



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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March 13, 2001



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EMS TRANSMISSION: 03/13/01  
Instruction Memorandum No. **CA-2001-028**  
Expires: 09/30/02

To: Field Office Managers

From: State Director

Subject: Transmittal of Environmental Assessment Template/Livestock Grazing Authorizations

Please find attached a template for preparing environmental assessments for livestock grazing authorizations. This template was developed at the Land Health and NEPA Training held in Sacramento in November 2000. In addition, this IM responds to the Technical Program Review (TPR) Action Plan issued February 14, 2001. The template also includes a decision record for a grazing decision.

Field Offices are to use this template to prepare any new environmental assessment beginning with permits issued in FY 2001. The template replaces the "short form EA" referenced in IM No. CA-99-039. Existing permits issued with the "short form EA" prior to this IM will remain valid. A new EA must be prepared for those permits using the template within five years or the expiration date of the existing permit, whichever comes first.

The TPR recommends inclusion of the template into a shared Field Office public directory. This will allow Interdisciplinary Teams access to the template at any time. This public directory should help streamline the completion of the EA.

In some cases, a Determination of NEPA Adequacy may be appropriate in place of an EA. Field Offices must use the revised worksheet and criteria contained in WO IM No. 2001-062 Documentation of Land Use Plan Conformance and National Environmental Policy Act Adequacy.

If you have any questions please call Dianna Brink or Jack Mills 916-978-4645/4636.

**Signed:**  
**James W. Abbott**  
**Acting, State Director**

Authenticated:  
Liza Raymundo  
Records Management

Attachment

1. Range Workshop Template (49 pp)

**RANGE WORKSHOP TEMPLATE**

**ENVIRONMENTAL ASSESSMENT  
LIVESTOCK GRAZING AUTHORIZATION**

**EA Number**

**Allotment Name(s)**

**BLM Field Office**

**Date prepared**

**CHAPTER 1: INTRODUCTION**

The Bureau of Land Management (BLM) is proposing to issue a \_\_term length\_\_ permit on the \_\_\_\_\_ allotment to authorize livestock grazing. (Note if two or more allotments are being addressed in EA.) The \_\_\_\_\_ allotment encompasses \_\_\_\_\_ acres public lands and \_\_\_\_\_ acres private lands. The allotment is located in \_\_\_\_\_ Elevation range is between \_\_\_\_\_ and \_\_\_\_\_ feet. Vegetation communities are a mix of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

**Need for the Proposed Action**

The proposed action is needed to authorize grazing in accordance with 43 CFR 4100 and consistent with the provisions of the *Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act*. Action may be required to maintain or improve resource conditions including rangeland health. Status of existing permit/lease:

**Plan Conformance:** The proposed action is subject to the following plan:

\_\_\_\_\_ Resource Management Plan (RMP), approved on \_\_\_\_\_(date).

The proposed action has been determined to be in conformance with this plan as required by regulation (43 CFR §1610.5-3(a)).

Remarks: The proposed action will occur in an area identified for livestock grazing in the Resource Management Plan. The proposed action is consistent with the land use decisions and resource management goals and objectives of the plan, pages \_\_\_\_ to \_\_\_\_.

The allotment does (does not) meet the Secretary of the Interior Approved Rangeland Health Standards as follows

Rangeland Health Standard	Meets Standard	Does Not Meet Standard	Impacts from Livestock Yes or No	Remarks

\_\_\_\_\_ (date) assessment determination completed or date scheduled.

## **Relationship to Statutes, Regulations, and Plans**

*(Note: the following paragraphs should be included as applicable under this section in each EA)*

### **Endangered Species**

Several of the allotments are within the range of federally listed threatened or endangered species. Pursuant to Section 7 of the Endangered Species Act, formal consultation with the Fish and Wildlife Service (FWS) is required on all allotments for which livestock grazing may adversely affect listed species. The stipulations of any grazing permit may need to be modified to conform to the terms and conditions specified in a FWS biological opinion. In addition, the terms and conditions of any grazing permit may also need to be modified through subsequent land use plan amendments or revisions to conform to decisions made to achieve recovery plan objectives. A number of such plan amendments are currently being prepared (identify any affecting this allotment) and are expected to be completed in fiscal year 2001.

Several of the allotments also provides habitat for State listed fish, wildlife, and plant species. According to the MOU between BLM and CDFG we agree: "to notify the Department of all projects involving impacts to, or manipulation of, State-listed rare (threatened) and endangered fish, wildlife and plants and to obtain State recommendations of the project-specific management of such populations."

### **Cultural Resources**

California BLM has explicit responsibility to manage cultural resources on public lands consistent with applicable procedures and agreements.

Background site record and literature review will be conducted as a minimum level of review as part of the permit renewal EA. Present inventory will focus on known or suspected areas of historic ground disturbing activities associated with livestock grazing such as water sources, corrals, supplemental feeding areas, bedding areas, salt block stations, cattle grates and fence lines. The results of this analysis will be used to modify grazing permits. If cultural resources are identified under an existing grazing permit, the stipulations of the grazing permit should be modified to reflect comply with the Bureau's responsibility to manage cultural resources.

All cultural resources sites will be subject to review and evaluation for listing in the National Register of Historic Places. Pursuant to California protocol cited above, supporting documentation will be submitted to the California Office of Historic Preservation for review and concurrence to be submitted to the Keeper of the National Register. All cultural resources will be afforded protection consistent with law and policy, including appropriate mitigation measures.

### **Wilderness**

In general, the wilderness act prohibits roads, motorized equipment, mechanical transport, landing of aircraft, and placement of new structures and installations. The Wilderness areas are managed primarily to preserve natural features. For allotments containing wilderness areas, allotments are required to be managed under the provisions of the 1964 Wilderness Act and enabling legislation for the wilderness area.

Congress provided additional guidance for managing livestock within wilderness areas through the Congressional grazing guidelines found in the 1980 Colorado wilderness legislation.. Regulations to manage livestock in wilderness is found in 43 CFR 6300. For allotments within Wilderness Study Areas, they shall be managed consistent with the direction found in the Interim Policy Management Handbook 8550.

### Water Quality

All allotments are with watersheds governed by basin plans subject to California's or Nevada's clean water acts. Executive Order # 12088 directs federal agencies to comply with state administrative procedures. Recently, Standards and Guidelines reiterated the intent of the Federal Clean Water Act (CWA) and States' water quality plans. An MOU (BLM Manual Supplement 6521.11) with the California Department of Fish and Game describes how BLM and DF&G will coordinate where activities could effect aquatic or riparian habitat. The Unified Federal Policy to Insure a Watershed Approach in Federal Land and Resource Management (UFP) requires 1) all plans and activity management be conducted on a watershed basis, that all land owners/managers within a watershed be solicited for participation in the planning and management of the watershed, 3) that citizens and officials are better informed of planning and management, 4) that best science is used. The EA should analyze grazing within the Watershed Concept described in the UFP. Where there is a threat to water quality or where water quality does not meet state standards coordination must occur with the regional water quality control board(s) and where aquatic or riparian habitat may be impacted CDF&G coordination must occur. All allotments that contain any water bodies (streams, lakes, springs, etc.) must have adopted Best Management Practices (BMP) for all activities associated with livestock management that could effect water quality.

