

NOTICE OF THE FIELD MANAGER'S PROPOSED/FINAL DECISION

This grazing decision documents my decision and rationale to renew the grazing lease on the Howard Prairie Allotment for a period of 10 years. The Environmental Assessment (EA) for the Howard Prairie Grazing Allotment Lease Authorization (DOI-BLM-OR-M060-2011-0006-EA) documents the environmental analysis conducted to estimate the site-specific effects on the human environment that may result from the renewal of this grazing lease. The EA was issued for public review from August 29 to September 16, 2011 and one public comment was received.

BACKGROUND

The Bureau of Land Management grazing lease for the Howard Prairie Allotment expired on February 28, 2008 and is currently authorized under a temporary lease renewed under Public Law 108-108, Section 325. The temporary lease will expire on February 28, 2016. Under Public Law 108-108, Section 325, lease renewals were meant to be temporary 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 Howard Prairie Allotment was completed in 2009; and a preliminary determination on the results of the assessment document that watershed function (riparian/wetland areas) and water quality conditions 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) but the current livestock grazing authorization were determined to not be a major contributing factor.

A scoping letter was sent in June of 2011 to interested parties notifying them of the BLM's intention to conduct an environmental analysis for the renewal of the 10-year grazing lease on the Howard Prairie 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 Howard Prairie Grazing Lease Renewal. Nine 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. Alternatives were developed to respond to the purpose and need, and relevant issues identified by the ID team. Three alternatives were analyzed in detail: the No Change (Alternative 1), Alternative 2, developed to respond to the purpose and need identified in the EA and Alternative 3, a No Grazing Alternative. A detailed description of the alternatives is contained in the *Environmental Assessment for the Howard Prairie 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 *Environmental Assessment for the Howard Prairie Grazing Allotment Lease Authorization* (DOI-BLM-OR-M060-2011-0006-EA) including 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.

The implementation of Alternative 2 will renew the Howard Prairie lease with the same season of use and same AUMs as the existing livestock grazing lease. The lease will authorize 61 cattle (61 AUMs) on BOR and BLM managed lands from October 16th to November 15th. The following table (Table 1) describes terms and conditions to be included as a requirement of the lease renewal.

Table 1 – Lease Terms and Conditions

Allotment Name	AUMs	Number of Livestock	Season of Use
Howard Prairie	61	61 Cattle	10/16-11/15
Terms and Conditions (43 CFR 4130.3-2) <ul style="list-style-type: none"> • Actual use reports are to be returned within 15 days of off-date. • Maintenance of assigned range improvements is a requirement of lease and must be done prior to livestock turn-out. • In the event of adjacent allotment closure, the lessee will assume all maintenance responsibilities for Howard Prairie boundary fences. • Billings are due upon receipt and must be paid prior to turn-out. • Late payment may result in unauthorized use and/or interest penalty. • BLM approved ear tags may be a requirement of lease. 			

Mitigation Measures

The two potential mitigation measures discussed in the EA on page 9 will not be implemented at this time. Further coordination and cooperation with the Bureau of Reclamation, Jackson County Parks, and recreational user groups of the Lily Glenn Equestrian Park will be attained prior to implementation. Once cooperation and support of the other agencies and user groups is attained a second Decision will be written. In addition to signs and improvements to gates in 2008 to prevent unauthorized grazing, signs may be posted at stream crossings along the Lily Glenn trail to ask user groups to please stay on the trail to prevent bank disturbance.

Range Improvements & Maintenance

Under this alternative, maintenance of range improvement project # 7500126 and Range Improvement Project #750045 would continue to be the responsibility of the lessee. The requirements for maintenance and associated penalties are described in the EA on page 9.

DECISION RATIONALE

Based on my review of the EA for Grazing Lease Renewal of the Howard Prairie Allotment Grazing Lease Authorization (DOI-BLM-OR-M060-2011-0006-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).

