NOTICE OF THE FIELD MANAGER’S PROPOSED/FINAL DECISION

This grazing decision documents my decision and rationale to renew the two grazing leases on the Deadwood Grazing Allotment for a period of 10 years. The Environmental Assessment (EA) for the Deadwood Grazing Allotment Lease Authorization (DOI-BLM-OR-M060-2010-0028-EA) has been revised and posted to the BLM’s website [http://www.blm.gov/or/districts/medford/plans/inventas.php](http://www.blm.gov/or/districts/medford/plans/inventas.php). Revisions were to clarify a few topics that came up during the EA comment period, a summary of those revisions can be found in the Introduction of the revised EA (Revised EA P.4). The Revised EA documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the renewal of these grazing leases. The EA was originally issued for public review from May 24, 2011 to June 29, 2011. Four comment letters were received in response to the EA. A response to specific comments not otherwise addressed in this Proposed/Final Decision and Finding of No Significant Impact is attached.

BACKGROUND

The Bureau of Land Management grazing leases for the Deadwood Allotment expired on February 28, 2006 and are currently authorized under a temporary lease renewed under Public Law 108-108, Section 325. The current leases will expire on February 28, 2016. Under Public Law 108-108, Section 325, lease renewals were renewed pending the completion of the formal lease renewal process, which includes completing rangeland health assessments, evaluating current livestock practices, determining range health, and compliance with the National Environmental Policy Act (NEPA).

The Rangeland Health field evaluation for the Deadwood Grazing Allotment was completed on April 8, 2008 and a determination on the results of the assessment was made July 6, 2008. The determination documented that Standard 2, Watershed Function (riparian/wetland areas), Standard 3, Ecological Processes, Standard 4, Water Quality, and Standard 5, Native, T&E, and Locally Important Species were not meeting the requirements of 43 Code of Federal Regulations (CFR) 4180 and all Standards and Guidelines found in the Fundamentals of Rangeland Health and Standards for Rangeland Health and Guidelines for Grazing Management for Public Lands in Oregon and Washington (1997). Current livestock grazing management practices were identified as contributing factors.

A scoping letter was sent June 9, 2009 to interested parties notifying them of the BLMs intention to conduct an environmental analysis for the renewal of the 10-year grazing lease on the Deadwood Allotment. The letter sought to gather comments and issues based on a range of options that were being considered to satisfy the needs described in detail in the Environmental Assessment (EA) for the Deadwood Allotment Grazing Lease Renewal. Seven letters were received.

The interdisciplinary (ID) team of resource specialists identified relevant issues associated with the proposed action based on internal review and public input received. The ID Team worked to develop alternatives that would: strike a balance between reducing impacts, make progress toward functional condition for standards not met, and allow a viable grazing operation. Concerns about the viability of ranching operations from the lessees were strongly considered. The negative effects to resources addressed in the Deadwood EA were in part the result of some livestock returning to the BLMs Deadwood grazing allotment outside the rotation with the USFS Deadwood allotment, established under the Coordinated Range Management Plan (CRMP). This late-season grazing, particularly within riparian areas was the primary cause of impacts.

The differences between the alternatives were driven by the need to address those concerns. Alternative 1 made no changes to the current grazing scheme and gave us a base analysis if BLM left terms and
conditions unchanged. Alternative 4 eliminates grazing for a ten year period. The latter would have been a good choice had I not felt that we had options to reduce impacts. Alternative 2 re-emphasized the importance of the maintenance and pasture rotation responsibilities on the part of the lessees and was designed to protect riparian and wetland areas, while Alternative 3 was designed to reduce grazing impacts during the hottest periods of the growing season, when the opportunity for recovery is limited by dry conditions and only a short window of the growing season is left for recovery. Alternative 3 constituted a good substitute for Alternative 2 if cooperation with the lessees was lacking. Alternatives 2, 3, or 4 would make progress towards meeting rangeland health standards 2, 3, 4, and 5. A detailed description of the alternatives is contained in the Revised Environmental Assessment for the Deadwood Grazing Allotment Lease Authorization.

PROPOSED/FINAL DECISION

Under the authority of 43 CFR 4130.2a, 43 CFR 4130.2d, and 43 CFR 4160.1a, it is my Proposed/Final Decision to authorize the implementation of Alternative 2 as described in the Revised Environmental Assessment for the Deadwood Grazing Allotment Lease Authorization (DOI-BLM-OR-M060-2010-0028-EA) including potential mitigation measures and terms and conditions, as shown in Table 1, because I believe it best meets the purpose and need and best addresses the issues identified in the EA with acceptable environmental consequences.

With the implementation of Alternative 2, AUM levels and the grazing seasons-of-use would not be modified. The allotment would continue to be managed under a deferred rotation grazing system in accordance with the 1972 Deadwood Coordinated Range Management Plan (CRMP) with the U.S. Forest Service. The BLM allotment boundary would be adjusted to exclude 32 acres that are within the Cascade-Siskiyou National Monument (CSNM) boundary. In accord with the CSNM proclamation “…the Secretary shall not reallocate the forage available under such permits or for livestock grazing purposes…” and therefore, the 32 acres will no longer be available for grazing (Proclamation 7318 - Establishment of the CSNM P.3).