### Air Quality

Livestock grazing on public lands generally conforms with federal and state air quality standards. Where livestock grazing occurs within an area classified as a federal non-attainment/maintenance area, BLM will make a determination whether the action in conformance with the applicable State Implementation plan (SIP) requirement.

## CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES

### Proposed Action

This alternative was developed after a review of resource issues and conditions found on the \_\_\_\_\_ allotment. Monitoring requirements, mitigation measures, and permit terms and conditions developed in the resolution of issues will be incorporated into this alternative to minimize potential impacts to resources while continuing to provide forage for livestock grazing.

*Note: indicate if proposed action is the same as current management. It is not necessary to include a separate discussion of the no action alternative (current management) if no changes are being proposed.*

#### A. Livestock Numbers and Season of Use

Allotment	Number	Kind	Class	From	To	AUMs

#### B. Range Improvements

The following existing improvements would be eliminated and additional new improvements proposed to maintain or achieve rangeland health:

*Note: this is to identify specific improvements that may be associated with rangeland health problems. Include any **existing** improvements that would be eliminated and any new **proposed** range improvements. Also, the exact locations and designs of new improvements would not be required at this permit renewal stage but could be determined later in a site-specific NEPA document. A subsequent project EA should be tiered to this permit renewal EA. A complete list of existing range improvements may be included in chapter 3 of this document or as an appendix.*

Project Name/No.	Location Township/Range/ Section	Comments eg. General condition	Mitigation Description (indicate resource benefit of improvement)

#### C. Livestock Management

Describe how livestock are managed within the allotment including distribution patterns. Indicate specific terms and conditions that would be required. Identify specific management actions necessary to maintain or achieve rangeland health standards.

#### D. Monitoring

Describe any monitoring

E. Mitigation Measures

Incorporate mitigation measures into the proposed action under sections B and C above.

**Current Management Alternative**

This alternative authorizes grazing under the current terms and conditions of the grazing permit/lease.

A. Livestock Numbers and Season of Use

Allotment	Number	Kind	Class	From	To	AUMs

B. Range Improvements

The following **changes** (either elimination of an existing range improvement or development of an previously approved new improvement) would be implemented as part of this alternative.

Project Name/No.	Location Township/Range/ Section	Comments eg. General condition	Mitigation Description (indicate resource benefit of improvement)

C. Livestock Management

Same as for proposed action

D. Monitoring

Same as for proposed action

**No Grazing Alternative**

This alternative would cancel the permit on the \_\_\_\_\_ allotment. As a result, grazing would not be authorized on this allotment. If this is to be a permanent cancellation, BLM would initiate a process in accordance with the 4100 regulations to permanently eliminate grazing on the allotment.

**Other Alternatives**

Describe only if additional alternatives are needed to address resource issues.

## CHAPTER 3 ENVIRONMENTAL ANALYSIS

The 18 individual resource templates below combine, by resource, the affected environment, environmental consequences, and consultation sections of required elements of the EA. They include the standard critical elements of the human environment (appendix 5, BLM NEPA Handbook, as amended) and several other resource elements commonly affected by livestock grazing. We have designed this template to expedite the writing and production of the EA's by eliminating unnecessary consolidating and reorganizing.

Permit renewal EA's must discuss each of these 18 required elements. Substantive responses are required for each element. This is not intended to be a "checklist".

*If a resource is not present or not affected, include a negative declaration statement in the Affected Environment section of the resource template. The remaining sections (alternatives, environmental consequences, etc) of the template do not need be completed in this case.*

*A negative declaration should include a statement of no effect and the supporting rationale. For example: "The proposed action would have no affect on wild horses or burros because no herd management areas are present in the allotment."*

### Required Elements:

1. Air Quality
2. Areas of Critical Environmental Concern (ACEC)
3. Cultural Resources
4. Environmental Justice
5. Farmlands, Prime or Unique
6. Flood plains
7. Invasive, Non-native Species
1. Native American Concerns
2. Recreation
3. Social and Economic
4. Soil
5. Waste, Hazardous or Solid
6. Water Quality, Surface and Ground
7. Wetlands/Riparian Zones
8. Wild and Scenic Rivers
9. Wilderness
10. Wildlife habitat
  
- Threatened or Endangered Species
11. Wild Horses and Burros
12. Vegetation

- Threatened or Endangered Species

For each of the following templates, we have included sample language and further guidance developed at the November workshop. These are intended to fit the “ typical” permit renewal EA. Field Offices may modify as necessary.

## AIR QUALITY (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What is the federal Area designation of the allotment? (Information on Area designations can be found at [www.arb.ca.gov/desig/adm.htm](http://www.arb.ca.gov/desig/adm.htm).)

*(The following text to be used for federal non-attainment/maintenance areas)*

The allotment is in an area currently classified as federal non-attainment area(s) for ..... (ozone, PM<sub>10</sub>, Carbon Monoxide) under the National Ambient Air Quality Standards. The project area is within the ....(name the EPA Planning Area). A state implementation plan (SIP) has been prepared for the planning area which identifies sources of emissions and control measures to reduce emissions.

*(The following text to be used for areas outside federal non-attainment/maintenance areas)*

The site has not been classified as a federal non-attainment/maintenance area. Federal actions are not subject to conformity determinations under 40 CFR 93.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Soil disturbance from the trampling action of the livestock when soil moisture levels are low would result in increased fugitive dust emissions (PM<sub>10</sub>) in the allotment. In addition, vehicles used in association with livestock operations on the access roads would also generate small additional amounts of PM<sub>10</sub> emissions and various precursor emissions for ozone.

However, the overall effect on air quality would be slight due to the generally wide distribution of livestock movement patterns in the allotment. Occasionally, livestock will be concentrated in corrals or temporary holding areas for short periods or up to several weeks to move livestock on or off the allotment. Emissions would be higher during this time but would not likely exceed standards.

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Livestock grazing activity may slightly increase amounts of dust and vehicle emissions but generally these increases would not result in a significant cumulative impact.

### **C. Consultation**

Consultation with Regional Air Quality district should be undertaken if air quality is an issue, or if allotment is in a non-attainment area..

### **D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC) (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: Date ACEC established? Size? (Total acres and public land acres) What are the specific values for which the ACEC was established? Condition and trend of key resource values? Amount of current use, trends, and extent of any conflicts or impacts? Monitoring results?