The Rangeland Health Determination **does not** implicate livestock grazing as a significant contributing factor for not meeting Standard 2 Watershed Function – Riparian/Wetland Areas, and Standard 4 Water Quality. My Proposed/Final Decision to renew the existing livestock grazing lease for the Howard Prairie Allotment, which emphasizes maintenance of range improvements and gate closure to prevent unauthorized use will reduce impacts to riparian areas and is expected to make progress towards meeting the Standards for Rangeland Health in the Howard Prairie Grazing Allotment. All streams in the allotment ultimately drain into Howard Prairie Reservoir. Since water originating within and above the allotment is stored in Howard Prairie Reservoir and released for irrigation and other purposes, grazing has

no effect on stream temperatures within the listed reach of Grizzly Creek. Even if mitigation measures were chosen the augmented flows in the Grizzly Creek channel from the South Fork Canal to Howard Prairie Reservoir will maintain the channel in its overall degraded condition (EA p.13).

LAND USE 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 Howard Prairie 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 Howard Prairie 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

The topography of this allotment is fairly gentle so erosion rates on the landscape ranges are low to moderate. Grizzly Creek for 3 miles below Howard Prairie Reservoir to its confluence with Jenny Creek is listed as water quality impaired, 303(d), for exceeding summer temperature criteria (ODEQ 2010). Since water originating within and above the allotment is stored in Howard Prairie Reservoir and released for irrigation and other purposes, grazing has no effect on stream temperatures within the listed reach of Grizzly Creek (EA p.12). Grazing was not identified as a significant contributing factor for not meeting rangeland health standards of watershed function (riparian/wetland areas), and water quality conditions.

Vegetation

The late season of use on this allotment will allow perennial plant species to produce seed every year. The Rangeland Health Assessment completed in 2009 showed that there are varied departures in Biotic Integrity within this allotment, depending on the ecological site being evaluated. Two ecological sites were evaluated: Wet Meadow (None to Slight departure) and a Loamy Wet Terrace (Slight departure) (EA p.25)

Wildlife

Even though grazing may potentially disrupt local individuals of sensitive wildlife species and may cause the loss of habitat in some cases, grazing on this allotment is not expected to adversely affect long-term population viability of any Bureau wildlife species of concern known to occur in the area. Additionally,

this project combined with other actions in the area would not contribute to the need to list any species under the provisions of the ESA, because of the small scope of this grazing lease compared to the available habitat in the vicinity and the late season grazing window (EA p. 24).

Aquatic Habitat

Jenny Creek redband trout are found in Howard Prairie Lake, the South Fork Canal and Grizzly Creek. Currently, the redband trout population in this area is in poor condition due to genetic dilution from hatchery fish released into the lake. Stream surveys noted unstable banks and active bank erosion on Grizzly Creek resulting primarily from the canal contribution. Cattle and horse grazing cause concentrated bank disturbance and channel widening at two locations along the channel. Shade is lacking along this reach of Grizzly Creek (EA p.14). Grazing was not identified as a significant contributing factor for not meeting rangeland health standards of watershed function (riparian/wetland areas), and water quality conditions.

2) Have significant impacts on public health or safety.

No aspects of this lease renewal have been identified as having the potential to significantly or adversely impact public health or safety.

Public scoping comments showed concern for animals grazing along Howard Prairie Lake as a potential contaminant source near a recreation area; however, given the numbers of AUMs authorized on this allotment is low, it is unlikely that the grazing on this allotment is a significant contributor to contaminants in Howard Prairie Lake. In addition, the season of use on this allotment, October 15th - November 15th would further limit the potential of health concerns because water contact by humans in the fall would be very limited.

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; refuge lands, wilderness areas, wild or scenic rivers, or prime farmlands. Nor does the allotment contain any ecologically significant areas such as significant caves, Areas of Critical Environmental Concern, National Monuments, Wilderness Study Areas, Research Natural Areas, or areas listed on the National Register of Natural Landmarks.

The grazing allotment is near several developed recreation areas managed by Jackson County Parks. The Grizzly Creek County Park is completely fenced from the grazing that occurs on the Howard Prairie grazing allotment. The season of use on the Howard Prairie allotment is late (October 15 to November 15) to reduce user conflicts with the Lily Glen Equestrian Park (EA p. 30). 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.