Table 1 – Deadwood Allotment Authorization Terms and Conditions:

<table>
<thead>
<tr>
<th>Allotment</th>
<th>Acres</th>
<th>Number of Livestock</th>
<th>Season of Use</th>
<th>AUMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadwood (Total)*</td>
<td>7,972</td>
<td>393 cattle</td>
<td>06/16-8/15</td>
<td>08/16-10/15</td>
</tr>
</tbody>
</table>

**Terms and Conditions** (43 CFR 4130.3-2)

- The Deadwood CRMP is incorporated as a term and condition of the lease. Grazing use is rotated such that grazing begins on BLM lands in even numbered years and begins on USFS lands in odd numbered years.
- Turn-out would be based upon range readiness.
- Actual use reports are to be returned within 15 days of off-date.
- Billings are due upon receipt and must be paid prior to turn-out.
- Late payment may result in unauthorized use, late fees and/or interest penalty.
- Lessees are expected to commit continuous, day-long riding and gathering efforts necessary to effectively locate and remove all livestock by the annual authorization period. In even numbered years 90% of livestock must be rotated to the USFS Deadwood Allotment by 8/15 and the remaining 10% would be rotated by 8/25. Any livestock not rotated or returning to the early season (BLM) allotment would be removed within 3 days of notification.
- Lessees are expected to remove 95% of their cows by the late season take-off date. Grazing use (greater than 5% of the cows) after the take-off date will result in
unauthorized use fees for forage consumed, a 20% reduction in AUMs, and termination of the late season grazing period until such time as progress toward meeting standards is achieved in accordance with the provisions of 43 CFR, part 4180.

- An average stubble height of 5 inches with no more than 20% livestock caused bank alteration will be maintained in riparian areas of concern and would be seeded by BLM using native seed mixtures when native seed and workforce are available.
- BLM approved ear tags may be a requirement of the lease.
- Lessees will conduct active management practices such as herding to promote livestock distribution to reduce grazing use in riparian areas.
- Salt/mineral blocks will be placed at hardened locations at least ¼ mile from streams, springs, seeps or other wetlands with riparian vegetation, special status species, and recreation areas and will be rotated to promote livestock distribution and movements into areas where utilization levels are low.
- Lessees are expected to annually commit labor, materials and/or funds necessary to keep improvements fully functional prior to livestock turn-out for the duration of the lease, including during periods of approved nonuse.
- To prevent the further spread of nonnative species in the allotment vehicles used for livestock transport and herding (trailers, trucks, all-terrain vehicles [ATVs]), and all motorized vehicles intended for use off of established roadways, must be power-washed prior to entry onto BLM-administered lands. Washing must remove all mud, dirt, excrement, and vegetative debris from vehicles.

*Individual authorizations would be expressed in percentages consistent with existing individual grazing leases.

**Potential Mitigation Measures That Will Be Implemented Under This Decision**

- The Guard Station Pasture; an area that is fenced separately from the rest of the allotment in T. 38S R.4E Section 17 and the NE portion of Section 20 would be used during gathering on years where late season use is on BLM (year 2) for a maximum of seven days. To compensate for the late season concentration the previous fall, cattle will not be allowed in the Guard Station pasture until July 1 the following year to allow for recovery. Under the No Action alternative this area is used season long and has had unauthorized use because of poor fence maintenance and gates being left open.

- Two cattle guards would be installed cooperatively with the BLM and the lessee. A cattle guard would be installed on road 38-4E-7.1 in T 38S R. 4E Section 17 NW ¼ SW ¼ and on road 38-4E-7 in T 38S R. 4E Section 20 NE ¼ at the intersection of road 38-4E-8. These cattle guards would prevent livestock from drifting back into partially or completely fenced areas (that have been grazed) at locations where gates are often left opened during the grazing season. Installing cattle guards would improve the distribution within the allotment and reduce or eliminate unauthorized use due to gates being left open by the public.

**Protective Exclosure**
Exclusion of grazing would occur at two exclosures to protect areas known to be inhabited by the mardon skipper, a species that is a federal candidate for listing under the Endangered Species Act (EA p.10).

**Allotment Lands within the Boundary of the Cascade Siskiyou National Monument (CSNM)**
The 32 acres that are within the bounds of the CSNM would be removed from the Deadwood grazing allotment by adjusting the allotment boundary to the section line along the northern edge of T. 38S. R.4E Section 9.
**Monitoring**
Monitoring data will be collected in odd years, when the late season of grazing is on the BLMs Deadwood grazing allotment at key areas chosen in the field in cooperation with the lessees. Key areas are dynamic and will change based on utilization patterns. Data will be collected during the hot season and after cows have been on the allotment for at least one month (September 16-October 15) and will be used to work collaboratively with the lessees to ensure that livestock are moved from riparian areas prior to crossing the thresholds identified in the Terms and Conditions and to trigger management changes the lessees may have to implement for compliance with the lease (*Revised EA p.11 & 12*). In addition to being used as a management tool, the data gathered will be used to determine the effectiveness of the additional terms and conditions and mitigation measures in the analysis for the next lease renewal period. Because there are 50 grazing leases administered on the Medford District BLM some leases will go through the lease renewal process prior to expiration of the 10 year lease period. Grazing allotments in which livestock are determined to be a contributing factor to non-attainment of Rangeland Health Standards will be a priority for re-initiation of the lease renewal process. If it is determined that livestock grazing is continuing to be a significant contributing factor to non-attainment of Rangeland Health Standards then a new range of alternatives to address these issues would be analyzed.

**Range Improvements & Maintenance**
Under Alternative 2, maintenance responsibilities for nine range improvement projects would be transferred to the lessees, with responsibilities divided amongst the lessees (Table 2). A new maintenance agreement will be developed after lease renewal has taken place formalizing maintenance responsibilities for each lessee. The requirements for maintenance and associated penalties are described in the Revised EA on page 13.

