



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. OR-2006-057

Expires: 9/30/2007

To: District Managers: Burns, Lakeview, Medford, Prineville, Spokane and Vale

From: State Director, Oregon/Washington

Subject: Streamlined Processes for Renewing Grazing Permits/Leases on Small-Scale, Low Priority Allotments in Oregon and Washington

Program Area: Rangeland Management and Livestock Grazing Administration

Purpose: Congress and the Office of Management and Budget have required, and the Bureau of Land Management (BLM) has made a commitment, that we fully process grazing permit/lease renewals scheduled to expire between 1999 and 2009 by the end of FY 2009. The "OR/WA Strategy for Eliminating the Backlog of Grazing Permits and Leases by the End of FY2009" approved April 6, 2006, is the primary guidance to be followed in renewing grazing permits and leases (hereafter referred to as "permits").

This Instruction Memorandum (IM) provides additional guidance and a consistent procedure for streamlining the permit renewal process specific to small-scale, low priority grazing allotments in Oregon and Washington. Small-scale, low priority allotments are defined as Custodial ("C") allotments and low priority Maintain ("M") category allotments that have little or no known resource conflicts and have typically been identified as low priority for rangeland monitoring in existing Resource Management Plans (RMPs). "C" category allotments usually consist of small parcels of public land, often intermingled with larger parcels of non-federally owned lands. Low priority "M" category allotments are those producing near their potential under present management.

More specifically, small-scale allotments are further defined as being "C" and low priority "M" allotments where the following criteria generally apply:

- Small size: public lands in the allotment consist of 640 acres or less in one parcel, or 1,280 acres or less in several parcels; **and/or** constitute less than 50% of the allotment.
- Isolated: limited or no public access.

- Limited manageability: public parcel(s) are intermingled and unfenced with larger acreages of private and/or State lands.
- No known Sensitive, or State or Federally Listed Threatened or Endangered Species are present; and/or no specific habitat for these species is known to exist.
- No known 303(d) listed waters are present.
- Public parcels are not identified under any special land use plan designations (Area of Critical Environmental Concern, Wilderness Study Area, Wild and Scenic River, Research Natural Area, Monument, etc.).
- All public BLM-managed lands in the watershed where these allotment(s) occur constitute less than 10% of the entire watershed.
- Allotments have low resource production potential or are producing near their potential under existing management strategies.
- Limited or no known resource use conflicts/controversies exist.
- Opportunities for positive economic return on public investment do not exist or may be constrained by technological or economic factors.
- Present management appears satisfactory or is the only practical/feasible option under existing resource conditions.

Policy/Action: The “C” and low priority “M” category allotments that meet the above applicable criteria should be fully processed in an expedient manner, consistent with 43 Code of Federal Regulations (CFR) Part 4100. In fully processing permits it is preferred, but not required, that an assessment of the Oregon/Washington Standards of Rangeland Health and a Livestock Determination be made on an allotment or group of allotments prior to National Environmental Policy Act (NEPA) review. The definition of a “fully processed” grazing permit is: a) adequate NEPA analysis/documentation is completed; b) Section 7 consultation under the Endangered Species Act is conducted when new species or new populations (of existing listed species) are found; and c) a proposed grazing decision is issued.

The NEPA documentation may be in the form of a Determination of NEPA Adequacy (DNA), Environmental Assessment (EA), or Environmental Impact Statement (EIS). The level of NEPA analysis (DNA, EA, or EIS) is a case-specific determination. In all cases, compliance with Section 106 of the National Historic Preservation Act (NHPA) should be part of the analysis. Compliance with Section 106 of the NHPA will be satisfied if no specific grazing impacts on historic properties (sites considered potentially eligible to the National Register) are known and the allotment is not within an area considered to be of high cultural sensitivity. If impacts to historic properties are known or the allotment includes uninventoried high sensitivity areas, then the normal course of compliance shall be pursued involving field documentation of effects, inventory of high sensitivity areas, and/or mitigation of negative effects. Documentation of any field inventories or mitigation efforts will be forwarded to the State Historic Preservation Office in conformance with existing state agreements.

