

4000(ORW020)  
GL# 0969

December 1, 2010

CERTIFIED MAIL - Return Receipt Requested 7009 0960 0000 4526 5191

## **Notice of Field Manager's Proposed Decision for Renewal of Grazing Allotment Number 0969**

### **Introduction**

The Bureau of Land Management (BLM) grazing lease on allotment #0969 expired on February 28, 2009. The lease was then renewed in 2009 under provisions of Section 116 of Public Law 106-291, which allowed for the renewal of the lease under the terms and conditions of the expiring lease until the lease was processed in compliance with all applicable laws and regulations. This processing, which has been completed, included an interdisciplinary review of the potential impacts of the grazing lease in accordance with the National Environmental Policy Act (NEPA). The interdisciplinary review has been completed as documented in Documentation of Land Use Plan Conformance and NEPA Adequacy DNA # OR-134-2009-006 signed November 24, 2010.

### **Proposed Decision:**

Therefore, under the authority of 43 Code of Federal Regulations (CFR) 4130.2a, 43 CFR 4130.2d and 43 CFR 4160.1a, **it is my proposed decision to renew the grazing lease for allotment 0969 for a period of 10 years (3/2011 – 2/2021) with the same terms and conditions as the lease that expired February 28, 2009.** The mandatory terms and conditions of the lease are:

<b>Number of Livestock</b>	<b>Kind</b>	<b>Begin Period</b>	<b>End Period</b>	<b>Acres Public Land</b>	<b>Type Use</b>	<b>AUMS</b>
<b>1</b>	<b>Cattle</b>	<b>03/01</b>	<b>08/31</b>	<b>40</b>	<b>Custodial</b>	<b>6</b>

Other terms and conditions of the lease are:

The BLM is in the process of implementing the Standards for Rangeland Health and Guidelines for Livestock Management. This lease is subject to modification, as necessary, to achieve compliance with these Standards and Guidelines (43 CFR 4180).

In accordance with Section 7 of the Endangered Species Act of 1973, the BLM initiated informal consultation with U. S. Fish and Wildlife Service (USFWS) on the effects of current and proposed livestock grazing on the gray wolf, grizzly bear and Canada lynx in western Okanogan and northern Chelan counties. Through the consultation process, it was determined that the standard stipulations that are already in effect on BLM administered allotments, combined with special stipulations in the event that wolf dens or rendezvous sites are detected, adequately reduce the potential for adverse impacts to reach an effects determination of “may affect, unlikely to adversely affect.”

Currently there is only one breeding population of gray wolves in the Methow Valley of Okanogan County. The Washington Department of Fish and Wildlife is actively monitoring the locations of this pack utilizing radio telemetry of collared animals. In the event that an active wolf den or rendezvous site is detected on BLM administered land within an allotment, or in close proximity to the allotment, the BLM will consult with the lessee to mitigate impacts as directed in the Biological Assessment (BA) of the Effects of Current and Proposed Livestock Grazing on The Gray Wolf, Grizzly Bear, and Canada Lynx in Western Okanogan and Northern Chelan Counties dated July 2010.

**Rationale for the Proposed Decision:**

Renewal of the grazing lease is in conformance with the applicable Land Use Plans (LUP) because it is specifically provided for in the following LUP decisions:

- Spokane District Resource Management Plan (RMP)/Final EIS (August 1985) and its Record of Decision (ROD)/Rangeland Program Summary (May 1987)
- Proposed Spokane RMP Plan Amendment/Final EIS (June 1992) and its ROD (December 1992)

This grazing allotment is identified on page 49 of the Spokane RMP/ROD, authorizing grazing. This allotment was divided in 1987, assigning part of the authorized use to allotment 0969. The current use is the same as the proposed action and the same as the RMP/FEIS proposed action. The environmental impacts of grazing for all alternatives are discussed in Chapter 4 (Environmental Consequences, pages 79-92) of the Spokane RMP/FEIS. As discussed the Allotment Categorization section of the Spokane RMP/FEIS (pages 53 – 55), allotments were categorized as Custodial according to the following criteria:

- Present range condition is not a factor.
- Allotments have low resource production potential, and are producing near their potential.
- Limited resource use conflicts/controversies may exist.