Sample language:

BLM designated (name) a Research Natural Area (RNA) in 1985 based on the occurrence of several concentrations of sensitive plants found on public lands: Astragalus anxius, Eriogonum prociduum, and Ivesia paniculata; two California Native Plant Society listed plants: Dinerosia howellii, and Erigeron olegantulus. In addition, Potentilla basaltico (Black rock potentilla), a BLM sensitive plant, occurs on private land east of the RNA and is suspected to occur on public lands as well. (See map for sensitive plant locations). These occur on volcanic ashy soils uncommon on the Modoc Plateau. In 1990 this RNA was also designated an ACEC. The ACEC is withdrawn from mining but livestock grazing is permitted. The ACEC covers approximately 12 % of the allotment and contains 1120 acres of public lands.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: What are the effects to the ACEC values of livestock grazing? What other effects might result from proposed grazing management actions? For example, would fence construction also limit OHV use?

*Note: there is a potential overlap with the vegetation element since the ACEC was established to protect sensitive plant species. The discussion under this ACEC element should not duplicate the vegetation discussion. One solution is to focus on the ACEC values here; the vegetation section would focus on the remainder of the allotment and reference this section for the analysis of the sensitive species..*

#### 2. Impacts of Current Management

What are the effects of current management on the ACEC, if different than proposed action?

#### 3. No Grazing

What effect would no grazing have on the ACEC?

*Note: the affected environment description indicated the grazing does not conflict with the plants therefore, little or no effect would be expected under this alternative.*

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

#### **C. Consultation**

#### **D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## CULTURAL RESOURCES (CRITICAL ELEMENT)

### A. Affected Environment

*Questions to answer:* What important cultural resources occur on the allotment (national register sites or nominations, etc.)? Generally, where are they found on the allotment? What level of inventory has been conducted? (Provide supporting documentation) What is our confidence level of the data? What is the condition of the resources and how are they currently affected?

*Sample:*

The allotment includes a portion of a designated National Register District - Rodman Mountains Rock Art District (*Include reference - may want a little more detail on this value*). Site types include lithic scatters, isolated tools, and several complex habitation sites. Forty-four prehistoric and historic period sites have been formally recorded within the allotment. Approximately 2.5% of the allotment has been surveyed for cultural resources (2,630 acres), including portions of the Class II level survey conducted in 1980 (*cite source*) and more intensive Class III level surveys (*define these terms*) completed in connection with projects approved between 1980 and present. Currently, livestock grazing is affecting certain cultural sites, primarily as a result of trampling in areas where livestock concentrate, eg., along fence lines, around water sources, or other areas. Affected sites in the allotment include lithic scatters, lithic reduction sites, mining camps, historic period camps and prehistoric habitation sites. (*How significant is this?*) Rock art shelters, cairns, and circles are generally not affected by grazing. Based on the amount of sites found on the surveyed acreage, further cultural resource surveys would likely disclose other important sites.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

*Questions to answer:* How is livestock grazing affecting cultural resources? As noted above, trampling of certain sites seems to be the main problem; other possible causes of impacts should also be discussed: public access along routes in the allotment, increased fire frequency resulting from vegetation alternations (explain)? Where and where are the key affected areas in the allotment? How significant are the affects?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Cultural resources would be affected cumulatively from a variety of actions including livestock grazing. Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives. How significant are the incremental affects from the proposed action? Note, if you conclude these effects are significant, an EIS may be needed - be sure to explain basis for your conclusion.

**C. Consultation**

Identify persons or agencies contacted and summarize results of consultation. Describe status of any legally required consultations (eg, 106 consultation) including date consultation initiated. If SHPO has responded, incorporate by letter by reference and attach as appendix.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## ENVIRONMENTAL JUSTICE (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: are any low-income or minority populations living on or near the allotment as defined in Executive Order 12898? How are they currently being affected by livestock grazing?

Note: if the permit holder qualifies as a member of a minority or low-income population, or a low income or minority population occur in the vicinity of the allotment, EJ may be a factor. This discussion may overlap with the Native American element.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what effects result to low-income or minority populations? Are these effects “disproportionate” with respect to the population group?

*Note: there are three possible conclusions: livestock grazing would have no affect, an affect but not a disproportionate affect, and a disproportionate affect. You must ensure that the supporting discussion provides a reasonable basis for your conclusion.*

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any disproportionate cumulative impacts to low income or minority populations from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify Native American Tribe or other persons or groups contacted and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

### E. References - List any references used in analysis

## FARMLANDS, PRIME OR UNIQUE (CRITICAL ELEMENT)

### A. Affected Environment

*Questions to answer: what prime or unique farmlands occur on the allotment (public lands)? Where? How extensive (acres) ? Consult with NRCS for designated prime farm lands.*

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what effect does livestock grazing have on prime or unique farmlands, including accelerating erosion or compaction?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify if NRCS contacted and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

**E. References** - List any references used in analysis

## **FLOOD PLAINS (CRITICAL ELEMENT)**

### **A. Affected Environment**

Questions to answer: What flood plains are designated by Federal Emergency Management Agency (FEMA) on the allotment? What other streams are present where livestock grazing occurs? What is the mileage or acreage involved? What flood problems have occurred on the allotment? Are any improvements located or proposed in flood plains?

Consult with FEMA for flood hazard maps.

### **B. Environmental Consequences**

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of livestock grazing on flood hazard, including accelerating soil erosion and compaction in heavy livestock use areas, physical damage to stream banks and channels which may lead to increased flooding? Will there be any loss of floodplain function. How significant are the effects of grazing in increasing flood hazard?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### **C. Consultation**

Identify persons or agencies contacted and summarize results of consultation.

### **D. Maps**

List any maps included as part of this EA

### **E. References** - List any references used in analysis

## INVASIVE, NON-NATIVE SPECIES (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What invasive (*noxious weeds*) or non-native species are present on the allotment? (*if allotment is non-native annual grassland, and noxious weeds are not a problem, it may be more appropriate to discuss under vegetation element*) Where? How extensive (*acres*)? Trend? What is the cause of their occurrence if known (*cite research*)? How are these species affecting native species on the allotment or contributing to other environmental problems, such as fire hazard, increased erosion, etc? (*Identify any monitoring studies.*)

Sample:

Yellow starthistle, spotted knapweed, and tamarisk are dispersed throughout the allotment. These species are estimated to occur on (number) acres of public lands and are competing with native herbaceous species for available moisture, nutrients, and spacial occupation of available habitat. Densities of these species vary widely; and is influenced by the density of native species, amounts of spring and fall precipitation, the intensity of ground disturbing activities, and any historic plant dynamics. *If known estimate densities of each species.* The extensive coverage of these species has contributed to and increase in the fire regime which often favors the persistence of these non-native plant communities. Competition from non-native species, increased fire regime, has resulted in the elimination of many native species.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of livestock grazing on affecting spread of invasive and non-native species? How significant is this affect? Will the proposed action promote/enhance/maintain/reduce/increase the levels of the non-native/noxious/weedy/invasive species within the allotment? Will the proposed action increase or decrease competition with the abundance or cover of the native species? Will the proposed action increase or decrease the fire regime, type conversion of the plant community, etc.?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

**C. Consultation**

Identify persons or agencies contacted and summarize results of consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## NATIVE AMERICAN CONCERNS (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What Native American tribes currently live on or near the allotment? What legal rights (*treaty, other*) do Native Americans have with respect to the allotments (*hunting, fishing, plant collection, etc*)? What resource values on the allotment are important to Native Americans? How are these values or areas currently used by Native Americans and what impacts are occurring from grazing?

