

4000(134)
0555 (134)

October 27, 2009

CERTIFIED MAIL - Return Receipt Requested

XXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX

**Notice of Field Manager's Proposed Decision for Renewal of Grazing
Allotment Number 0555**

Dear XXXXXXXXXXX:

Introduction

The Bureau of Land Management grazing lease on allotment 0555 expired on February 28, 2007. The lease was then renewed in 2007 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) #OR134-07-DNA-010 signed October 26, 2009.

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 grazing lease for allotment 0555 for a period of 10 years (3/2007 – 2/2017) with the same terms and conditions as the lease that expired February 28, 2007.** The mandatory terms and conditions of the lease are:

Number of Livestock	Kind	Begin Period	End Period	Acres Public Land	Type Use	AUMS
130	Cattle	12/20	05/01	2170	Custodial	291

Other terms and conditions of the lease are: 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 addressed in the Spokane RMP/ROD/RPS page 46 for use of 149 AUMs, and page 50 for the use of 146 AUM's for a total of 295 AUM's which is substantially the same as the proposed renewal. 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 C 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 #OR134-07-DNA-10. Conformance with the Spokane RMP as amended is also documented in the DNA.

The BLM issued consultation letters regarding the renewal of grazing lease #0555 on July 16, 2009. Letters were sent to the Washington State Department of Archaeology and Historic Preservation (DAHP), the Yakama Indian Nation, and the Umatilla Tribe. On July 22, 2009 the

DAHP responded, concurring with the determination of no historic properties affected. BLM did not receive a response from either the Yakama Indian Nation or from the Umatilla Tribe.

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 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 interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Karen Kelleher, Field Manager, Wenatchee Resource Area, Bureau of Land Management, 915 N. Walla Walla, Wenatchee, Washington, 98801 within 15 days after receipt of this proposed decision. Karen Kelleher is the Authorized Officer for this decision. The protest, if filed, should clearly and concisely state the reasons 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 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 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 (given above and on the letterhead). The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, Pacific Northwest Region, 500 N.E. Multnomah St., #607, Portland, Oregon 97232, and persons named [43 CFR 4.421(h)] in the "Copies sent to" section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470.

If 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) Relative harm to the parties if the stay is granted or denied.
- (2) Likelihood of the appellant's success on the merits.
- (3) 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, together with the appeal, in the office of the Authorized Officer and served in accordance with 43 CFR 4.473. Any person named in this decision who receives a copy of a petition for a stay and/or an appeal, and who wishes to respond to such stay and/or appeal, should follow procedures in 43 CFR 4.472(b).

If you have any questions, contact Angela Link at (509) 665-2100.

/S/ Karen Kelleher

10/27/09

Karen Kelleher, Field Manager

Date

Copies sent to: XXXXXXXXXXXX., Lessee
Grazing Allotment # 0555