**Table 2 - Range Improvement Projects and Maintenance Responsibility:**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Number</th>
<th>Project Type</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Griffin Pass Spring Fence</td>
<td>750547</td>
<td>PCT Drinking Water</td>
<td>Lessees</td>
</tr>
<tr>
<td>Moon Prairie (Aspen 1)</td>
<td>750559</td>
<td>Species Protection</td>
<td>Lessees</td>
</tr>
<tr>
<td>Moon Prairie (Aspen 2)</td>
<td>750560</td>
<td>Species Protection</td>
<td>Lessees</td>
</tr>
<tr>
<td>Owens Spring &amp; trough</td>
<td>750532</td>
<td>Riparian Exclosure &amp; Trough</td>
<td>Lessees</td>
</tr>
<tr>
<td>Guard Station fence &amp; trough</td>
<td>7329</td>
<td>Riparian Exclosure &amp; Trough</td>
<td>Lessees</td>
</tr>
<tr>
<td>Hoxie Meadow Fence (West)</td>
<td>750492</td>
<td>Riparian Exclosure</td>
<td>Lessees</td>
</tr>
<tr>
<td>Hoxie Meadow Spring (East)</td>
<td>750531</td>
<td>Riparian Exclosure &amp; Trough</td>
<td>Lessees</td>
</tr>
<tr>
<td>Hoxie Creek Spring</td>
<td>750067</td>
<td>Trough/Water Development</td>
<td>Lessees</td>
</tr>
<tr>
<td>Moon Prairie Seeding #1</td>
<td>750001</td>
<td>Seeding</td>
<td>BLM</td>
</tr>
<tr>
<td>Moon Prairie Seeding #2</td>
<td>750002</td>
<td>Seeding</td>
<td>BLM</td>
</tr>
<tr>
<td>Dead Indian Creek Guard</td>
<td>750489</td>
<td>Cattleguard</td>
<td>Lessees</td>
</tr>
<tr>
<td>Shell Peak Pasture Fence</td>
<td>750463</td>
<td>Fence</td>
<td>Lessees</td>
</tr>
<tr>
<td>Howard Prairie Fence</td>
<td>750126</td>
<td>Fence</td>
<td>Lessees</td>
</tr>
<tr>
<td>Moon Prairie Fence</td>
<td>750119</td>
<td>Fence</td>
<td>Lessees</td>
</tr>
</tbody>
</table>
**DECISION RATIONALE**

Based on my review of the EA for Grazing Lease Renewal of the Deadwood Allotment (DOI-BLM-OR-M060-2010-0028-EA), reissuing a 10-year grazing lease with identified terms and conditions will balance the need to allow for livestock grazing as part of the Medford District’s multiple-use program, while complying with the *Standards for Rangeland Health and Guidelines for Grazing Management for Public Lands in Oregon and Washington* (1997).

Short of eliminating grazing or fencing off all areas with water, there will be impacts from grazing in riparian zones (acknowledged in the Medford District RMP via its accompanying EIS). Therefore, the objective is not zero impact. To understand the concerns brought forward in the Rangeland Health Assessment and the EA, I’ve made a number of visits to the allotment (2008 through 2010) to see first-hand the most impacted areas and riparian zones. My findings are that adherence to the CRMP, and improvement to the division fence between the USFS and BLM pastures in 2008 has allowed noticeable improvement at impacted riparian areas. Staff visits in 2009 also noted improving conditions (*Revised EA p. 17*).

This re-emphasis and attention placed on maintenance and the design features of the CRMP, with close attention to compliance on pasture rotations and livestock removal dates, demonstrates that effective management results in progress toward meeting functional standards.

In Alternative 2, the more heavily impacted areas having functional concerns are proposed for exclosures as additional mitigation, and I am choosing to implement those mitigation measures. Thus, additional riparian areas will be physically closed to cows. Additional monitoring proposed to determine if impacts to riparian systems are being reduced is also in place. Therefore, the EA correctly concludes that riparian conditions will improve. These mitigations, and repairs to the division fence, combined with modified terms and conditions, will ensure that CRMP guidance, rotation of pastures, and removal of livestock at the take-off date occurs as scheduled.

While livestock removal is critical, I want to clarify that the new terms addressing rotation and removal are not always a simple process. The intent of the new terms is to get compliance with CRMP guidance
with timely pasture rotations and livestock removal at year end. The reality is that from time to time, depending on environmental/weather conditions, cows may be difficult to round up and meet that tolerance, and may not even be having the impacts the CRMP was designed to avoid. As long as the lessees are diligent about pasture rotations and finding and retrieving cows at the end of authorized use, I will apply discretion to penalties outlined in the terms and conditions.

The BLM and the lessees have come to a good understanding about the need to meet the maintenance, pasture rotation, and take-off conditions, and I am confident the cooperative relationship in place will allow us to meet the intent of the end of season permit requirements. Ongoing monitoring of the allotment will provide the BLM with site-specific data to validate that improvement in functional standards are occurring.

The Rangeland Health Determination implicates livestock grazing as a contributing factor for not meeting Standard 2, Watershed Function – Riparian/Wetland Areas, Standard 3, Ecological Processes, Standard 4, Water Quality, and Standard 5, Native, T&E, and locally important Species. My Proposed/Final Decision to modify the existing livestock grazing lease for the Deadwood Allotment includes adjusted terms and conditions for more effective livestock management; update of maintenance agreements with the expectation for more effective pasture rotations; distribution and timely removal in accordance with the CRMP guidelines for limited use and rest; development of a gathering area in the guard station area to facilitate better handling and more timely animal movement; two cattle guard installations to mitigating incidental livestock release where chronic gate closure failures are precluding effective containment; and installation of protective exclosures around sensitive habitat with increased effects monitoring to evaluate current grazing trends from other current and historic activities. These improvements, coupled with repair and update of existing management structures, will further recovery to functional standards for wetland and riparian areas, ecological processes, and T & E and other locally sensitive species concerns, in alignment with resource recovery already observed to be underway.