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of livestock grazing on Native American values? (*Document your conclusion through consultation with affected tribes .*)

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify specific Native American Tribes contacted and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

### E. References - List any references used in analysis

## RECREATION

### A. Affected Environment

Questions to answer: Have any special recreation areas been established in the allotment (*cross reference to wilderness, wild and scenic river, or ACEC elements, if applicable.*) What public recreation values/opportunities are present in the allotment? What are the types and intensities of recreation use? Discuss any special use permits issued? What visitor use surveys have been conducted? What conflicts with recreation result from livestock grazing in the allotment?

Sample:

The recreation resources in this allotment are within the Inyo Special Recreation Management Area (SMRA). (*should expand on this SMRA - why established, date, has activity plan been prepared? Types of management prescriptions, etc.*) The western portion of the allotment is also within the White Mountain Wilderness Study Area. Refer to the Wilderness section for details.

The public lands in the allotment also provide a wide range of outdoor recreation opportunities and experiences, including 4-wheel drive and motorcycle touring, mountain biking, upland game bird and deer hunting, birding and nature study, camping, trout fishing in Cottonwood Creek, rock collecting, horseback riding, and backpacking. (*provide specific information about the locations and amount of use in these activities*). Several commercial recreation permits are issued annually to outfitters and guides and for jeep tours and dual sport events. (*Should also discuss any conflicts between recreation and livestock grazing*).

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of livestock grazing on the recreation activities and opportunities discussed above? What are the locations? How significant are the effects? For example do the special recreation permits minimize or expand conflicts?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

Same as above.

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

**C. Consultation**

Identify specific user groups contacted and summarize results of consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## SOCIAL AND ECONOMIC VALUES

### A. Affected Environment

Questions to answer: What social and economic factors are associated with the allotment? For example, to what extent does the allotment provide a source of income and employment to the community and region? To what extent do the uses of the allotment, including livestock grazing, recreation, and other uses contribute goods or services to the area? How important are these goods and services to the economy?

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of the proposed action on social and economic values of the community and region? If proposed action reduces numbers of livestock or significantly changes the season of use, discuss what options and costs may be available to operator for replacing lost forage or livestock. Estimate costs of constructing and maintaining any new range improvements.

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

If livestock grazing is eliminated, what is the social and economic effect and how significant is the effect?

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify any contacts and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

### E. References - List any references used in analysis

## SOILS

### A. Affected Environment

Questions to answer: What soil groups are present on the allotment that may be affected by livestock grazing? (Identify on map their geographic location and extent) Is the allotment currently meeting the soil standard for rangeland health? (If not discuss the relevant indicators and specific problem areas) Reference health assessment and include in appendix. To what extent are soils are being adversely affected by livestock grazing? What is the Upland Health Assessment rating for soil/site stability and hydrologic function? Where are the problem areas and how extensive are they? (*Acre*s) What soil factors need to be considered - soil productivity factors, stability, soil infiltration, bulk density? (Refer to S&G)

Sample:

The soil classification of the allotment has not been mapped in detail. Based on general soils mapping by NRCS, soils associations in the allotment include the Rositas-Carrizo Association (somewhat excessively drained loamy coarse sands to very gravelly sands on alluvial fans), the Rock Land Association (dominantly exposed bedrock and very large boulders), the La Posta-Kitchen Association (loamy coarse sands over decomposed granodiorite). Approximately 30 percent of the allotment is unclassified.

Erosion potential of these soils ranges from slight to moderate. There are no identified erosion problems on the allotment.

BLM assessed the allotment in June 1999 to determine if the rangeland health standards were being met. Specific soils standards relate to permeability and infiltration. All sites examined were found to meet the standards for soils.

*Note: the above description indicates that soils are not a problem for grazing. In other allotments where grazing is causing adverse impacts, it would be important to identify the areas of the allotment where soils are affected by grazing, and specifically discuss those soil factors (indicators) that are relevant to livestock grazing impacts. It would also be important to indicate the proportion of the allotment where problems with grazing occur. In addition, any related factors such as climate, flood hazard, etc. should be discussed in relation to livestock grazing, although this may overlap with other sections of the EA.*

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the impact of livestock grazing on the specific soil factors discussed above? (Address soil indicators of rangeland health; indicate length of time expected to bring allotment within rangeland health standard.)

2. Impacts of Current Management if different than proposed action
3. No Grazing
4. Impacts of other alternatives

#### Cumulative Impacts

On a watershed basis identify any cumulative impacts on factors identified as needed to be considered in the Affected Environment. In compliance with the Unified Federal Policy, discuss past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

#### **C. Consultation**

Identify any agency contacts (NRCS) and summarize results of consultation.

Identify any land owner contacts (government and private) and summarize results of consultation.

#### **D. Maps**

List any maps included as part of this EA. (Must include a soils map and watershed map).

**E. References** - List any references used in analysis

## WASTE, HAZARDOUS OR SOLID (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What hazardous or solid waste relating to livestock grazing occur on the allotment, such as motor vehicle fuel or other fluid leaks, road dust suppressant, leaky batteries from pumps or other facilities on the allotment? Include survey or reportable spill data where available.

Sample:

Detailed surveys of hazardous or solid wastes have not been undertaken on this allotment. BLM maintains no records of reportable spills in the allotment. Although use of motorized vehicles and equipment by the livestock operator may have resulted in periodic and scattered spills or releases of fuel and petroleum products in the allotment, none are documented..

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer: what is the potential for releases of hazardous or solid waste? What other resource values may be affected? What effects are predicted? Where? (Reference discussions from other sections of the EA if appropriate.)

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify persons or agencies contacted and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

### E. References - List any references used in analysis

## WATER QUALITY, SURFACE AND GROUND WATER (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: Discuss the following by watershed.

- SETTING

What is the watershed number? Where are the streams and other water bodies located in the watershed by stream class (perennial, intermittent, ephemeral)? Are any of the channels tributary to or part of State 303d listed stream and if so what are the parameters that are not meeting State Standards? What is the areas RFA ratings? What is the areas UHA ratings for Hydrologic Function and Soil/Site Stability? What are the designated Beneficial Uses (refer to the State's Basin Plans)? What are the aquatic dependent assemblage of species managed for?

