

4000(134)
0836 (134)

August 17, 2009

CERTIFIED MAIL - Return Receipt Requested

[REDACTED]
[REDACTED]
[REDACTED]

Notice of Field Manager's Proposed Decision for Renewal of Grazing Allotment Number 0836

Dear [REDACTED]

Introduction

The Bureau of Land Management grazing lease on allotment 0836 expired on February 28, 2008. The lease was then renewed in 2008 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-134-08-035 signed August 10, 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 0836 for a period of 10 years (3/2008 – 2/2018) with the same terms and conditions as the lease that expired February 28, 2008.** The mandatory terms and conditions of the lease are:

Number of Livestock	Kind	Begin Period	End Period	Acres Public Land	Type Use	AUMS
8	Cattle	03/15	11/30	672	Custodial	72

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 52) for use of 72 AUMs, which is 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 # OR-134-08-035. Conformance with the Spokane RMP as amended is also documented in the DNA.

The BLM issued consultation letters regarding the grazing lease #0836 renewal on May 30, 2008. Letters regarding this allotment and a list of other leases expiring in 2009 were sent to the Washington State Department of Archaeology and Historic Preservation (DAHP), Colville Confederated Tribes, the Yakama Indian Nation and the Wanapum Band of Indians. On May 13,

2009 the DAHP responded, concurring with the definition of the area of potential effect (APE). Consultations were completed on June 5, 2009; BLM did not receive responses from any of the tribes.

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 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, Field Manager

_____/8/12/09_____
Date

Copies sent to: [REDACTED]
Grazing Allotment # 0836