LANDUSE PLAN COMPLIANCE

The Medford District initiated planning and design for this project to conform and be consistent with the Medford District’s 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Medford District’s 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the selected alternative does not contain design features not included in either the 1995 RMP or the 2008 ROD and RMP. Accordingly, this project is consistent with the Medford District’s 1995 RMP and the 2008 ROD/RMP.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have considered both context and intensity of the impacts anticipated from the renewal of the livestock grazing lease on the Deadwood Allotment relative to each of the ten significance criteria suggested by the CEQ. I have determined that my decision to implement Alternative 2, as described in the Environmental Assessment for the Deadwood Grazing Allotment Lease Authorization, are within the range of effects described in the Environmental Impact Statements for the Medford Grazing Management Program (incorporated by reference by the Medford District Management Plan Environmental Impact Statement), or the effects have been determined to not be significant. The estimated effects of implementing Alternative 2 are described below relative to each of the ten significance criteria suggested by CEQ.

With regard to the significance criteria, Alternative 2 would not:
1) **Have significant beneficial or adverse effects**

**Soils and Water Resources**

While grazing was identified as a contributing factor for not meeting rangeland health standards of watershed function (riparian/wetland areas), and water quality conditions (Standard 2 and 4), and Ecological Processes (Standard 3), Alternative 2 will modify the grazing lease by adding seven terms and conditions to the lease and implementation of three mitigation measures in an effort to reduce the pressures of grazing on riparian function and water quality.

The 7 additional terms and conditions under this alternative, especially removal of livestock when a 5 inch stubble height and/or 20% bank alteration threshold is met and enforcement of the take-off date will slightly improve streambank stability, improve the ability of vegetation to trap sediment during higher streamflows, and reduce the solar radiation and heating of the water surface in seeps/springs/streams. Both the term terminating the late season grazing until progress toward meeting standards is achieved and a 20% reduction in AUMs in the years following unauthorized late season grazing will reduce late season impacts to riparian areas. Seeding of native vegetation on bare riparian ground will also benefit water resources. Late season use would continue to focus impacts on riparian areas making attainment of ACS difficult although not impossible. The 7 additional terms and conditions and active herd management will be vital for this alternative to meet ACS objectives at the site level and HUC 7 level. (Revised EA p.38-39) There would be a slight decrease in bank trampling and disturbances near water source due to herding of animals away from streambanks. Overall the erosion rates in this allotment would remain moderately above natural levels in the areas where cattle water. The proposed mitigation will help to insure cattle will remain in the allotted grazing area but due to the season of grazing would have only a very slight positive effect on soil erosion and/or productivity rates. The 7 additional terms and conditions will slightly reduce trampling and soil compaction in riparian areas (Revised EA p.63).

In addition the potential mitigation measures elected in this Decision will be an additional benefit to water resources in the allotment. Management of the Guard Station Pasture will be a benefit to riparian vegetation in this area (Revised EA p.39). The installation of the two cattleguards will improve the distribution within portions of the allotment and provide some benefit to riparian vegetation in Hoxie Creek (Revised EA p.39). Alternatives 2 and 3 have less potential for negative effects to temperature, turbidity, and riparian condition than alternative 1. Alternative 2 will slightly improve conditions at the site level and the HUC 7 (Revised EA p.42).

Monitoring of grazing conditions during recent field visits (9/2/09, 10/13/09, and 10/27/09) showed vegetative recovery in riparian areas after improvements to existing fence line (in T. 38S R 4E Section 20) and strict adherence to grazing seasons (Revised EA p. 17). Field inspections in 2007 and 2008 indicated fence maintenance on the line between the Forest Service and BLM portions of the allotment was not being performed. The fence was non-functional and apparently had been that way for a number of years. The lack of a functional fence negated the benefits from alternating seasons of use, as well as increased AUMs on BLM lands. After repairs to this fence in 2008, field observations indicated the effects on riparian, wetlands, meadows were reduced, and the amount of heavy to severe utilization was less (Revised EA p. 24).

The long-term goal of the WQRP is compliance with water quality standards for the 303(d) listed streams in the North and South Forks of Little Butte Creek Key Watershed and the Draft Water Quality Restoration Plan for the Jenny Creek Watershed (USDI 2006 and USDI 2008c). The WQRPs identify TMDL implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards. The recovery of water quality conditions on BLM-administered land in the North and South Forks Little Butte Key Watershed and the Jenny Creek Key
Watershed is dependent upon implementation of the BLM Medford District Resource Management Plan (USDI 1995). The RMP (Appendix D: 172) includes best management practices (BMPs) that are intended to prevent or reduce water pollution to meet the goals of the CWA (Revised EA p.8, 28).

Best Management Practices described in the RMP (Appendix D: 172) call for protecting, maintaining, and improving water quality and riparian areas with the use of fencing, resting the allotment during periods of critical vegetation growth, and adjusting livestock management practices to meet resource objectives. The implementation of Alternative 2 meets these Best Management Practices by requiring the maintenance of an average of 5 inch stubble height and/or 20% or less streambank alteration in riparian areas to prevent over utilization in riparian areas.

