4000 (ORW020)
0950 (ORW020)

January 12, 2011

**CERTIFIED MAIL - Return Receipt Requested #7009 0820 0001 6667 5711**

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# Notice of Field Manager's Proposed Decision for Renewal of Grazing Allotment Number 0950

[redacted]

**Introduction**
The Bureau of Land Management (BLM) grazing lease on allotment 0950 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 DOI-BLM-OR-134-2011-0005-DNA signed January 10, 2011.

**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 0950 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:

| Number of Livestock | Kind | Begin Period | End Period | Acres Public Land | Type Use | AUMS |
|---|---|---|---|---|---|---|
| 13 | Cattle | 06/01 | 08/15 | 480 | Custodial | 28 |

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).

**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 50 of the Spokane RMP/ROD, authorizing grazing. 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 in 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 DOI-BLM-OR-134-2011-0005-DNA. Conformance with the Spokane RMP as amended is also documented in the DNA.

The BLM issued consultation letters regarding grazing lease 0950 on May 30, 2008. Lease # 0950 was one of several dozen grazing leases planned for renewal by the BLM Spokane District; letters for all these leases 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 survey areas. Responses were not received from either the Colville Confederated Tribes or the Yakama Nation.

Final consultation letters requesting concurrence with a determination of "No adverse effect" were sent on October 18, 2010. Washington State DAHP concurrence with the determination of effect was received in a letter dated October 25, 2010. Tribal Historic Preservation Offices were asked for concerns or comments on this lease. Responses were not received from either the Colville Confederated Tribes or the Yakama Nation.

**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 affect 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 Avenue, 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 Avenue, 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, please contact Angela Link at (509) 665-2100.

\s\ Karen Kelleher — January 12, 2011

Karen Kelleher, Field Manager — Date

Copies sent to: [redacted]
Grazing Allotment # 0950

# 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.*: 3600950

*NEPA Log Number*: DOI-BLM-OR-134-2011-0005-DNA

*Proposed Action Title*: Grazing Lease Renewal/Custodial Allotment

*Location of Proposed Action*: The allotment is part of the Douglas County Scattered Tracts Management Area (See attached map). Legal Description of the lands is as follows:

| | |
|---|---|
| T29N R25E | Sec 4: Lot 3, SE1/4NW1/4, NE1/4SW1/4, |
| T30N R25E | Sec 32: E1/2NE1/4, N1/2SE1/4, |
| | Sec 33: SW1/4, SW1/4NW1/4 |

*Description of Proposed Action*: The proposed action is to address a grazing lease renewal for grazing allotment # 0950 for a period of 10 years (3/2011-3/2021). This allotment is a "Custodial" allotment with 480 acres of public land intermingled with private land owned by the lessee. This proposed action would continue to authorize cattle grazing utilizing 28 AUMs on 480 acres of BLM lands between 06/01- 08/15 each year.

## 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): This grazing allotment is addressed in the Spokane RMP/ROD under allotment number 0950 on page 50 for use of 28 AUMs, 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 - 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, this allotment is identified in Appendix E of the Spokane RMP/Final EIS, authorizing grazing of cattle on 480 acres from 06/01- 08/15, utilizing 28 AUMs. 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?**
Yes, there is no new information that would change the analysis of the Spokane RMP/Final EIS.

**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 required at the time, public involvement was considered adequate. The Bureau of Indian Affairs (BIA) was consulted, but individual tribes were not.

The BLM issued consultation letters regarding grazing lease 0950 on May 30, 2008. Lease #0950 was one of several dozen grazing leases planned for renewal by the BLM Spokane District; letters for all these leases 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 survey areas. Responses were not received from either the Colville Confederated Tribes or the Yakama Nation.