- Opportunities for positive economic return on public investment do not exist or are constrained by technological or economic factors.
- Present management appears satisfactory or is the only logical practice under existing resource conditions.
- Manageability is limited because public lands are intermingled with much larger acreages of non-public lands. Cooperation of intermingled landowners in management has not been obtained.

As is the case with this grazing allotment, most of the Custodial allotments are unfenced, small tracts which are intermingled with larger acreages of non-BLM rangelands, thus limiting the BLM's management opportunities.

An interdisciplinary team conducted a review for any new information concerning the proposed lease renewal. No significant information was identified in the review. As stated above, the results of the interdisciplinary review are documented in DNA # OR-134-2009-006. Conformance with the Spokane RMP as amended is also documented in the DNA.

The BLM issued consultation letters regarding grazing lease #0969 on May 30, 2008. Letters were sent to the Washington State Department of Archaeology and Historic Preservation (DAHP), the Colville Confederated Tribes (CCT), and the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation). On June 4, 2008 DAHP responded concurring with the definition of the area of potential effect (APE) and proposed cultural resource survey areas. Responses were not received from either the Colville Confederated Tribes or the Yakama Nation. Final consultation letters requesting concurrences with a determination of "no effect" were sent on May 5, 2009. Washington State DAHP concurrence with the determination of effect was received in a letter dated May 13, 2009. Tribal Historic Preservation Offices were asked for concerns or comments. Responses were not received from any of the tribes consulted.

In 2002, the BLM completed a Biological Assessment (BA) in consultation with U. S. Fish and Wildlife Service (USFWS) that analyzed the potential effects of the Spokane District Land Use Plan (LUP) on federally listed, proposed, and candidate species and designated critical habitat (USDI BLM 2002). A variety of BLM actions, including livestock grazing throughout eastern Washington, were analyzed in the 2002 BA and USFWS concurred that these actions "may affect," but would be "unlikely to adversely affect" a number of species, including gray wolf.

Recently, a breeding population of gray wolves was documented in the Methow Valley of Okanogan County. In light of this new information, it was determined that the previous BA's (USDI BLM 2002) assessment of livestock grazing for this geographical area was not current and a new assessment was needed.

In accordance with Section 7 of the Endangered Species Act of 1973, the BLM initiated informal consultation with the USFWS on July 2, 2010, following several meetings between BLM and USFWS over the previous months. On July 14, 2010, the USFWS issued a letter concurring with the BLM's assessment that livestock grazing, including the proposed action, "may affect, but would be unlikely to adversely affect" the gray wolf. The 2010 determination of effect is the same as the 2002 determination of effect. In both the 2002 and 2010 determinations of effect,

the USFWS concurs that livestock grazing within the action area would be unlikely to adversely affect gray wolf.

### **Authority**

43 CFR 4130.2(a) states: “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or lease shall specify the types and levels of use authorized, including livestock grazing, suspended use and conservation. These grazing permits and leases shall also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2”.

43 CFR 4120.5-2 states: “The authorized officer shall cooperate with state, county, and federal agencies in the administration of laws and regulations relating to livestock, livestock diseases, sanitation...”

43 CFR 4130.2(d) states: “The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years...”

43 CFR 4160.1(a) states: “Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public.”

### **Protest and/or Appeal**

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to: Karen Kelleher, Wenatchee Field Office Manager, Bureau of Land Management, 915 Walla Walla Ave., Wenatchee, Washington 98801 within 15 days of the proposed 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*, this proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b) *upon a timely filing of a protest*, after a review of protests and statement of reasons received and other information pertinent to the case, the Authorized Officer shall issue a final 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 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. The appeal and petition for a stay must be filed with the Wenatchee Field Office Manager, Bureau of Land Management, 915 Walla Walla Ave., Wenatchee, WA 98801. The person/party must also serve a copy of the appeal with U.S. Department of the Interior, Office of the Regional Solicitor, 805 SW Broadway, Suite 600,

Portland, OR 97205 and any person sent a copy of this decision (see cc list following the signature line) [43 CFR 4.421(h)].