**Vegetation**

Ensuring that use dates are complied with and if they are not implementing a 20% reduction in AUMs the following grazing season would allow plants to restore carbohydrate reserves for winter dormancy and spring growth in years with the early season of use (June 16-August 15). In years with the late season of use (August 16-October 15) a higher percentage of plants will be able to complete their growth cycles, from early season sprouting and blooming to setting seed successfully (if this is their primary means of reproduction).

Soil and vegetation trampling of wet or semi-wet areas would continue to a lesser extent than in Alternative 1. The repair to a fence separating the BLM from the US Forest Service and additional terms and conditions of the lease (particularly stubble height requirements in key riparian areas) would reduce the amount of time that livestock spend in riparian areas. This, in turn, would benefit native riparian species, as well as those that grow in the semi-wet to dry areas adjacent to perennial sources of water. Seed set would remain in adequate condition for successful germination the following season. Native species could begin to out-compete the short-lived, and highly successful, exotic species which thrive in disturbed soils and contributed to a conversion from native to non-native dominance in some open areas within the Deadwood allotment. The ability of a site to increase in native species will depend on the species characteristics (native and non-native) that are present, and the ecological site.

**Wildlife**

Mitigation measures which facilitate distribution of livestock will result in improved forage conditions for wildlife (Revised EA p.61). Two protective exclosures (pump chance 125 and 128) will protect an area inhabited by the Mardon skipper from livestock grazing, a species that is a federal candidate for listing under the Endangered Species Act. Under the Bureau Special Status Species Policy (BLM Handbook 6840, 2008) candidate species are to be managed as Sensitive Species. With the construction of two protective exclosures at the reproductive sites, impacts to the Mardon Skipper are greatly reduced (Revised EA p. 60). These exclosures will benefit this butterfly species through limiting trampling of eggs, larvae, or adults and through increased availability of preferred vegetation for oviposition and nectaring (Revised EA p. 58).

**Aquatic Habitat**

Seven new terms and conditions proposed under this alternative, specifically maintenance of 5” stubble heights in riparian areas, <20% active, livestock caused bank alteration, and active herd management will provide a measure of protection for riparian areas, allowing for slightly improved condition of riparian hotspots at the end of each grazing season. There would be a slight decrease in bank trampling and disturbances near water sources due to the term and condition requiring herding of animals away from riparian areas. The proposed mitigation measures (if chosen) would help reduce hotspot impacts but due to the season of grazing would have a very slight positive effect on stream banks and riparian stubble heights (Revised EA p.50).
2) *Have significant impacts on public health or safety.*

No aspects of this lease renewal have been identified as having the potential to significantly and adversely impact public health or safety. All operations on BLM-administered lands are required to meet Occupational Safety and Health Association regulations for worker and public safety.

Grazing animals were identified as a potential contaminant source for the Gold Hill, Rogue River, and Grants Pass drinking water protection areas. The assessments recognized that concentrated livestock may contribute to erosion and sedimentation of surface water bodies. Grazing in the Little Butte Creek portion of the allotment consists of open range grazing with an average of approximately 48 cows across the 1,012 acres of the allotment. The City of Yreka source water assessment identified open range cattle as a potential contaminating activity *(Revised EA p.33).* However, given the numbers of AUMs authorized on this allotment is somewhat low, it is unlikely that this allotment grazed as authorized under the No Action or the three action alternatives is a significant contributor to the identification of grazing as a potential contaminant source *(Revised EA p. 36)*.

3) *Have significant, adverse effects on unique characteristics of the geographic area such as historic or cultural resources; park lands or refuge lands; wilderness areas; wild or scenic rivers; Areas of Critical Environmental Concern (ACEC); or prime farmlands.*

The grazing allotment does not include; parks, refuge lands, wilderness areas, wild or scenic rivers, or prime farmlands. Nor does the allotment contain any ecologically significant areas such as significant caves, Wilderness Study Areas, or areas listed on the National Register of Natural Landmarks.

For National Monument lands, The 32 acres that are within the bounds of the CSNM would be removed from the Deadwood grazing allotment by adjusting the allotment boundary to the section line along the northern edge of T. 38S, R.4E Section 9. The boundary adjustment would be done to ensure management of the 32 acres is consistent with management of other CSNM lands and to keep management considerations associated with the monument from impinging on the greater area of the Deadwood Allotment. At this time, review of livestock movement and utilization data indicates the parcel receives no use by livestock due to low quantities of palatable forage, no available drinking water and most of all, steep, heavily timbered slopes that livestock rarely travel through. If utilization data indicates that livestock grazing is occurring on this 32 acre parcel then a fence would be constructed to prevent unauthorized livestock use *(Revised EA p.9)*.

For Areas of Critical Environmental Concern (ACECs), the Hoxie Creek ACEC is located in the SE corner of 38S 4E Section 29 and is a 255 acre area designated in the Medford District RMP for the areas natural systems, wildlife and botanical values. The ACEC is within the SE corner of the Deadwood allotment boundary. Utilization within the Hoxie Creek ACEC has generally been light *(Revised EA p. 75)*.

The Moon Prairie ACEC shows a general improvement in range condition over the past two decades *(Revised EA p. 75)*.

For Resource Natural Area lands (RNAs), the Old Baldy RNA has utilization mapping that shows livestock do not use this area; therefore, livestock have no effect on the Old Baldy RNA *(Revised EA p. 75)*.

For Developed Recreation Area lands, planned grazing activities are within the range of effects expected from the previous authorization and are within the guidelines approved for the Visual Resource...
Management rating applied to this site. (Revised EA p. 74)

4) Have highly controversial environmental effects.