- T&E

Has any of the streams been listed as critical habitat for any T&E species (cross reference T&E species)? Are there any water quality criteria that need to be met for the T&E species? Describe the location of the streams and other water bodies and any flow regime information you can extrapolate (see map portion, also locate any stream gages or water quality stations which indicate the flow or quality in the water bodies in this area).

- IMPACTS

Have you done any water quality monitoring/inventory and if so why and what did you find out (sometimes bar graphs over time are very helpful along with tables to portray your findings)? Are the water bodies meeting the S&G Water Quality Standard? (In the case of the Desert District the question is: Are the water bodies meeting State Water Quality Standards?) Are there any roads or other improvements that are contributing to water quality problems? Are there any other activities impacting water quality, e.g., recreation, wild horses, etc.? What impacts is the present livestock management having on water quality?

*Sample (this example includes an allotment not meeting the water quality standards, and is longer and more complex than for allotments which are currently meeting the standards for water quality,.):*

There are 3 perennial streams in the allotment, Cooskie Creek(# miles), Randall Creek(# miles) and Spanish Creek(# miles). Cooskie Creek and Randall Creek drain into Salmon River which flows into the Pacific Ocean. Spanish Creek flows directly to the Pacific Ocean. All 3 Creeks have been listed as critical habitat for Steelhead. The Salmon River has been 303d listed for sediment and mercury. Allocation of the TMDLs are scheduled for (date).

Temperatures over 65 degrees during the month of \_\_\_\_ will result in 50% mortality of the Steelhead fry.

Cooskie Creek originates in the Coastal Range and flows westerly, of the total \_\_ river miles \_\_miles are located within the allotment (see map\_). There is no upstream storage and Cooskie Creek responds directly to precipitation with the highest flows (\_\_cfs) generally in January (see figure \_\_\_\_)

*If you include flow information then indicate if it is from a gage on that stream or if you have obtained*

*the flow by correlating drainage area and gaged information from a similar stream. Low flows are less than 2cfs in the months of July and August.*

Flow in Randall Creek is about half of that in Cooskie Creek because the drainage area is about half and aspect is similar. Of the total \_\_\_ river miles \_\_\_ miles are within the XXX allotment (see \_\_\_ map) . Temperature data were collected using a \_\_\_\_\_ at (map) on both Cooskie and Randall Creek in the summer of 1996 and 1997. During July and August of both years Cooskie Creek exceeded 65 degrees Fahrenheit which indicates there would have been \_\_\_% mortality of the \_\_\_\_\_ Salmon smolt. Cooskie Creek had 40 days out of 62 days in July and August which exceeded 75BF which would have resulted in mortality to any \_\_\_\_\_ Salmon present. Randall Creek which has a narrower stream bed and more shading did not exceed 65BF during the time measured (Appendix A, pages 1-3). Macroinvertebrate sampling and analysis indicate that Cooskie Creek has been stressed by the higher summer temperatures and by sediment, Randall Creek exhibited a healthy assemblage which indicated that there are minimal problems with water quality on this stream (Appendix A, pages 4-5)

Spanish Creek flows north from its headwaters for \_\_\_\_\_ miles and then flows west into the Pacific Ocean. YYY Reservoir (\_\_\_ acre feet) was impounded by \_\_\_\_\_ dam in 1963. Water is stored in the months of January and February for release to the river in the summer months for irrigation \_\_\_\_\_ miles below the allotment. The storage results in more flow in the summer (6 cfs median) and less flow (\_\_\_ cfs) in January and February (*good place to reference a bar graph of flow vs time or a before and after hydrograph if you have the information*). Temperature data collected in the Summers of 1996 and 1997 indicated that 65BF was only exceeded briefly (less than 3 hours) on 2 occasions during the middle of the day. There should be no adverse effect to \_\_\_\_\_ Salmon from these brief elevated temperatures.

Cooskie Creek is paralleled by an unimproved way used for access to hunting, timber harvest, trailing of cattle and for off road vehicles (reference recreation). Examination of the road and down slope areas indicate that there is moderate erosion which is probably contributing to the sediment in the Creek. Cooskie Creek is not meeting rangeland criteria.

## **B. Environmental Consequences**

### **1. Impacts of Proposed Action**

Questions to answer: what are the effects of livestock grazing on water quality (increased temp, turbidity, sediment, nutrients, dissolved oxygen, coliform). Discuss causes of these effects (grazing, range improvement development, staging area locations, etc). Where are these problems occurring or likely to occur? What is the significance of the effects on beneficial uses? What are the Best Management Practices and how are they going to be implemented?

*( Address water quality indicators of rangeland health; indicate length of time expected to bring allotment within rangeland health standard.)*

2. Impacts of Current Management if different than proposed action

3. No Grazing

4. Impacts of other alternatives

5. Cumulative Impacts

On a watershed basis identify any cumulative impacts on factors identified as needed to be considered in the Affected Environment. In compliance with the Unified Federal Policy, discuss past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Discuss cumulative impacts on a watershed scale. Note any differences among the alternatives.

### **C. Consultation**

Identify persons or agencies contacted and summarize results of consultation. Regional Water Quality Control Board may need to be contacted regarding improvement developments.

### **D. Maps**

Develop watershed and hydrography maps showing stream classification (perennial, intermittent, ephemeral). List any water quality maps included as part of this EA

**E. References** - Must identify appropriate basin plans List any references used in analysis

## WETLANDS/RIPARIAN ZONES (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What wetland and riparian areas occur within the allotment? What is their current condition and how are they being affected by livestock grazing? What is the proper functioning condition (PFC)? What is the relationship to the watershed and hydrologic cycle? What is the classification of each wetland? What is the existing and desired habitat for each wetland?

Sample: Riparian habitats, seeps and springs occur within the allotment. (number, locations, size, etc). The riparian area is degraded and is functioning at risk under BLM's proper functioning condition analysis standards. There are three emergent wetlands; one associated with a natural lake, the other two associated with multi-use reservoirs. The Blue Lake wetland is restricted from livestock use by a drift fence installed in 1998 and wetland function and habitat seems to be at a desired level. (Refer to the Water Quality section for a discussion of the aquatic habitat and identification of the fence as a Best Management Practice). Wetlands associated with both reservoirs receive heavy use by livestock. [Note: stockpounds and reservoirs constructed for the sole purpose of watering livestock are not subject to section 404 of the CWA and not Jurisdictional Wetlands.]

