Decision Record
Sulphur Canyon Allotment Grazing Management Plan
EA #OR134-07-EA-032
Bureau of Land Management
Wenatchee Field Office
Wenatchee, Wa.

Proposed Decision and Rationale

Proposed Decision: Under the authority of the Code of Federal Regulations (43 CFR 4120.2, 43 CFR 4130.2 [a] and [d], and 43 CFR 4160.1[a]), it is my proposed decision to adopt and implement Alternative 2: Reduced Utilization with Early Spring Grazing, as described in the environmental assessment (EA# OR134-07-EA-032). Under this alternative the BLM would issue a grazing lease for a period of 10 years. The authorized season of use would be shortened to 03/01 - 04/30, and the AUMs would be reduced to 237. This alterative also proposes using the same grazing rotation system where the pasture that was grazed first is grazed last the next year. This alternative would incorporate the range improvement at Sulphur Springs as described in the Environmental Assessment. Grazing use, sage-grouse habitat and impacts to the aspen groves will be monitored by BLM in accordance with current protocol.

Other terms and conditions of the lease are:

- Actual use reports will be filed annually by the lessee.

- No cattle attractants (e.g. salt licks or water troughs) will be placed on or near Lithosol soils (shallow rocky soils).

Rationale: The selected alternative meets the purpose and need of the action for the following reasons:

- It complies with the applicable Land Use Plan (LUP)
- It provides appropriate protection of sage grouse habitat by incorporating conservation measures from the Washington State Recovery Plan for the Greater Sage-Grouse.
- By shortening the season of use, disturbance to nesting sage grouse will be decreased, thereby increasing the likelihood of successful nesting.
- Decreasing utilization on key grass species, and utilizing an early spring season of use helps support and maintain adequate grass height for nesting cover by reducing the amount cover removed, and allowing regrowth in spring after cattle are removed.
- Authorizing spring grazing during cooler weather as opposed to allowing use when it is hot and dry, allows cattle to evenly disperse over the landscape to graze rather than congregate in shady areas. Early spring grazing will help reduce impacts to aspen groves and other shady areas on the allotment.

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)

The allotment is near the southern edge of the Mansfield Plateau Greater Sage-Grouse Management Unit, which is considered occupied by resident, breeding sage-grouse. The proposed decision is to incorporate recommendations based on:

- Washington State Recovery Plan for the Greater Sage-Grouse. (WDFW 2004)
- National sage-grouse habitat conservation strategy. (USDI 2004)

The attached finding of no significant impact (FONSI) indicates that the action has been analyzed in the EA and found to have no significant impacts, thus an EIS is not required.

This environmental assessment was made available for public review and comment through a news release, as well as on the Spokane BLM Internet website www.blm.gov/or/districts/spokane/plans Notices were also mailed to the grazing lessee, and to members of the public who have expressed interest in the grazing proposal. A list of comments and BLM responses are attached to this decision record. After review and analysis of all substantive comments received, the BLM found that the analysis contained in the environmental assessment was sufficient to support this decision.

BLM issued consultation letters regarding the grazing lease #0771 renewal on December 27, 2005; letters were sent to the Washington Department of Archaeology and Historic Preservation (DAHP), the Confederated Tribes and Bands of the Yakama Nation and the Colville Confederated Tribes. On January 3, 2006 DAHP concurred with the definition of the area of potential effect (APE). The Colville Confederated Tribes (CCT) responded on January 31, 2006 with several concerns. They were as follows: 1) the grazing lease issuance could potentially damage root crops as well as the integrity of existing sites in the allotment, 2) there was a need for additional cultural resource surveys in the allotment, 3) livestock may potentially damage any unidentified sites in the allotment, and 4) there was a need to identify potential Traditional Cultural Properties (TCPs) in the allotment. The BLM's cultural resource staff addressed CCT concerns #2 & 3 by sharing the results of the survey inventory of lease #0771 (BLM Cultural Resource Survey Report #130080491) and by providing a TCP review in 2006. A response was not received from the Confederated Tribes and Bands of the Yakama Nation. Final consultation letters requesting concurrences with a determination of "Not Likely to Adversely Affect" were sent on January 27, 2009. Washington State DAHP concurrence with the determination of effect was received on February 2, 2009.