The following steps should be taken in the full processing of permits for small-scale, low priority allotments:

I. Consultation with Permittees/Lesseees and the Interested Public

It is essential that up-front consultation and coordination be completed early in the permit renewal process. Consultation with permittees/lesseees should be initiated at the time they are asked to submit an application for renewing their permit (six months prior to the expiration of their existing permit). At that time, Field Offices should send a scoping letter (Attachment 1) to permittees/lesseees soliciting their issues and concerns, and requesting available data and information. Permittees/lesseees should be requested to complete an Allotment User Data Sheet (Attachment 2). The data/information collected, combined with existing BLM data/information, will be the basis for completing a NEPA review and an assessment of rangeland health, as appropriate.

Field Offices should also consult with interested publics and Tribes concerning the renewal of permits on small-scale allotments. This may be conducted under established forms of public notification and protocols for tribal consultation in the Districts. These may include posting the permit renewal schedule on a District web page, publishing scheduled and completed permit renewals in annual District planning updates, and/or sending individual scoping letters to these individuals or groups.

II. Allotment Data and Information Collection

It is recommended that small-scale allotments be analyzed collectively within a given watershed or group of similar allotments, whenever possible.

An Interdisciplinary (ID) Team should be assigned to assemble available allotment data and information. It may not be necessary for the ID Team to visit each allotment unless after review of available data and information, and based on professional opinion or working knowledge, it is determined that more information is needed or a critical resource issue may exist on an allotment. At the Field Manager's discretion, in-office assessments may be more appropriate when considering other related issues. For example, the public lands in the allotment may be largely inaccessible, may be known to provide very little forage (consist of steep or forested terrain), or may be identified for disposal in the current RMP.

Sources of existing data and information may include operator case files, allotment files, wildlife/riparian files, Ecological Site Inventory information, emergency stabilization and rehabilitation files, and existing RMPs. Geographic Information System layers of land types and uses, topographic maps, photos, and resources such as National Agricultural Image Project aerial photography should be used, as available, to map allotments and important resource features in allotments. Other Federal agencies (i.e., the Natural Resource Conservation Service) and State agencies (i.e., the Oregon Department of Fish and Wildlife) should also be contacted to obtain resource data and information pertinent to the particular allotment(s) being reviewed.

III. Analysis of Existing Livestock Management and Appropriate NEPA Documentation

If ID Team analysis of existing data and information concludes that current management and terms and conditions of the permit are adequately protecting resource values and meeting RMP objectives, then either a DNA or minimum documentation EA should be prepared, whichever is determined appropriate by the Field Manager. One DNA or EA document may be appropriate when analyzing groups of allotments in a watershed or groups of similar allotments.

When a DNA document is prepared, the ID Team should verify that the existing NEPA analysis has considered any present grazing impacts in the allotment(s) under review. The DNA should assess and incorporate relevant information from applicable EAs and/or EISs, including the analysis associated with the appropriate land use plan and Record of Decision. The DNA worksheet should follow the template provided in Washington Office Instruction Memorandum No. 99-149.

Minimum documentation EAs should address any substantial questions concerning the significance of grazing impacts on the allotment(s). The format for EAs should follow the guidelines in the Council on Environmental Quality regulations at 40 CFR 1500 and the BLM NEPA Handbook (H-1790-1), which require at a minimum descriptions of purpose and need, the proposal and any alternatives, environmental consequences of the proposal and alternatives, and persons and agencies consulted. In simple EAs, the affected environment can be described as part of the impact analysis and, for grazing permit renewal purposes, the no action alternative is a continuation of existing management.

The ID Team, with concurrence of the Field Manager, may decide that a Range Health Assessment (RHA) and Livestock Determination are also appropriate to complete for an allotment or group of allotments. For example, there may be sufficient data and/or field knowledge derived from the ID Team that an RHA/Livestock Determination can be completed with minimal or no additional field work. This is the recommended approach where sufficient resource information and/or knowledge is available.

An RHA/Livestock Determination should be undertaken when there is: a) an ID Team concern that a critical resource may be impacted by existing livestock grazing practices and/or b) new information by permittees/lessees, the interested public, Tribes, or other State or Federal agencies indicate specific resource issues (or a standard is not being met) as a result of existing grazing practices. The ID Team should visit and document findings on small-scale allotments when either of these two instances is identified.