I have not identified any significant or unique level of controversy, or substantial dispute within the scientific community, concerning the effects of this lease renewal. The EA was published for public review and comments were received that supported non-use as the only means to improve riparian conditions. The concerns identified in this letters were addressed in the EA and these concerns do not elevate this to highly controversial environmental effects. The effects of renewing the grazing lease for the Deadwood Allotment are similar in nature to those of other approved grazing leases that have been implemented within the scope of the Environmental Impact Statements for the Medford Grazing Management Program and Medford District Resource Management Plan.

5) Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

The analysis does not show that this action will involve any unique or unknown risks outside of those addressed and anticipated in the Environmental Impact Statement for the Medford Grazing Management Program.

6) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The decision to renew the Deadwood Allotment grazing leases will not set any precedents for future actions with significant effects and is consistent with the level of grazing anticipated in the 1995 Resource Management Plan. These grazing lease renewals will reauthorize grazing activities with minor modifications similar to previously approved livestock grazing plans under the 1984 Medford Grazing Program Environmental Impact Statement.

7) Be directly related to other actions with individually insignificant, but significant cumulative environmental effects.

The Interdisciplinary Team (IDT) reviewed this project for the potential for significant cumulative effects considering past, present, and reasonably foreseeable actions. Terms and conditions are included as part of this lease renewal in order to implement it in a manner that reduces the potential for adverse effects to water quality, aquatic and wildlife habitats, botanical resources, and soils. Based on the analysis documented in the EA, there is no substantial potential for implementation of this lease renewal to contribute to significant beneficial or adverse cumulative effects.

8) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. This includes Native American religious or cultural sites, archaeological sites, or historic properties.

This project was reviewed for the potential for adverse effects on cultural resources. BLM determined that the proposed project would have no adverse effects on known cultural resources. (Revised EA p.74)

9) Have adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.
**Coho, Coho Critical, and Essential Fish Habitat**

In 1997, the Southern Oregon/Northern California (SONC) Evolutionary Significant Unit (ESU) of coho salmon (*Onchorynchus kisutch*) was listed as “threatened” with the possibility of extinction under the Endangered Species Act (ESA) by the National Marine Fisheries Service (NMFS). There are no coho salmon within the allotment area, therefore, no potential for direct effects to coho. The nearest Coho Critical Habitat is approximately 4.0 miles downstream of the Allotment. There is no Essential Fish Habitat, as defined by NOAA fisheries within the allotment *(Revised EA p. 44).*

Because Coho Critical Habitat for SONC coho salmon is 18.0 miles downstream in the Klamath River system, below Irongate Reservoir and 4.0 miles downstream of the allotment in the South fork Little Butte Subwatershed, and because there is no Essential Fish Habitat (EFH) within the allotment, BLM has determined that renewing the Deadwood Grazing Leases under Alternative 2 is a “No Effect (NE)” for listed coho salmon, their Critical Habitat, and Essential Fish Habitat.

**Mardon Skipper**

The Mardon Skipper Butterfly is a Bureau Sensitive Species and is listed as a Federal Candidate species under the U.S. Endangered Species Act. Two reproductive sites are known within this allotment. Twelve known sites occur in the Ashland Resource Area. The “primary threat” listed for each of these sites is “grazing.” Mechanisms through which livestock may impact this species include trampling, eating food sources, and facilitating invasion of non-native plants *(Xerces, 2007, 2010).* With the construction of two protective exclosures at the reproductive sites, impacts to the Mardon Skipper are greatly reduced. *(Revised EA p. 60)*

**Northern Spotted Owl**

The suite of (wildlife) species that is not affected or affected to only a minor degree includes the following: Northern Spotted Owl … These species are primarily associated with the Mixed-Conifer and White Fir Zones. Grazing does not physically reduce the numbers of these species nor does it appreciably reduce feeding, breeding and sheltering opportunities.

There is one known Northern Spotted Owl nest site in this allotment. Northern Spotted Owls prefer dense forest habitat and grazing is light to non-existent in these areas due to a lack of forage. Grazing does not affect this species in this allotment. *(Revised EA p. 59)*

**Federally Listed Plants**

The Deadwood Allotment is outside the range of known to occur on the Medford District of the BLM (*Fritillaria gentneri, Limnanthes floccosa ssp. grandiflora, Arabis macdonaldiana,* and *Lomatium cookii*) as defined by the U.S. Fish and Wildlife Service (USDI Fish and Wildlife Service, 2003). No occurrences of any federally listed plant species are known on federal lands within the allotment *(EA p. 64).*

There are six known Survey and Manage and Special Status vascular and nonvascular plants, and fungi within the Deadwood Allotment. Grazing under Alternative 2 does not pose a threat to the persistence of Survey and Manage or Bureau Sensitive plants because loss of some individuals would not contribute to the need to list these species *(Revised EA p. 70).*

10) *Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment.*

I have determined that implementing Alternative 2 will not result in actions that will threaten a violation of any federal, state, or local environmental protection laws. As designed, Alternative 2 will comply with the Medford Grazing Management Program and the Medford District Resource Management Plan.
This lease renewal is in conformance with the direction given for the management of public lands in the Medford District by the Northwest Forest Plan, the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA), Safe Drinking Water Act (SDWA) of 1974 (as amended in 1986 and 1996), the Clean Water Act, and the Archaeological Resources Protection Act of 1979 (ARPA).

The BLM IDT reviewed this grazing lease renewal for the potential for disproportionately high or adverse effects on minority or low income populations; based on the analysis, I have determined that no adverse impacts to minority or low income populations will occur as a result of implementing Alternative 2 Executive Order 12898 (Environmental Justice).

The grazing lease renewal will not result in restricting access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. No sites have been identified in the project area Executive Order 13007 (Indian Sacred Sites).