Authority

The BLM has prepared this environmental assessment (EA) in compliance with the National Environmental Policy Act (NEPA) as well as other appropriate federal and state laws and regulations. The EA discussed direct, indirect and cumulative impacts that may result from the proposed action or alternatives. The EA also provided supporting documentation for this decision. BLM is implementing this action by the authority delegated to the Bureau of Land Management found in section 302 (a) of the Federal Land Policy and Management Act of 1976 (43 USC 1732).

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 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 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_____ _____6/9/2010_____
Karen Kelleher, Field Manager Date

Attachments:

1. Responses to public comments
2. Finding of No Significant Impacts (FONSI)

Attachment: Public Comments

Comment	Response
In the Project Planning Detail posted for NEPA # OR-134-07-EA-032, the preferred alternative is unclear. The summary of the planning project details states "…implement an allotment management plan (AMP) that incorporates sage grouse conservation measures". This statement suggests the preferred alternative could be Alternative 2 or 3.	A preferred alternative was not chosen at the time of the EA. There is no regulatory or BLM policy requirement to identify a preferred alternative in an environmental assessment. Federal Regulations (40 CFR 1502.14(e)) require identification of a preferred alternative, if one exists, in an environmental impacts statement, but these regulations do not provide similar direction for an EA.
The Resource management Plan (RMP) referred to in the document was release in May of 1987 with an amendment to the Final Environmental Impact Statement in 1992. BLM policy does not change fast enough to apply to needed management change. Things have changed dramatically since 1992.	In accordance with Federal Regulations (43 CFR 1610.5-3) all resource management authorizations and actions must be in conformance with the approved land use plan. This EA is in conformance with the Spokane RMP The detailed analysis in the EA addresses current information (e.g. the status of sage-grouse) into account and addresses them. Revision of the RMP is beyond the scope of the EA.
Global Warming and Climate change are not discussed as a cumulative effect. This is a major failure in your analysis.	The BLM recognizes that climate change is a reasonably foreseeable future event that may change the baseline for vegetation and habitat. However, there are uncertainties about specific changes in climate conditions, particularly with regard to the timing and magnitude of such changes. In addition, current climate change model outputs are provided at a coarse geographic scale, which may obscure fine-scale variation in effects. More fine-scaled predictions of the effects of climate change on vegetation and habitats are needed to conduct analysis of the associated cumulative effects on these resources at a scale where the effects of the proposed action and alternatives in this EA would be discernable.

The plan was written in a void, bereft of public input until after the Environmental Analysis was released for public comment. The public was forced to comment on a final document that is the sole product of BLM internal development. Has the lessee been involved in the process while the public had no knowledge of the environmental analysis?	The public has been provided the same opportunity to comment on the environmental analyses as the grazing lessee. The BLM is required by regulation to consult and coordinate with the grazing lessee in the preparation of allotment management plans. The grazing lessee was involved in providing information about his livestock operation and his knowledge of past use of the allotment. The lessee also provided information concerning the impacts of the alternatives on the current livestock operation. The grazing lessee was not involved in the selection of the alternatives or the preparation of the analysis portion.
In reviewing the EA I do not see any of the four alternatives where the above "trail networking" will be abandoned or existing access denied.	The EA does not address or propose any changes to the existing road or trail network. This is not part of the purpose and need and the EA
A watershed management plan has not been completed. If BLM has 5% of the land base in the watershed a plan is required. Has the BLM done the analysis to determine if the plan is required?	The BLM is directed by Instruction Memorandum (IM) OR96-010, signed by the Oregon Washington State Director on October 27th 1995, to prepare a watershed management plan in watersheds that have anadromous fish and the BLM has more that 5% of ownership of land within the watershed. In this case, the plan is not required. There are no fish bearing streams within the allotment, nor is there any connectivity to anadromous fish habitat.
Moving the timing of the grazing may present additional challenges in protecting the aspen groves.	Seasons of use and impacts to the aspen grove are analyzed in the EA. See pages 12-18 of the EA
All growth periods are critical for plants. Do you mean critical grazing period?	No. Critical growth period as defined in the Spokane Resource Management Plan Record of Decision (May 1987) as a specified period of time in which plants need to develop sufficient carbohydrates reserves and produce seed. In addition, the definition for the critical period provided by the Natural Resource Conservation