IV. Conducting Range Health Assessments, Livestock Determinations, and Appropriate NEPA Documentation

The RHAs and Livestock Determinations on small-scale allotments should not require the collection of extensive field data. They should be based largely on ID Team review of existing data/information supplemented by field visitation, if necessary. The RHAs and Livestock Determinations should be documented using the formats provided in

Attachment 3 (Initial Allotment and Permit/Lease Review and Range Health Assessment) and Attachment 4 (Evaluation and Determination – *which requires a Field Manager’s signature*).

If ID Team review of the RHAs concludes that all Standards for Rangeland Health are being met for allotment(s), then either a DNA or minimum documentation EA should be prepared, as determined appropriate by the Field Manager. **[NOTE: A Bureau-wide Categorical Exclusion (CX) is currently under review for allotments that have been assessed and found to meet all Standards for Rangeland Health. Should this CX be approved, it may be used in lieu of a DNA or EA without any further changes/updates to this policy.]**

When RHAs/Livestock Determinations reveal that one or more standards are not being met and livestock is a causal factor, then an EA should be prepared that provides a sufficient range of alternatives, including an alternative outlining adjustments to livestock authorized use that will ensure significant progress can be made toward meeting standards, consistent with 43 CFR 4180. It is recognized that there may be very limited opportunities to implement management on public land within small-scale allotments due to a variety of issues such as limited access, intermingled (unfenced) tracts of public and private or State lands, low resource production potential, etc. Therefore, all reasonable options should be reviewed with permittees to make voluntary seasonal grazing adjustments to permit terms and conditions that will provide for range rest and limit overgrazing where it may occur (consult the Oregon/Washington Standards for Rangeland Health, specifically the Guidelines for Livestock Management for applicable management approaches).

One alternative in an EA should consider the removal of livestock on a periodic, temporary, or permanent basis in all or a portion of an allotment, where appropriate. For example, the public land may possess very little forage value; consist of forested terrain, steep, or rocky slopes; contain no viable water sources that could support livestock; or support competing resource values that may outweigh the limited or problematic forage value.

V. Proposed Grazing Decisions

Grazing permits of small-scale allotments will be considered “fully processed” when a Proposed Decision is issued outlining the terms and conditions of the new term permit, consistent with 43 CFR 4160. In the absence of a timely filed protest, appeal, or petition for stay, a Proposed Decision becomes the Final Decision. A Final Decision must be issued if a protest, appeal, or petition for stay is timely filed with the Field Manager.

All permit renewals will require the issuance of Proposed/Final Decisions, whether terms and conditions remain the same or are changed from the previous permit. A copy of a Proposed Decision format for small-scale allotments, offered from the Spokane District, is shown in Attachment 5.

Timeframe: This policy will be effective upon issuance of this IM.

Budget Impact: No significant increased costs are expected as a result of implementing this policy. There may be some initial, short-term increased costs in the Districts as they reproduce and adapt to the new formats (attachments); however, over the long term costs should decrease as streamlined efficiencies are realized.

Background: Congress and the Office of Management and Budget have required, and the BLM has made a commitment, that we fully process grazing permit/lease renewals scheduled to expire between 1999 and 2009 by the end of FY 2009. The “OR/WA Strategy for Eliminating the Backlog of Grazing Permits and Leases by the End of FY2009” approved April 6, 2006, is the primary guidance to be followed in renewing grazing permits and leases. This policy provides further guidance to Field Offices on how to effectively streamline the full processing of grazing permit renewals which are specific to small-scale allotments.

Manual/Handbook Sections Affected: None

Coordination: This policy has been developed with input from OR-932, OR-933, and Field Office staff and will help to expedite the processing of grazing permit/lease renewals for small-scale allotments.

Contact: If you have further questions or need additional information on this matter, please feel free to call Craig MacKinnon, Rangeland Management Specialist (OR-932), at 503-808-6157.

Districts with Unions are reminded to notify their unions of this Instruction Memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Jody L. Weil
Acting Associate State Director

Authenticated by
Cindy Fredrickson

5 Attachments

- 1 - [Permittee/Lessee Letter \(Example\)](#) (1 p)
- 2 - [Small-Scale Allotment Questionnaire](#) (1 p)
- 3 - [Initial Allotment and Permit/Lease Review and Rangeland Health Assessment](#) (5 pp)
- 4 - [Evaluation and Determination](#) (5 pp)
- 5 - [Field Manager’s Proposed Decision \(Example\)](#) (4 pp)

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