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 serviced 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, Office of Hearings and Appeals, Salt Lake City, Utah a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition 43 CFR 4.472 (b). 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, contact Angela Link at 509-665-2100.

/s/ Karen Kelleher  
Karen Kelleher, Field Manager

12/01/10  
Date

Copies sent to: [REDACTED]  
Grazing Allotment # 0969

## Determination of NEPA Adequacy (DNA)

Department of the Interior  
Bureau of Land Management, Spokane District  
1103 North Fancher Road  
Spokane Valley, WA 99212

### A. Background

*BLM Office: Wenatchee Field Office*

*Lease/Serial/Case File No.: N/a*

*NEPA Log Number: DOI-BLM-OR-134-2009-0006-DNA*

*Proposed Action Title: Grazing Lease Renewal/Four Custodial Allotments*

*Location of Proposed Action: These allotments are located in Okanogan County, Washington and are part of the Okanogan Scattered Tracts Management Area (see attached maps). Legal descriptions of the lands are included Attachment 1.*

*Description of Proposed Action: The proposed action is to renew four grazing leases for grazing allotments listed in attached table for a period of 10 years (3/2011-3/2021). These allotments are “Custodial” allotments with listed acreage of public land intermingled with private land owned by the lessee. The renewed leases would continue to authorize grazing as specified in the expiring leases. Authorization levels are listed in the attached table.*

### B. Land Use Plan Conformance

*Land Use Plan Name: Spokane Resource Management Plan*

*Date Approved/Amended: Approved 1987/Amended 1992*

*Option 1 (conforms with LUP): The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): These grazing allotments are addressed in the Spokane RMP/ROD under allotment numbers 0943, 0952, 0957 and 0969 on pages 48 or 49 for use listed as listed in Attachment 1, which is the same as the proposed renewal.*

OR

*(Option 2: not explicitly provided for in the LUP) The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):*

### C. Identify applicable National Environmental Policy Act (NEPA) document(s) or other related document(s) that cover the proposed action

*Name and date of NEPA document(s):*

*Spokane Resource Management Plan(RMP)/Final Environmental Impact Statement (EIS), 1985*

*Name and date of other relevant document(s):*

- Washington Department of Fish and Wildlife Priority Habitats and Species - 1997 Databases
- Washington Natural Heritage Program - 1998 Database
- Washington Office of Archaeological and Historical Preservation - 2003 Database
- Spokane District 2003 Archaeological Survey Database and files.

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes, these allotments are identified in Appendix E of the Spokane RMP/Final EIS, authorizing grazing as listed in attached table. This is the same as the proposed action.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, the proposed action is the same as that analyzed in the Spokane RMP/Final EIS.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

New information regarding the population status of gray wolves in Washington State was considered, however, it was determined that this information would not substantially change the analysis of the proposed action. This determination was based on the following rationale: 1) gray wolves have always been considered to be present in the action area in low population densities and this remains the same in light of the new information; 2) breeding and rendezvous areas that have recently been identified are not in proximity to the action area and would not be affected by the proposed action; 3) previous NEPA documents and existing regulations provide mitigation measures to ensure the protection of all sensitive species, including the gray wolf.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the effects are the same as those analyzed in the existing NEPA document.

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

The Spokane RMP/FEIS and its ROD (including the Rangeland Program Summary) were distributed to all interested publics and other government agencies for review. Since the subject grazing leases are identified in the land use plan, which went through all of the appropriate and legally required public/agency review, at the time public involvement was considered adequate. The Bureau of Indian Affairs (BIA) was consulted, but individual tribes were not.