	Service (NRCS) is the season of year when the key native bunchgrass species are most sensitive to grazing. This occurs during seed formation, beginning in the early boot stage and ending at the hard dough stage or seed maturity. In the area of the proposed action, NRCS has defined this period as 4/30 – 6/20 as outlined on page 9 in the EA.
EA p.10…but overall the big sagebrush/blue-bunch wheatgrass community is in good condition. What does 'good' mean?	The use of the word good in this context is based on a qualitative assessment of plant communities based on five classes: excellent, good, fair, poor, and bad. Several parameters of the plant communities are taken into consideration for this qualitative assessment, including shrub species presence and density, grass species presence and density, native forb species diversity, condition of biological soil crust, and presence or absence of introduced weedy species of plants. In this case, 'good' is also in concurrence with the rangeland health assessment for this allotment where it was reported that 90% of the allotment sampled was at 'none-slight' departure from ecological site description. (EA pg. 12, para 1).
BLM Policy states that candidate species will be managed as if they are listed…. How does BLM policy provide for species that are awaiting listing?	Candidate species are managed in accordance with guidance provided in BLM manual 6840 (Special Status Species Management 2008), which states that "Candidate species and their habitats are managed as Bureau sensitive species." Bureau sensitive species are managed consistent with species and habitat management objectives in land use and implementation plans to promote their conservation and to minimize the likelihood and need for listing under the Endangered Species Act. Consistent with Bureau guidance, this EA provides alternatives that incorporate recommendations for sage-grouse habitat management provided by the BLM National Sage-Grouse Conservation Strategy (2004), and Washington

	Department of Fish and Wildlife (WDFW) Greater Sage-Grouse Recovery Plan (2004).
With looming pressures of development, your help in sustaining our ranch through this public land grazing lease will not only sustain the ecosystem we are trying to work with, but sustain a larger wildlife population. If grazing permits are restricted….what happens to adjacent private lands? Isn't a family ranch with a grazing plan…..better for sage grouse and wildlife in general?"	The BLM manages public land for multiple uses, including grazing and wildlife habitat. Habitat fragmentation from development is addressed in the EA on page 25 paragraph 3. Social and economic impacts of the different alternatives, including no grazing, were also analyzed in the EA
Utilization for 2006-2008 was 12, 49, and 7. How do you explain these differences?	Utilization may vary by year due to differences in climate and the time of year grazing occurred. Factors such as precipitation and seasonal temperatures affect forage production which in turn affect utilization levels. Other factors such as season of use and water availability may affect observed utilization levels. The key area where these differences were observed was grazed in the early grazing period (April-May) in 2006 and 2008 and the late spring season (May-June) in 2007.
Your data collection methods are not representative of the key use areas. Your objective is to determine utilization of key grass species in the key area. To have a discussion of average utilization your transects start point must be randomized, otherwise you have to sample all of the key species in the whole area to be representative of utilization.	Utilization studies are conducted in compliance with the Spokane District Resource Monitoring Plan and the Interagency Technical Reference 1734-3 'Utilization Studies and Residual Measurements'. These protocols define how we determine key areas and monitoring techniques. Key areas were selected in accordance with the Spokane District Resource Monitoring Plan and were placed in areas that receive livestock grazing use and show response to changes in livestock grazing management. Revising the utilization monitoring protocol is outside the scope of this EA.
I am concerned that movement of	The BLM has designed the range

wildlife and livestock was not taken into account with the design of this improvement. The exclosure fence limits access to the water from the south end. The BLM should work closely with the livestock operator to develop a tank system at Sulphur Springs to ensure that the resource is protected and that the wildlife and cattle have a watering site that can be easily accessed.	improvement to provide water for wildlife and livestock while protecting the spring and riparian vegetation. This design is based on observation and data collected during several visits to the site by BLM specialists and consideration of potential alternative designs.
How much is the subsidy for this allotment? This information is available. The government gets 1.45 per AUM, several years ago the private rate was 16.XX per AUM. This needs to be disclosed as a consequence to the human environment. At this time, citizens may not be interested in subsidizing this operation.	Grazing fees are set nationally, not at the local level. The determination and distribution of grazing fees is established by federal law and executive order. Federal grazing fees are set annually in accordance with a formula that considers the private land lease rates, prices paid for beef and livestock productions costs. Analyzing this would be outside the scope of the EA.
Rest rotation would be an appropriate alternative to have been considered in the Environment Analysis.	Alternatives presented and analyzed in the EA meet the purpose and need and provide for sustainable grazing practices. Use of a rest rotation grazing system and associated reduction in grazing preference is not warranted as alternatives analyzed in the EA provide for resource management objectives for the grazing allotment. Rest rotation was not considered for analysis in the EA for the following reasons. Rest rotations are normally applied to grazing systems involving three or more pastures. The idea is to rest one pasture for 12 months and concentrate grazing on the remaining pastures. This allotment has only two pastures, and in order to rest one of the two pastures, all grazing use would have to occur in only one pasture each year which would likely exceed desired utilization levels. Further reductions in livestock levels to meet Sage grouse recommendations for use in only one