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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).

| Name | Title | Resource/Agency Represented |
|---|---|---|

**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.

\s\ Karen Kelleher — January 10, 2011

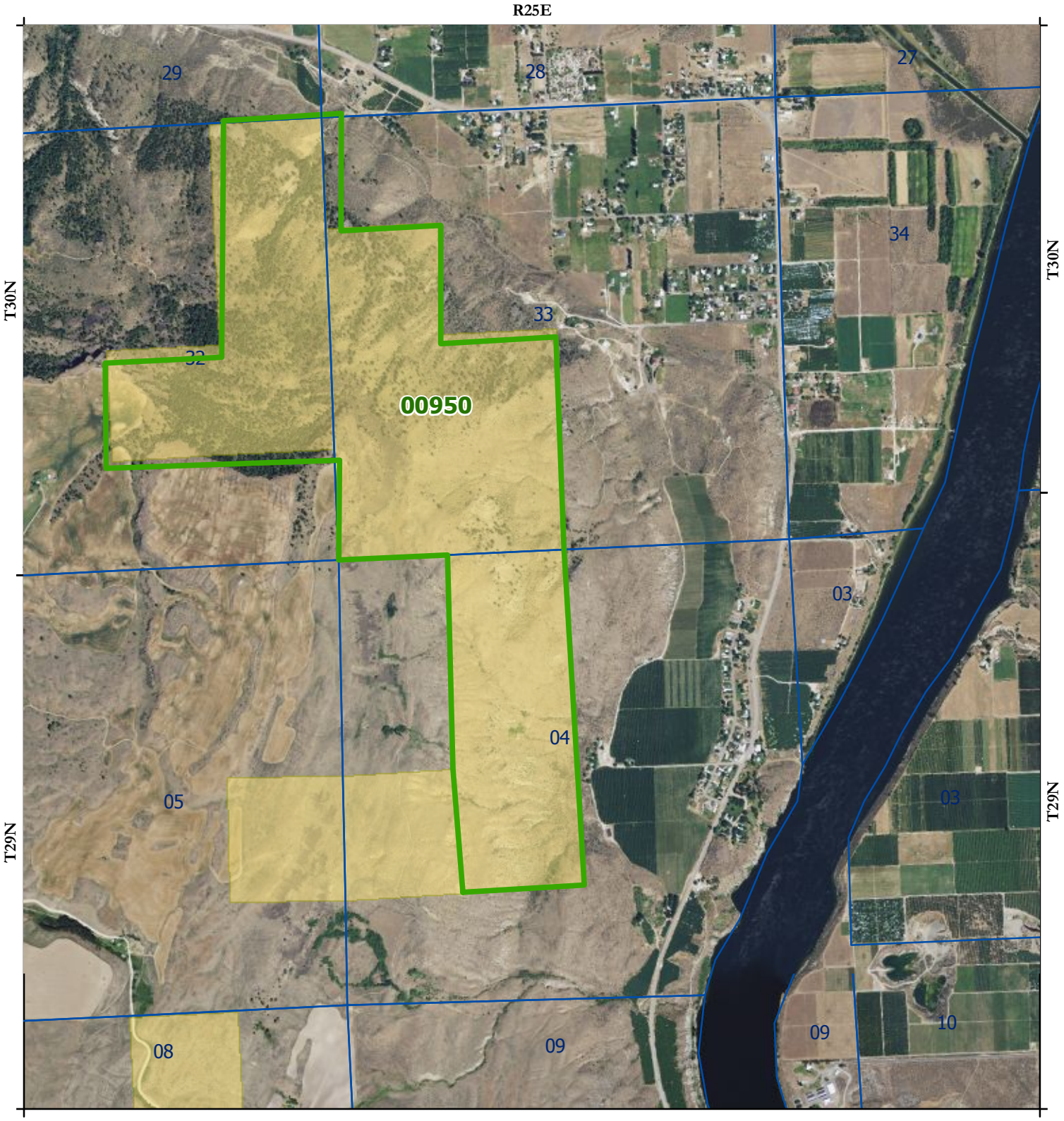
(Signature of Responsible Official) (Date)

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.

# Grazing Allotment #0950




**Legend**

- BLM
- Section
- Allotment Bndry

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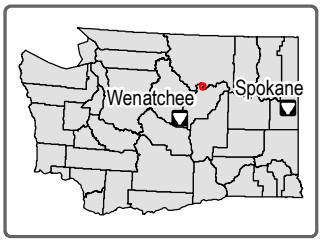
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

December 2010