BLM issued consultation letters regarding grazing lease # 0943, #0952,#0957, and # 0969 on May 30, 2008. Letters were sent to the Washington State Department of Archaeology and Historic Preservation (DAHP), the Colville Confederated Tribes (CCT) and the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation). On June 4, 2008 DAHP responded, concurring with the definition of the area of potential effect (APE) and the proposed cultural resource survey areas. Responses were not received from either the Colville Confederated Tribes or the Yakama Nation. Final consultation letters requesting concurrences with a determination of “no effect” were sent on May 5, 2009. Washington State DAHP concurrence with the determination of effect was received in a letter dated May 13, 2009. Tribal Historic Preservation Offices were asked for concerns or comments. Responses were not received from any of the tribes consulted.

In 2002, the BLM completed a Biological Assessment (BA) in consultation with U. S. Fish and Wildlife Service (USFWS) that analyzed the potential effects of the Spokane District Land Use Plan (LUP) on federally listed, proposed, and candidate species and designated critical habitat (USDI BLM 2002). A variety of BLM actions, including livestock grazing throughout eastern Washington, were analyzed in the 2002 BA and USFWS concurred that these actions “may affect,” but would be “unlikely to adversely affect” a number of species, including gray wolf.

Recently, a breeding population of gray wolves was documented in the Methow Valley of Okanogan County. In light of this new information, it was determined that the previous BA’s (USDI BLM 2002) assessment of livestock grazing for this geographical area was not current and a new assessment was needed.

In accordance with Section 7 of the Endangered Species Act of 1973, the BLM initiated informal consultation with the USFWS on July 2, 2010, following several meetings between BLM and USFWS over the previous months. On July 14, 2010, the USFWS issued a letter concurring with the BLM’s assessment that livestock grazing, including the proposed action, “may affect, but would be unlikely to adversely affect” the gray wolf. The 2010 determination of effect is the same as the 2002 determination of effect. In both the 2002 and 2010 determinations of effect, the USFWS concurs that livestock grazing within the action area would be unlikely to adversely affect gray wolf.

No other specific public involvement, or interested public status (under the grazing regulations at 43 CFR 4100.0-5), has been requested for these allotments, except from the grazing lessee who has been involved in all planning processes pertaining to this allotment.

**E. Persons/Agencies/Consulted** (BLM Staff Consulted are listed on the coversheet attached to this document, or available at the BLM office identified in Section A, above).

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Jeff Krupka	Supervisory Fish and Wildlife Biologist	U. S. Fish and Wildlife Service
Gregg Kurz	Fish and Wildlife Biologist	U. S. Fish and Wildlife Service

**F: Conclusion**

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

<u>/s/Karen Kelleher</u>	<u>11/24/2010</u>
(Signature of Responsible Official)	(Date)

Name: Karen Kelleher  
Title: Field Manager

**G. Contact Person**

For additional information concerning this DNA, contact Angela Link at 509-665-2100