This project would have no effect on Indian Trust Resources as none exist in the project area.

AUTHORITY

This decision is made under the authority of the following 43 CFR 4100 citations:

4100.0-8 (Land use plans), 4110.2-2 (Specifying permitted use), 4120.3 (Range improvements), 4130.2 (Grazing permits or leases), 4130.3 (Terms and conditions), 4130.3-1 (Mandatory terms and conditions), 4130.3-2 (Other terms and conditions), 4130.3-3 (Modification of permits or leases), 4130.4 (Approval of changes in grazing use within the terms and conditions of permits and leases), 4160.1 (Proposed decisions), 4180.2 (Standards and guidelines for grazing administration).

PROTEST/APPEAL PROCEDURES

Any applicant, lessee, or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to John Gerritsma, Field Manager, Ashland Resource Area, Bureau of Land Management 3040 Biddle Road, Medford, Oregon 97504 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 accordance with 43 CFR 4160.3 (a), 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.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, 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 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must serve a copy of the appeal by certified mail on the U.S. Department of the Interior, Office of the Regional Solicitor, Pacific NW Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision. The appeal shall state the
reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay 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 and served in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions, feel free to contact Steve Slavik at (541) 618-2471.

Sincerely,

/S/: John Gerritsma

John Gerritsma
Field Manager
Ashland Resource Area
APPENDIX A

PUBLIC INVOLVEMENT

COMMENT ANALYSIS
APPENDIX A: PUBLIC INVOLVEMENT–DEADWOOD GRAZING LEASE RENEWAL EA

Written comments received in response to the Deadwood Grazing Lease Renewal EA were reviewed by the interdisciplinary team and responsible official and substantive comments are addressed below.

Substantive Comments are those that:

- Provide new information pertaining to the Proposed Action or an alternative;
- Identify a new relevant issue or expand on an existing issue;
- Identify a different way (alternative) to meet the purpose and need;
- Identify a specific flaw in the analysis;
- Ask a specific relevant question that can be meaningfully answered or referenced;
- Identify an additional source of credible research, which if utilized, could result in different effects.

Non-substantive comments are those that:

- Primarily focus on personal values or opinions;
- simply provide or identify a preference for an alternative considered;
- Restate existing management direction, laws, or policies that were utilized in the design and analysis of the project (or provide a personal interpretation of such);
- Provide comment that is considered outside of the scope of the analysis (not consistent or in compliance with current laws and policies, is not relevant to the specific project proposal, or is outside of the Responsible Officials decision space);
- Lack sufficient specificity to support a change in the analysis or permit a meaningful response, or are composed of general or vague statements not supported by real data or research.

COMMENT ANALYSIS

Comment 1: Grazing on the Deadwood Allotment is adversely affecting riparian vegetation, thus increasing stream temperature, and violating the Clean Water Act.

Response: The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM and DEQ have a Memorandum of Agreement (MOA) that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. Under the Protocol, the BLM will protect and maintain water quality where standards are met or surpassed, and restore water quality limited water-bodies within their jurisdiction to conditions that meet or surpass standards for designated beneficial uses (Revised EA p. 28).

Past and current grazing is only a part of the overall cause of high stream temperatures, and BLM manages a small portion, approximately 30% of the stream miles listed for temperature. Of the 5.2 total stream miles listed for temperature, 1.7 [30%] (1.4 miles on Hoxie Creek, 0.3 miles on Dead Indian Creek, 0.0 miles on Conde Creek) are on BLM-administered lands. Thus, grazing represents but a portion of the total effects related to stream temperature.

Past human-caused activities in riparian areas such as timber harvest, road construction, residential and agricultural clearing, and livestock grazing, have reduced the amount of riparian vegetation in the analysis.
area. Water withdrawals during the summer also contribute to elevated stream temperatures (Revised EA p. 45).

Furthermore, the removal of cows would not appreciably increase the rate of recovery toward improving stream temperatures. “The singular action of eliminating grazing in this allotment is not likely to change the water quality [temperature] listings for Conde, Dead Indian, and Hoxie Creeks. Past timber harvest on federal and non-federal lands and roads built in riparian areas will continue to contribute to temperature increases. On non-federal lands, near-stream vegetation disturbance/removal and water withdrawals continue to adversely affect stream temperatures. On federal forested lands, the long-term recovery of shade in the riparian reserves will decrease water temperatures” (Revised EA, p. 40).

Even though BLM stream surveys conducted in riparian areas of this allotment between 1996 and 2006 identified locations where streambanks had been trampled and damaged by cattle, stream temperatures are on an upward trend (decreasing) on federal land as previously harvested riparian vegetation recovers (Revised EA p. 30).

Alternative 2 continues the decreasing stream temperature trend because (1) the addition of the term and condition requiring removal of livestock when a 5” stubble height and/or 20% bank alteration threshold is met will slightly improve streambank stability, maintaining adequate riparian vegetation reduces the solar radiation and heating of the water surface in seeps/springs/streams (Revised EA p. 38) (2) seeding of disturbed areas increases riparian vegetation (Revised EA p. 39); and (3) the installation of additional cattle guards (potential mitigation measure) will add additional benefits (Revised EA p. 39). Therefore, alternative 2 meets the Clean Water Act by improving the current conditions for stream temperature in the 303(d) listed streams.

Comment 2: Grazing on the Deadwood Allotment adversely affects water quality due to increased sedimentation, thus violating the Medford District RMP and the Aquatic Conservation Strategy (ACS).

Response: In order to meet the ACS, the project must not retard or prevent attainment of Riparian Reserve objectives.

