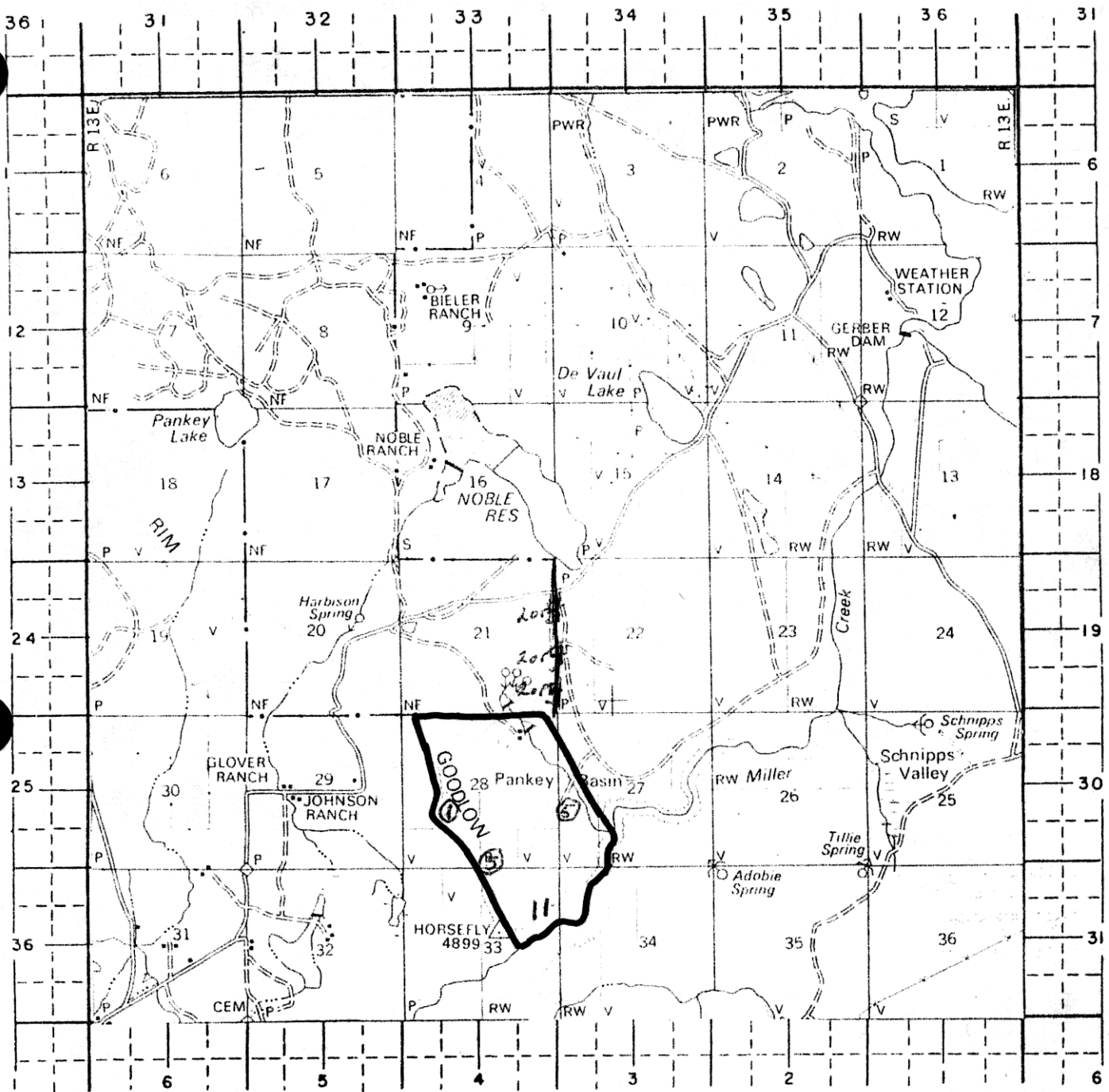


 Field Manager, Klamath Falls Resource Area

1/24/05

 Date

39 SOUTH | 13 EAST | WILLAMETTE | OREGON



James Lane ① - There is quite a bit of native feed on bench area above basin that is not utilized by cattle due to lack of water
 ② These two areas have springs that could be utilized for stock water supplies
 ③ From deeded land southline to rim of miller creek rocky area could be air seeded for greater production of forage