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 concerns identified in comment letters were addressed in the EA or in the attached Appendix A, these concerns do not elevate this to highly controversial environmental effects. The effects of renewing the grazing lease for the Howard Prairie 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 Howard Prairie Allotment grazing lease 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. This grazing lease renewal 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 livestock grazing does not pose any significant threat to cultural sites (EA p.30).

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

Because Coho Critical Habitat for SONC coho salmon is 18 miles downstream of the allotment, and because there is no Essential Fish Habitat (EFH) within the allotment, BLM has determined that renewing the Howard Prairie Lease Renewal under Alternative 2 is a “No Effect (NE)” for listed coho salmon, their Critical Habitat, and Essential Fish Habitat (EA p.14).

The Howard Prairie Allotment is outside the range of federally listed plants known to occur on the Medford District of the BLM (*Fritillaria gentneri*, *Limnanthes floccosa*, *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. 26).

There are no known Special Status vascular or nonvascular plants, and fungi within the Howard Prairie Allotment (*EA p. 26*).

There are no known Northern Spotted Owl nest sites in the 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 (*EA p.19*).

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 public 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 - RETURN RECEIPT REQUESTED 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–HOWARD PRAIRIE GRAZING LEASE RENEWAL EA

Written comments received in response to the Howard Prairie 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: Alternative 2 does not meet ACS objectives

Response: The ACS review in the EA on page 15-17 conclude that benefits from implementing any of the alternatives, even the no grazing, would be immeasurable for most objectives and implementation of Alternative 2 or 3 would have very slight benefits at the sight scale for some objectives.

Comment 2: RMP Compliance; BLM must manage sensitive species such as the Mardon skipper butterfly, Siskiyou short-horned grasshopper, and Jenny Creek redband trout for their conservation and not to contribute to the need to list them under the Endangered Species Act.

Response: Grazing on this allotment is not expected to adversely affect long-term population viability of any Bureau wildlife species of concern known to occur in the area. Additionally, this project combined with other actions in the area would not contribute to the need to list any species under the provisions of the ESA, because of the small scope of this grazing lease compared to the available habitat in the vicinity and the late season grazing window (*EA p. 24*).

Comment 3: RMP Compliance; Grizzly Creek flows through the Howard Prairie allotment and is 303d listed.

Response: Since water originating within and above the allotment is stored in Howard Prairie Reservoir and released for irrigation and other purposes, grazing has no effect on stream temperatures within the listed reach of Grizzly Creek (EA p. 12). Augmented flows in the Grizzly Creek channel from the South Fork Canal to Howard Prairie Reservoir will maintain the channel in its overall degraded condition (EA p. 13). The impacts on aquatic resources that are generally associated with hot season grazing are not a factor on the Howard Prairie Allotment because of the late season of use (October 16-November 15). Temperatures in October and November are generally cool reducing the need for water and some grass species will re-grow “green up” which reduces the amount of use in the riparian areas.

Comment 4: RMP Compliance; grazing in Howard Prairie will spread noxious weeds violating the Medford District RMP.

Response: The level at which livestock grazing on this allotment occurs would not significantly change the structure or rate of noxious weed spread (EA p.27). The two noxious weed species known to occur within the allotment are small populations and are species that are not targeted by the BLM for treatment. The *Hypericum perforatum* generally grows along roadsides or other disturbed areas and does not aggressively invade in the Howard Prairie area. The *Bromus tectorum* is not treated because the Medford District currently only uses broadleaf selective herbicides that are not effective on grass species and vegetation monitoring has shown that this species does not aggressively invade in this high elevation environment (Hosten et al. 2007d). Therefore, the alternative meets the RMP objectives for managing noxious weeds.

Comment 5: Lands within Howard Prairie Allotment are known to have significant historical values.

Response: The EA at page 30 states “This project was determined to have no 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. Due to inclusion and implementation of the project design criteria there would be no direct effects to cultural resources; therefore the proposed allotment renewal would have no adverse effects on known cultural resources”.

Comment 6: Range of Alternatives is too narrow

Response: Three other alternatives were considered by the ID Team for analysis but none of these additional alternatives were analyzed in detail because the current livestock grazing is not a significant contributing factor for not meeting Rangeland Health Standards (EA p. 10).