

**U.S. Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy (DNA) for Grazing
Permit Transfer from Robert and Gayle Bartlett to
Gene Kemp**

DOI-BLM-NV-L020-2012-0004-DNA

February 8, 2012

PREPARING OFFICE

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TRACKING NUMBER: DOI-BLM-NV-L020--2012--0004--DNA

PROPOSED ACTION TITLE/TYPE: Grazing Permit Transfer from Robert and Gayle Bartlett to Gene Kemp

LOCATION/LEGAL DESCRIPTION: Schoolhouse Springs Allotment

APPLICANT (if any): Gene Kemp

A. Description of Proposed Action and any applicable mitigation measures

The proposed action is to transfer control of the grazing preference to Gene Kemp from Robert and Gayle Bartlett, which is based upon a valid lease of the base property. A new permit would be issued with slight modifications in the season of use to better reflect the Ely District Approved Resource Management Plan's direction on managing winterfat areas during the critical growing season. No changes would be made to the active AUMs.

B. Land Use Plan Conformance

LUP Name	<u>Ely District</u> <u>Approved Resource</u> <u>Management Plan</u>	Date Approved:	<u>August, 2008</u>
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The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan which states, "Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health." In addition, "To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (pgs 85-86)."

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

LG-1, "Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis."

LG-5, "Maintain the current preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock, and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health."

*Chapter 1 Determination of NEPA Adequacy (DNA)
A. Description of Proposed Action and any
applicable mitigation measures*

C. 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.

Name	Date
Final Environmental Assessment NV-040-06-012 Grazing Permit Issuance for Robert and Gayle Bartlett	September 11, 2007
FONSI for EA NV-040-06-012	February 22, 2008
Final Decision for EA NV-040-06-012	February 26, 2008
Proposed Decision for EA NV-040-06-012	September 12, 2007
Ely Proposed Resource Management Plan/Final Environmental Impact Statement	November, 2007
Ely District Record of Decision and Approved Resource Management Plan	August 20, 2008

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).

Name	Date
Standards Determination Document for the Schoolhouse Springs Allotment	February 25, 2008
Risk Assessment for Noxious and Invasive Weeds	July 11, 2007
Cultural Resources Inventory Needs Assessment and Determination of Effects for Livestock Grazing for DOI-BLM-NV-L020-2012-0004-DNA	January 18, 2012

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?

The Environmental Assessment (NV-040-06-012) for the Term Grazing Permit Renewals on the Schoolhouse Springs Allotment analyzed the proposed action to “issue and fully process a new term grazing permit...and authorize grazing on the Schoolhouse Springs Allotment.” The grazing preference has been transferred to Gene Kemp in accordance with 43 CFR 4110.2-3—Transfer of Grazing Preference. The new proposed action is to issue a new grazing permit to Gene Kemp under the same conditions as described in the previous EA. This new proposed action is considered a feature of, or essentially similar to, the proposed action analyzed previously.

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 value?

No new alternatives are needed since the transfer would maintain the current preference, season-of-use, kind of livestock and management practices based on the alternatives analyzed in the Environmental Assessment NV-040-06-012 and the Robert and Gayle Bartlett Term Permit Renewal (Operator #2704450) Standards Determination Document.

*Chapter 1 Determination of NEPA Adequacy (DNA)
C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.*

February 8, 2012

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessments, 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?

The Environmental Assessment NV-040-06-012 analyzed all of the above issues and since the issuance of the final decision on February 26, 2008, management, information, and circumstances have not changed, with the exception of the Greater Sage grouse .

The U.S. Fish and Wildlife Service (USFWS) has concluded that the Greater sage-grouse (*Centrocercus urophasianus*) is warranted for protection under the Endangered Species Act, however, that action is precluded at this time due to higher priority species. Greater sage grouse habitat was discussed in the Environmental Assessment NV-040-06-012 but at that time, the same emphasis was not placed on conservation. Current analysis includes sage grouse lek location, as well as preliminary priority habitat (PPH). There are no leks located on the Schoolhouse Springs Allotment and the only PPH occurs in an upland site that is not accessed by cattle. Therefore, this new information does not change the analysis of the new proposed action.

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?

The direct, indirect, and cumulative effects would be the same as those analyzed previously since the on-the-ground action is the same.

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

The existing NEPA documents had adequate public involvement and interagency review for the current proposed action. A summary of consultation and coordination completed during the Environmental Assessment NV-040-06-012 follows:

The project proposal was posted on the Ely District web site on January 30, 2007 and no comments were received.

The preliminary EA was posted on the Ely external webpage on July 23, 2007 for a 30-day comment period. A hard copy of the preliminary EA was mailed on July 24, 2007 to the permittee and those publics who have specifically requested a copy and who have expressed an interest in range management actions on the Schoolhouse Springs Allotment.

A proposed decision for the Robert and Gayle Bartlett Term Permit Renewal for the Schoolhouse Springs Allotment was issued on September 12, 2007.

A protest to the proposed decision to renew a grazing permit for Robert and Gayle Bartlett on the Schoolhouse Springs Allotment was received from interested publics on October 1, 2007. A written response to the substantial protest points was prepared on December 6, 2007 and was placed in the BLM administrative record for this permit renewal. Based on the substantial protest points and a range team review of the protest points, the final decision has not been changed from the proposed decision.

A Finding of No Significant Impact for the Robert and Gayle Bartlett Term Permit Renewal for the Schoolhouse Springs Allotment was issued on February 22, 2008.

A final decision for the Robert and Gayle Bartlett Term Permit Renewal for the Schoolhouse Springs Allotment was issued on February 26, 2008.

E. Persons/Agencies/BLM Staff Consulted

Table 1.1. List of Preparers

Name	Title	Discipline
Andrea J. Cox	Rangeland Management Specialist	Rangeland Resources, Invasive and Non-Native Species, Vegetative Resources
Mark D'Aversa	Hydrologist	Soil, Air, Water, Riparian/Wetlands, Floodplains
Adam Johnson	Natural Resource Specialist	Forest Resources
Ken Humphrey	Archeologist	Archeological, Historic, and Paleontological Resources
Ben Noyes	Wild Horse and Burro Specialist	Wild Horse and Burros
Nancy Williams	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Plants and Animals
Gloria Tibbetts	Planning and Environmental Coordinator	Environmental Justice, Land Use Planning, NEPA Compliance
Elvis Wall	Native American Coordinator	Native American Religious Concerns, Tribal Coordination
S. Gus Malon	Outdoor Recreation Planner	Recreation, Visual Resource Management
Emily Simpson	Outdoor Recreation Planner (Wilderness)	Wilderness Values
Dave Davis	Geologist	Minerals
Cindy Longinetti	Realty Specialist	Lands — Disposal
Melanie Peterson	Environmental Protection Specialist	Wastes, Hazardous & Solid
Matt Rajala	Fire Management Specialist	Fuels
Erica Husse	Rehabilitation Manager	Emergency Stabilization & Rehabilitation

Note

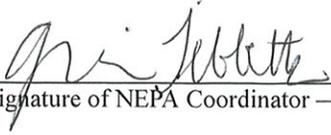
Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

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



Signature of Project Lead — Andrea J. Cox



Signature of NEPA Coordinator — Gloria Tibbetts



Signature of the Responsible Official — Mary D'Aversa

2/10/2012

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.