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer:

What are the impacts of livestock grazing on wetland/riparian zones (decreased vigor, change in composition, soil compaction, stream bank erosion, etc)? (*Address wetland/riparian indicators of rangeland health; indicate length of time expected to bring allotment within rangeland health standard.*)

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify persons or agencies contacted and summarize results of consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## WILD AND SCENIC RIVERS (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What designated or eligible wild and scenic rivers occur in the allotment? Mileage by segment? What is the status of eligibility studies, management plans? What are the “outstandingly remarkable” values of each? What is the current use and impacts of livestock grazing? What WS&R management policies apply to the allotment?

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer:

What are the impacts of proposed livestock grazing on the outstandingly remarkable values?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify persons or agencies, including EPA, contacted and summarize results of consultation.

### D. Maps

List any maps included as part of this EA

**E. References** - List any references used in analysis

## WILDERNESS (CRITICAL ELEMENT)

### A. Affected Environment

Questions to answer: What wilderness study area or designated wilderness areas occur in the allotment? What is the acreage involved, including the portion within the allotment and the total area of the unit? What are the wilderness values of the unit and how are these values currently affected by grazing? What if any prohibited uses are occurring? What is the date of designation and what is the baseline level of grazing use? What is current grazing use? What is the status of any wilderness management plans? How does any wilderness management plan address grazing? Describe any range and wildlife improvements? What other uses (recreation, etc) is occurring that may conflict with grazing (or vice versa)?

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer:

What are the impacts of proposed livestock grazing on the wilderness values? Analyze impacts relating to prohibited acts, use of minimum tool approach. What are impacts of any planned motorized vehicle access, including law enforcement actions if necessary to prevent illegal access? What are the impacts of any proposed new improvements, or impacts of removing any existing improvements?

Sample: Approximately 50 percent or 75,690 acres of the Hereford allotment is located within the Bovine Wilderness. The Bovine Wilderness was designated in 1976. Grazing levels at the time of designation were estimated to be 120 AUMs. Approximately 50 livestock drifted into the southern portion of the wilderness during the early spring from March 15 to March 30. Livestock use continues at approximately the same level as prior to designation. Livestock use occurred on the uplands with minor riparian use. One spring was fenced to exclude livestock grazing prior to wilderness designation. The permittee maintains this spring using motorized equipment on a yearly basis.

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

**C. Consultation**

Identify persons or agencies contacted and summarize results of consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## WILD HORSES AND BURROS

### A. Affected Environment

Questions to answer: What herd management units occur in the allotment (location, size)? What are the relevant details - herd characteristics, historical and current populations (AML) , dates of census, history of removals, season of use). What water sources are used by the animals, including developed water? What conflicts occur with livestock? What is status of any herd management plans?

Sample: the Piper Mountain Herd Management Area (HMA) is established in the CDCA plan, and consists of 69,000 acres of public lands within the allotment. The present AML is 17 horses (201 AUMs) and 82 burros (686 AUMs). Seasonal movement and mixing of the animals occurs with adjacent HMAs located in Nevada. There has been a shift in the number and location of wild horses and burros throughout the area since the HMA was established in 1980. Current population is 6 burros and 6 horses. The Piper Mt HMA includes areas common to livestock grazing. However, conflict is currently minimal due to the low numbers of wild animals present. No herd management plan has been prepared.

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer:

What are the impacts of proposed livestock grazing on the populations of free roaming wild horses and burros? What is the impact of specific range improvements on WH&B distribution?

#### 2. Impacts of Current Management if different than proposed action

#### 3. No Grazing

#### 4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

### C. Consultation

Identify persons or agencies contacted and summarize results of consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## **WILDLIFE (CRITICAL ELEMENT - T&E)**

*Note: we are required to address T&E as a critical element under NEPA. In addition, state listed species, biodiversity, and other wildlife values should be discussed in this section if relevant to permit renewal in the allotment.*

### **A. Affected Environment**

Questions to answer: What key species and habitats affected by grazing occur in the allotment ? What federally and state listed T&E species and habitats occur (discuss under separate sub heading; see below)? What is the extent of each habitat type (acres) ? What proportion of the affected habitat is in the allotment? What is the current condition and trend of the species and habitat? What are the key forage species for which livestock and wildlife compete for in the allotment? What season of use by wildlife? What is the status of any HMP? What survey or monitoring studies have been completed? Is the rangeland health standard being achieved?

Sample: The allotment contains a wide range of species including zebra-tailed lizard, desert side-blotched lizard, great basin whiptail, desert glossy snake, Mojave Desert sidewinder, Mojave rattlesnake, black-throated sparrow, sage sparrow, white-winged dove, turkey vulture, California myotis, western pipistrelle, black-tailed jack-rabbit, white-tailed antelope squirrel, little pocket mouse, desert kangaroo rat, long-tailed pocket mouse, and Merriam's kangaroo rat. (Scientific names) These species occupy specific plant communities in which cattle grazing occurs on the allotment, and may be affected by grazing. Plant communities include: creosote bush scrub, desert grassland, alkali sink, black bush scrub, and pinon pine/juniper woodland.. *Discuss extent of habitat in allotment; also current conditions and trends relative to these species and habitats should be discussed, noting any impacts associated with grazing. Any survey or monitoring studies should be cited to support conclusions).*

Threatened or Endangered Species: (sample): the desert tortoise (*Gopherus agassizii*) is listed as threatened by the U.S. Fish and Wildlife Service (USFWS) and as endangered by the California Department of Fish and Game (CDFG). Critical habitat was designated by USFWS (date). Approximately one-third of the southeastern portion of the allotment is located in critical habitat. Estimated densities of 5-250 tortoises per square mile were identified by USFWS in 1994. Numerous tortoise burrows were recorded within the allotment during BLM's 1999 rangeland health assessment along with some tracks and scats. (The narrative should discuss current grazing/tortoise conflict, if any. Should discuss application of rangeland health standard)

### **B. Environmental Consequences**

#### **1. Impacts of Proposed Action**

Questions to answer:

What are the impacts of proposed livestock grazing on the wildlife populations and habitat categories discussed above and on desert tortoise? What is the status of consultation?

*( Address wildlife habitat/biodiversity indicators of rangeland health; indicate length of time expected to bring allotment within rangeland health standard.)*

2. Impacts of Current Management if different than proposed action

3. No Grazing

4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

**C. Consultation**

Identify persons or agencies contacted and summarize results of consultation (indicate section 7 status).

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

## VEGETATION (CRITICAL ELEMENT - T&E)

### A. Affected Environment

Questions to answer: What key upland plant species or plant communities affected by grazing occur in the allotment? Provide a separate breakout for T&E species (if none are present, include negative declaration). What survey or monitoring studies have been completed? Where and how extensive are these populations in the allotment? What role does the allotment play in providing a landscape of diverse plant communities and species? What is their current condition and trend? How are plants currently affected by livestock grazing? What is the utilization by livestock of key species?