Sediment sources resulting from human activities include roads; logging (tractor skid trails, yarding corridors, and landings); off-highway vehicle (OHV) trails, and concentrated livestock grazing in riparian zones.

Current conditions resulting from past and present actions include surface erosion from existing roads primarily at road-stream crossings and where fill slopes closely parallel streams, and streambank trampling from livestock grazing. BLM stream surveys conducted in riparian areas of this allotment between 1996 and 2006 identified where streambanks were trampled and damaged by cattle (Revised EA p. 31, 45).

Bank trampling contributes to sedimentation therefore; actions that reduce bank trampling will reduce sedimentation. The addition of the term and condition requiring removal of livestock when a 5” stubble height and/or 20% bank alteration threshold is met will slightly improve streambank stability and improve the ability of vegetation to trap sediment during higher streamflows (Revised EA p. 38). Because, the majority of the water sources are Howard Prairie Lake and water bodies not on a stream, there would be a slight decrease in bank trampling and disturbances near water sources due to the additional monitoring
and possible herding of animals away from streambanks. The 7 additional terms and conditions will slightly reduce trampling and soil compaction in riparian areas (Revised EA p. 63).

Thus, with the reduction of bank trampling, there will be a decrease in sediments reaching the streams, and an increase in stream complexity and therefore Alternative 2 meets the applicable ACS objectives (Revised EA p. 50-55).

**Comment 3:** Grazing on the Deadwood Allotment exceeds acceptable levels of coliform, thus violating the Clean Water Act.

**Response:** In December 2008, the ODEQ issued the Rogue River Basin Total Maximum Daily Load (TMDL). The TMDL addresses temperature and bacteria (E. coli) impairments for an area that includes the North and South Forks Little Butte Creek. In December 2010, the ODEQ issued the Upper Klamath and Lost River Subbasins TMDL for review. TMDLs are numerical loadings that are set to limit pollutant levels such that instream water quality standards are met.

The Rogue River Basin TMDL addresses bacteria (E. coli) and acknowledges that the management of federal forest lands does not typically contribute to elevated levels of E. coli that are the basis for the listings in the Rogue Basin (Revised EA p. 32). There are currently no E. coli-listed streams on BLM-administered lands within the Deadwood Allotment.

Therefore, there is no basis to conclude that unacceptable levels of E. coli are being caused by grazing on the Deadwood allotment.

**Comment 4:** Based on conclusions of the National Center for Conservation Science and Policy (NCCSP) study on predator-prey dynamics in the Cascade-Siskiyou National Monument area, grazing in Deadwood is adversely affecting northern spotted owl, thus violating the Endangered Species Act.

**Response:** The Deadwood allotment is a high elevation conifer forest ecosystem essentially devoid of oak woodlands so the reduction observed in the Deer Mice population will not be effected by the grazing in the Deadwood allotment (Revised EA p. 22). Woodrats, which are also “important prey of the Northern Spotted Owl” were reduced in heavily grazed sites in the NCCSP study. The composite map of utilization and transect data collected between the years of (1984-2004) shows an overall decrease in utilization over the past decade within the Deadwood allotment (RHA p. 3), (Revised EA p.35).

The northern spotted owl is primarily associated with the Mixed-Conifer and White Fir Zones. Grazing does not physically reduce the numbers of the northern spotted owl nor does it appreciably reduce feeding, breeding and sheltering opportunities (Revised EA p. 59). Therefore, there is no reliable inference from this study related to the grazing on the Deadwood allotment.

**Comment 5:** Grazing in Deadwood will spread noxious weeds violating the Medford District RMP.

**Response:** Per the RMP, BLM should manage to contain and/or reduce noxious weed infestations on BLM-administered land using integrated pest management approach and avoid introducing or spreading noxious weed infestations.

Most of the noxious weed populations in the Deadwood allotment occur along roads or in areas with historical disturbance regimes. Due to their invasive nature, noxious weeds present on the allotment can
continue to spread when left untreated. Areas of moderate-to-heavy livestock utilization and
congregation areas (salt blocks, water sources, shade) that experience soil and vegetation disturbance
within the allotment are at risk for weed colonization.

However, under Alternative 2 only localized site disturbance would continue to produce conditions
favoring noxious weeds and invasive introduced species. Noxious weed populations/sites in the allotment
are sparse with most species occupying a single, small location (Revised EA p. 72). Noxious weed
populations would continue to be treated as prescribed in the RMP and the Medford District Integrated

A term and condition has been added to reduce the further spread of nonnative species by requiring
washing of vehicles used for livestock transport and herding off of established roadways. The level at
which livestock grazing on this allotment occurs would not significantly change the structure or rate of
noxious weed spread. Weeds would continue to be treated. Therefore, the alternative meets the RMP
objectives for managing noxious weeds (Revised EA p.73).

**Comment 6:** Alternative 2 would result in significant environmental impacts requiring BLM to prepare
an Environmental Impact Statement (EIS).

**Response:** Management activities, including grazing, are analyzed for the Medford District in the EIS
that supports the RMP. Thus, grazing leases that remain within the effects stated in the RMP EIS do not
further require the preparation of a project EIS.

Alternative 2 would authorize the same AUMs and season of use that was analyzed in the 1995 Final EIS
with the addition of stricter management requirements and mitigation measures. Because the decision to
authorize alternative 2 will not result in significant effects beyond those disclosed in the 1995 Final EIS,
completing an EIS will not be necessary. There are no significant impacts (*see the Finding of No
Significant Impact—FONSI*). Therefore, the preparation of an additional EIS is not necessary.