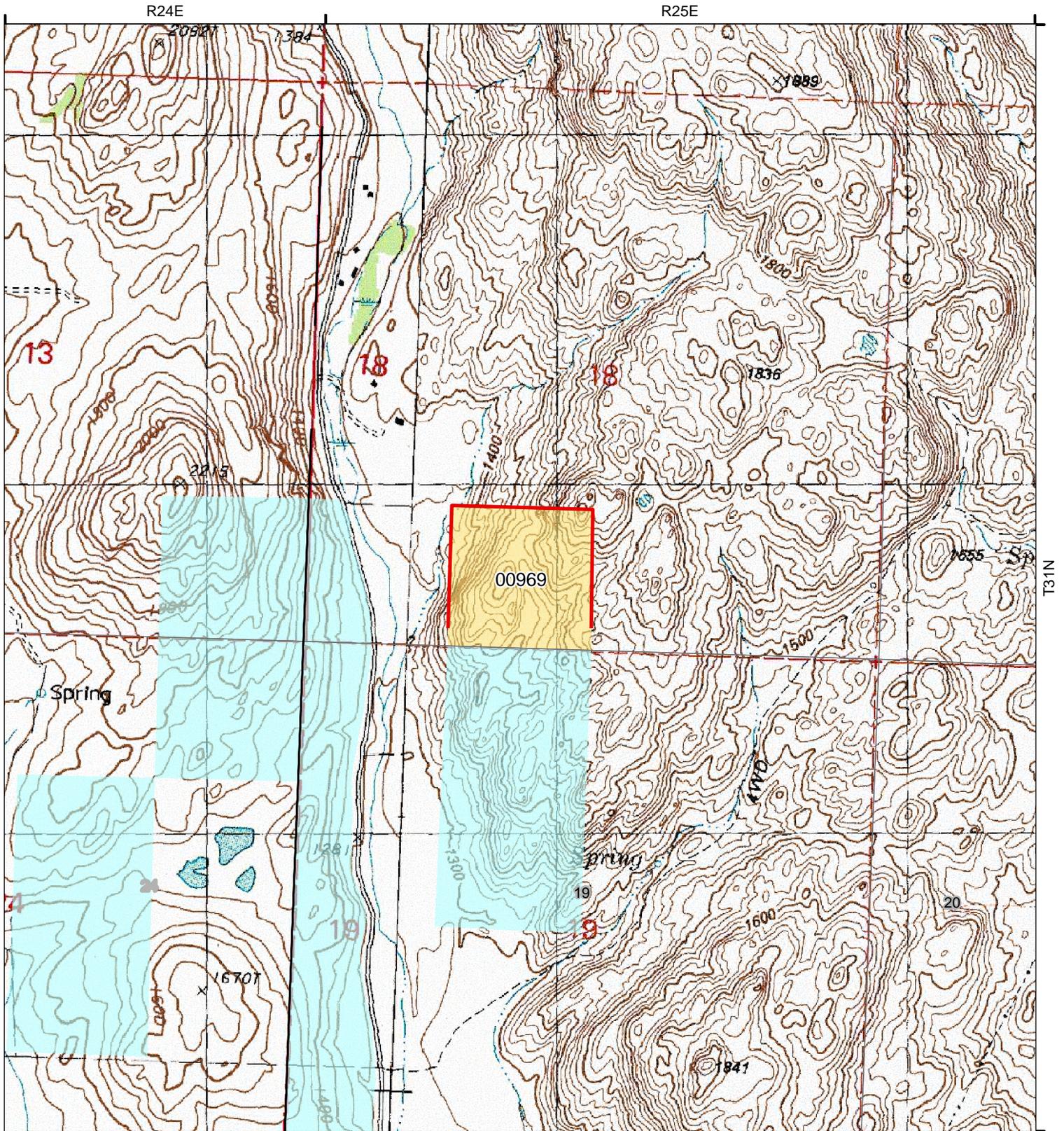
**Note:** The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

## ATTACHMENT 1

### Four custodial allotments for lease renewal in DNA # DOI-BLM-OR-134-2009-006-DNA.

Lease	Operator	Legal Description	Authorized Use
0957		<b>T32N R21E</b> Sec 13: SE1/4SE1/4NE1/4, NE1/4SE1/4 <b>T33N R22E</b> Sec 19: SE1/4SW1/4	17 AUMs Cattle 4/01 – 9/30
0943		<b>T32N R22E</b> Sec 8: SE1/4SE1/4 Sec 17: NE1/4	28 AUMs Horse 5/01 – 6/30 10/01 – 10/31
0952		<b>T32N R22E</b> Sec 17: E1/2NE1/4	20 AUMs Cattle 3/01 – 2/28
0969		<b>T31N R25E</b> Sec 18: SE1/4SW1/4	6 AUMs Cattle 3/01 – 8/31

# Allotment 00969



-  Allotment Boundary
-  BLM Administered Land
-  Private Land
-  WA Department of Natural Resources



0 0.125 0.25 0.5



Miles

2 FWEHU

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