	pasture each year would be required and would cause an unwarranted economic hardship to the private land owner with no added benefit to sage grouse. In addition, the north pasture is 77% private land and the BLM has no authority to enforce a rest rotation on private lands.
Suggested alternative of 100% mitigation; "BLM can acquire by purchase or whatever means land of equal of greater habitat value than BLM lands included in the in the proposed lease. The project lands can then be grazed to conditions in alternative 3 while the purchased lands remain un-grazed for perpetuity.	Purchase of land is also not within the scope of the EA. If lands were acquired by the BLM, they would fall under the multiple use guidelines consistent with the RMP, which includes grazing. The EA is meant to address the enhancement of current sage-grouse habitat. The no grazing alternative addresses the issue of an un-grazed area.
Suggested alternative of a 50-50 split. "Half of the current BLM lands would be grazed at the alternative 3 level while the other half would remain un-grazed."	This alternative also does not meet the purpose and need of the EA. Both no grazing and grazing designed to protect and enhance sage-grouse habitat under the multiple use policy of the RMP are analyzed in the document. Because the majority of the BLM lands are within the south pasture, a division fence would have to be built to divide that pasture. This would also cause concentrated use in the grazed pasture as described in the rest rotation comment response above. The BLM has no authority to limit grazing use on private lands if the lessee chooses to continue to graze their private land

FINDING OF NO SIGNIFICANT IMPACTS (FONSI)

Based on the effects discussed in the environmental assessment (EA), I have determined that Alternative 2, with identified mitigation measures, is not a major federal action which would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. None of the environmental effects identified meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not necessary and will not be prepared. This finding is based on the following:

Context:

Resource	Impact identified in the EA	Context considerations and reason not significant
Rangeland Soils Plant Communities and Botanical Values	Sulphur Spring is the main livestock water source for the south pasture. The spring consists of a series of small pools; total of all pools is less than an acre of surface area. Some of the pools are in rocks. Historically, this area has been impacted by livestock grazing and other human activities. The impacted area is roughly two acres.	The installation of a pump and trough by BLM at Sulphur Springs will help keep cattle out of the riparian area around the springs by attracting cattle to the trough rather than the springs themselves. The proposed water improvement developed by the lessee under this alternative, will greatly benefit BLM lands. This water development on private lands within the boundaries of the allotment would help keep cattle further north and off BLM lands by helping to distribute cattle away from other water sources on public lands by providing water in other areas.
	Two aspen groves are located in the bottom of Sulphur Canyon in the middle and upper reaches of the canyon within the allotment. This aspen grove is subject to damage if cattle overuse the area.	The BLM will monitor the aspen groves on the allotment. If cattle are damaging the groves, the BLM will adjustment the grazing or enclose the groves to prevent damage to this community. Authorizing cattle grazing during the early spring will reduce overuse of the grove

Wildlife Habitat	The allotment is near the southern edge of the Mansfield Plateau Greater Sage-Grouse Management Unit, which is considered occupied by resident, breeding sage-grouse. Over grazing sage grouse habitat could adversely affect the species by affecting the habitat.	The proposed action incorporates the sage grouse habitat guidelines reducing impacts to sage grouse habitat.

Intensity:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical and biological effects are limited to the site of the proposed action and adjacent lands.

2. Public health and safety would not be adversely impacted.

3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.

4. There are no highly controversial effects on the environment.

5. There are no known effects that are highly uncertain or involve unique or unknown risk.

6. This alternative does not set a precedent for other projects that may be implemented in the future.

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural resource surveys, and through required mitigation, no adverse impacts to cultural resources were identified or anticipated.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act was identified.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations and requirements for the protection of the environment.

_____\S\ Karen Kelleher_____6/9/2010_____
Karen Kelleher
Wenatchee Field Office Manager