Sample: The uplands in the allotment, particularly the ridge tops, maintain relict populations of needlegrass (*Achnatherum lemmonii*), Idaho fescue (*Festuca idahoensis*), bottle-brush squirrel-tail (*Elymus elymoides*), and Mountain brome (*Bromus carinatus*). Leafy reed grass (*Calamagrostis foliosa*) grows sparingly in recovering slides and sparsely vegetated rocky areas. More commonly, the uplands and the beach terraces are composed of dogtail (*Cynosurus echinatus*), wildoats (*Avena fatua*), silver hairgrass (*Aira caryophyllea*), and some quaking grass (*Briza maxima*).

Drainages are largely Douglas-fir (*Pseudotsuga menziesii*) with some Big leaf maple (*Acer macrophylla*) and California Bay (*Umbellularia californica*). Sparsely vegetated rocky, excessively drained areas often contain Ceanothus (*Ceanothus* spp.), gooseberry (*Ribes* spp.), and buckwheat (*Erigonum* spp.). Forbs and legumes are present including plantain (*Plantago lanceolata*), Douglas iris (*Iris Douglasiana*), and lupine (*Lupinus bicolor*). Infestation of milk thistle has occurred on the beach terraces.

Threatened or Endangered Species (sample): No federally listed species occur on the allotment. A State listed Rare species, Leafy reed grass (*Calamagrostis foliosa*), is found on rocky cliff faces and sparsely vegetated rocky uplands of the allotment. (*Estimate extent of populations - acres or percent of the allotment*) These areas are not generally grazed by livestock, therefore, grazing impacts are slight.

*The above narrative should indicate the extent to which livestock grazing is affecting these plants and should identify current condition and trend. Specific problem areas should be noted.*

### B. Environmental Consequences

#### 1. Impacts of Proposed Action

Questions to answer:

What are the impacts of proposed livestock grazing on the key species and plant communities (loss of vigor, change to less desirable vegetation, spread of noxious weeds)? What are the impacts of any proposed new improvements, or impacts of removing any existing improvements?

2. Impacts of Current Management if different than proposed action

3. No Grazing

4. Cumulative Impacts

Identify any cumulative impacts from past, present, and reasonably foreseeable future public or private actions including any actions on non federal lands. Note any differences among the alternatives.

**C. Consultation**

Identify persons or agencies, including FWS and DFG, contacted and summarize results of consultation. Indicate status of sect 7 consultation.

**D. Maps**

List any maps included as part of this EA

**E. References** - List any references used in analysis

States Department of the Interior  
Bureau of Land Management  
\_\_\_\_\_ Field Office  
Address  
(Phone number)

Certified Mail No. \_\_\_\_\_  
Return Receipt Requested

4160  
(OFFICE CODE)

DATE

XYZ Ranch, PERMITTEE OR LESSEE  
c/o AUTHORIZED REPRESENTATIVE  
P.O. Box xxxx  
Rough and Ready, CA xxxxx

### **NOTICE OF PROPOSED DECISION**

Dear (Name of Permittee or Lessee or Authorized Representative):

#### **INTRODUCTION**

At a minimum this section includes: a factual chronology of the situation providing sufficient information to lead the reader (permittee, interested publics, appeals judges) to the intended action(s).

#### **BACKGROUND**

At a minimum this section includes: What events/actions led to the need for a decision and why is a decision needed now - e.g. implementation of a land use plan or activity plan, modifying a permit or lease as a result of a standards attainment determination, unresolved regulatory violation and so forth. In this section, if an EA had been completed that analyzed various alternatives. The EA number should be addressed in this section. Are desired resource objectives not being met? What are they? As noted in the handbook, there is no restriction on the use of a proposed decision so listing all possible examples here is not practical.

#### **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

If an EA was completed in support of this decision, the Fonsi determination statement needs to be placed in this part of the decision.

#### **PROPOSED DECISION**

This section should begin with: **“Therefore, it is my proposed decision that ....”**, or similar language that clearly identifies to the reader that the actions about to be described comprises the intended decision .

At a minimum, this section includes: What BLM intends to authorize, implement or enforce, under what time frames, and the proposed effective date of the decision; schedule(s) if the implementation is to occur in phases and/or intended terms and conditions of use to be authorized, as appropriate;

payment due date(s) if the decision is demanding payment; a duplication of the preferred alternative of the NEPA document that spells out the specific mandatory terms and conditions, other special T&Cs and potential BLM actions if there is lack of compliance. Include also, as appropriate, an explanation or comparison of how what BLM intends is different from what BLM is currently authorizing, implementing or enforcing. This can be woven into this section in a “From: ..... To:” format, if appropriate.

There is no “cookbook” of what all could possibly go in this section. Basically the reader will be looking to find: What BLM intends to do, when do they intend to do it and how and when will this be affecting me?

### **RATIONALE**

Be specific as to the reasons and the rationale for the proposed decision. Why is taking the action stated in the decision needed and how is it expected to address the issues brought forward in the background section? If this decision is part of an EA, the purpose and need of the EA can be used in this section.

### **AUTHORITY**

Cite all relevant sections of 43 CFR that provides the authority and/or direction for both issuing a proposed decision (essentially, 43 CFR § 4160) and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision).

### **RIGHT OF PROTEST AND/OR APPEAL**

The following example is provided as suggested language for communicating to the recipient their right of protest and/or appeal:

*Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1, in person or in writing to [Name, title and office address of authorized officer] within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.*

*In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.*

*Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.*

*The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.*

*In accordance with 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:*

- (1) The relative harm to the parties if the stay is granted or denied.*
- (2) The likelihood of the appellant's success on the merits.*
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and*
- (4) Whether the public interest favors granting the stay.*

\_\_\_\_\_Name

Signature  
Title of the Authorized Officer

cc (by certified mail):

(As applicable ....)

Agent(s) of record

Lienholder(s) of record

Tribes

Interested public (specific to allotments for which they have been granted interested public status)

States having affected lands or management responsibilities

United States Department of the Interior  
Bureau of Land Management  
\_\_\_\_\_ Field Office  
Address  
(Phone number)

Certified Mail No. \_\_\_\_\_  
Return Receipt Requested

4160  
(OFFICE CODE)

DATE

XYZ Ranch, PERMITTEE OR LESSEE  
c/o AUTHORIZED REPRESENTATIVE  
P.O. Box xxxx  
Outback, NV xxxxx

**NOTICE OF FINAL DECISION**

Dear (Name of Permittee or Lessee or Authorized Representative):

This suggested format essentially follows the same format suggested for a proposed decision and that the final decision needs to be a stand alone document that does not refer to other documents or the proposed decision.

Suggestions below that refer to a proposed decision would not be used in the event that the authorized officer elected to issued a final decision with out first issuing a proposed decision.

**INTRODUCTION**

At a minimum this section includes: What this document is, as compared with routine correspondence, and why it important to the permittee or lessee, and how it is the “next step” following the proposed decision.

**BACKGROUND**

Background information included in a proposed decision need not be repeated if it clearly referenced. In some circumstances, however, the AO may wish to repeat it. or when this decision also addresses an alternative in a NEPA document.

In the “Background” section, include:

On \_\_\_(date)\_\_\_, you received my Notice of Proposed Decision regarding ... (briefly describe the purpose and content of the proposed decision).

Timely protest(s) to the Proposed Decision were received from [Name(s)]. I have carefully considered each protest’s statement of reasons as to why the proposed decision was in error and [optional, but preferred] have responded to these reasons, below.

Reason (or, Protest Point)

Response

Etc., until all reasons have been addressed.

### **FINDING OF NO SIGNIFICANT IMPACT(FONSI)**

If an EA was completed in support of this decision, the Fonsi determination statement needs to be placed in this part of the decision.

### **FINAL DECISION**

Suggested introductory text:

*After careful consideration of the statement of reasons included in the protests, information received through consultation, communication and coordination with [names of individuals or entities], and other information pertinent to the matters addressed in this decision, **My Final Decision is .....***

It may occur that the final decision is issued unchanged or that the final decision is a modification of what was stated in the proposed decision based on information received through protest and/or further consultation, or it may be that the final decision vacates the intentions of the proposed decision. In any event, the decision must be explained in the rationale.

Be cautious to ensure that the final decision does not introduce new material issues that were not addressed by the proposed decision. “Changing horses in mid-stream” is not allowed. New material issues or circumstances that merit a decision should be addressed by another proposed decision.

### **RATIONALE**

Be specific as to the reasons and the rationale for the decision. Is it different from the proposed decision? Why or why not? If it is issued effective upon issuance or a date specified, why is it necessary to implement the decision immediately? If this decision is part of an EA, the purpose and need of the EA can be used in this section.

### **AUTHORITY**

Cite all relevant sections of 43 CFR that provides the authority and/or direction for both issuing a final decision (essentially, 43 CFR § 4160) and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision).

### **NORMAL LANGUAGE ON FINAL GRAZING DECISIONS**

Suggested text:

*Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal.*

*The appeal and petition for stay must be filed in the office of [name, address and title of the authorized officer] within 30 days following receipt of the final decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error, and comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.*

*In accordance with 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:*

- (1) The relative harm to the parties if the stay is granted or denied.*
- (2) The likelihood of the appellant's success on the merits.*
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and*
- (4) Whether the public interest favors granting the stay.*

\_\_\_\_\_ (Signature)

Name  
Title of Authorized Officer

cc (by certified mail):

(As applicable ....)

Agent(s) of record

Lienholder(s) of record

Tribes

Interested public (specific to allotments for which they have been granted interested public status)

States having affected lands or management responsibilities

Date

CERTIFIED MAIL \_\_\_\_\_  
Return Receipt Requested

Permittee/Lessee Name & Address

Dear :

**NOTICE OF AREA MANAGER'S PROPOSED GRAZING DECISION**

**An *Introduction Section* is needed to address the background of the action (ie expired permit or lease, Rangeland Health Standard and Guideline assessment and other management action like improvements). This section also needs to identify the land base that was analyzed (ie watershed, landscape, allotment or a group of allotments with similarities). The area has undergone review for consistency and conformance with the land use plan, and compliance with NEPA. The review was conducted through the preparation of an environmental assessment document (# of document) prepared by BLM staff and subject to public comment.**

**I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the renewal of the grazing permit/lease in accordance with the terms and conditions established in the proposed action is in compliance with the \_\_\_\_\_ Management Framework Plan/ \_\_\_\_\_ RMP of (19XX).**

**This decision will be the decision for the EA that identifies the selected alternative and state the terms and conditions by specific management unit (generally an allotment) which will be incorporated into a permit or lease.**

**My proposed decision is to implement the proposed action described in the attached environmental assessment EA# \_\_\_\_\_ for authorization of livestock grazing use on the \_\_\_\_\_  
\_ Allotment(s), #(s)\_\_\_\_\_.under your grazing permit/lease for Operator Number \_\_\_\_\_  
with a term of 10-year(*note the dates for the term of the permit*).**

**(Note: Preferred option would be to list the proposed action, in its entirety, in this paragraph, example:)**

**The authorized terms and conditions by allotments under the above proposed action are:**

<u>allotment</u>	<u>number/kind</u>	<u>season</u>	<u>%PL</u>	<u>active AUMs</u>	<u>suspended</u>	<u>total</u>
Squal 3000	500 cattle	May 1 to September 30	100	100	2515	485

**Other Terms and Conditions**

At (insert where measurement will occur, key area #, polygon #, reach beginning and ending points, etc.) in the (insert allotment/pasture name), utilization of (insert species name(s) or grouping) will not exceed (insert specific percentage depending on objectives) of the (seasonal or current year's growth depending on your objective) as determined by the (insert specific method from Technical Reference "Utilization Studies and Residual Measurements").

A minimum of (insert specific inches required to meet your objectives) of median stubble height will remain on (insert specific key species name(s) or plant type grouping such as obligate species, hydric species, herbaceous vegetation, etc.) at the end of the (insert grazing season, grazing period or growing season or other date or time depending on your objective) in the riparian area along (insert name of creek and allotment/pasture name) as measured at (insert where measurement will occur, key area #, polygon #, reach beginning and ending points, etc.)

The authority under which this decision is made is found within the following 43 CFR citations:

*(Note: Cite the specific portions of the CFR that are applicable.)*

<b>4110.2-2</b>	<b>Specifying permitted use</b>	
<b>4110.2-3</b>	<b>Transfers of grazing preference</b>	<i>(as applicable)</i>
<b>4110.3</b>	<b>Changes in permitted use</b>	<i>(as applicable)</i>
<b>4130.2</b>	<b>Grazing permits or leases</b>	
<b>4130.3</b>	<b>Terms and conditions</b>	
<b>4130.3-1</b>	<b>Mandatory terms and conditions</b>	
<b>4130.3-2</b>	<b>Other terms and conditions</b>	<i>(as applicable)</i>
<b>4130.3-3</b>	<b>Modification of permits or leases</b>	<i>(as applicable)</i>
<b>4180</b>	<b>Fundamentals of Rangeland Health &amp; S&amp;G for Grazing Administration</b>	<i>(as applicable)</i>

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1, in person or in writing to [Name, title and office address of authorized officer] within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the

reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

In accordance with 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

If you have any questions, feel free to contact either (*specify range staff*) at (*phone*), or myself at (*phone*).

Sincerely,

\_\_\_\_\_ Resource Area Manager

Attachments

cc:

Permittee(s)  
Interested Publics  
Tribes  
Agencies

