

2/22/99

OPTIONAL PLAN CONFORMANCE/NEPA COMPLIANCE RECORD

BLM Office: Klamath Falls R.A. (OR-014)
Lease/Serial Case File No.: Grazing Permit #361069

Proposed Action Title/Type: Re-issuance of Section 3 Grazing Permit

Location of Proposed Action: This grazing permit covers the majority of the public land grazing within the Horsefly allotment (0882) and all of the grazing on the Campbell allotment (0878). The Klamath Falls R.A. has the grazing administration, as well as all other land management responsibilities, for the public lands in both allotments.

Horsefly is a common use allotment that has 2 permittees (the other permit does not expire until 12/31/99 and is not addressed in this document). The allotment is located in the north half of the Gerber block, surrounding most of Gerber Reservoir. The Horsefly allotment contains 26,356 acres of public land and 4,779 acres of intermingled non-BLM land (primarily private and BOR). This allotment contains the majority of the most important creeks in the Gerber block that provide habitat and/or spawning areas for the endangered shortnose sucker - Long Branch and Barnes Valley Creeks. Because of the presence of the suckers in Gerber Reservoir and its tributaries, these creeks and the Horsefly allotment have been under formal Section 7 (ESA) consultation with the USF&WS since 1994.

The Campbell allotment is located on Goodlow Rim, 8 miles east of Bonanza, Oregon and directly adjacent to the Fremont National Forest. It contains 1,465 acres of public land and 3,140 acres of private land. It is a private (one permittee) allotment. This allotment contains no live streams and thus has not and needs not be consulted on, like the Horsefly allotment above.

Description of Proposed Action: Issuance of this 10 year, section 3 grazing permit, is due to the expiration of the existing 10 year permit on 2/28/99. The Circle 5 Ranch (Louis Randall) continues to be the owner of the recognized base property. The term of the renewed lease is 3/1/99 through 2/28/2009; 10 years as required by 43 CFR 4130.2(d) of the current grazing regulations.

For the Horsefly allotment, the spring/early summer season-of-use, will continue to be 4/15 - 6/30 for 500 cattle/pairs (1266 active AUMs). The fall use season will be 10/1 - 11/15 for 475 cattle (718 active AUMs). The previous permit had similar grazing use parameters, although it allowed for more early use and less fall use. This permit for Horsefly also has 1509 AUMs of suspended non-use; an essentially permanent 43% reduction in grazing use made during the 1960's after a grazing survey and re-adjudication. The proposed action has virtually the same parameters as outlined and approved in the 1995 KFRA ROD/RMP.

The Campbell allotment will continue to have a season-of-use of 5/1 - 10/26 for 8 horses (47 AUMs); same as the previous permit. Also included are 13 AUMs of suspended non-use. The expiring lease had the same grazing use limits for Campbell. Some of these parameters (i.e. season-of-use) are different than those outlined in the KFRA ROD/RMP; this variation is explained below.

Applicant (if any): Circle 5 Ranch, Inc. (Louis Randall)

PART I: PLAN CONFORMANCE REVIEW. This proposed action is subject to the following land use plan:

Name of Plan: Klamath Falls Resource Area ROD/RMP & RPS
Date Approved: June 1995

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1617.3). The Horsefly allotment is found on page H-53 of Appendix H of this Plan. For Horsefly, the active and suspended AUMs and above listed seasons-of-use are all consistent with the ROD/RMP. The only variation is that the ending date for the fall use will be 11/15 on the permit versus 10/30 in the Plan. This is considered insignificant and consistent with the plan. Grazing use, as modified, evaluated, and Section 7 (ESA) consulted on during the last 5 years is meeting, or moving significantly towards meeting, all of the objectives listed in the RMP for this allotment.

The Campbell allotment is found on page H-51 of the Plan. The forage allocation of 47 active AUMs is consistent with the Plan. The suspended non-use is listed in the Plan as 12 AUMs, with a total of 59 AUMs. Both are in error and will be corrected, via plan maintenance, to read 13 AUMs and 60 AUMs, respective. The season-of-use proposed in the plan is 5/1 - 6/15, which is different than the historical (previous permit) season-of-use of 5/1 - 10/26. As stated in the ROD/RMP, "...all changes in grazing use on an allotment will be based on the results of an interdisciplinary evaluation of rangeland monitoring studies..." (Page H-37). Since an allotment evaluation/assessment has yet to be completed on this allotment, the lease is being re-issued with the same season-of-use as the past lease.

William Lindsey 2/23/99
Surname(s) of Reviewer(s)

Remarks: See the mitigation statement under the Decision section below.

PART II: NEPA REVIEW

A. Categorical exclusion review. This proposed action is not categorically excluded.

William Lindsey 2/23/99
Surname(s) of Reviewer(s)

B. Existing EA/EIS review. This proposed action is addressed in the following existing BLM EIS:

Name of Document: Klamath Falls R.A. RMP/EIS
Date Approved: June 1995 (ROD)

This EIS has been reviewed against the following criteria to determine if it covers the proposed action:

1. The proposed action is a feature of, or essentially the same as, the

- alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
 3. There has been no significant change in circumstances or significant new information germane to the proposed action.
 4. The methodology/analytical approach previously used is appropriate for the proposed action.
 5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.
 6. The proposed action would not change the previous analysis of cumulative impacts.
 7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

William Lindsey 2/23/99
Surname(s) of Reviewer(s)

Remarks: Grazing parameters of this permit are the same as the previous permit, are essentially as listed/analyzed RMP/EIS, and substantially conform with all 7 of the above criteria. See mitigation statement below.

PART III: DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed permit renewal is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the action, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: The Horsefly allotment is scheduled for a Standards & Guides (S&G's) Assessment during FY 1999. This allotment has been under Section 7 (ESA) consultation since 1994 and because of that, has had the grazing use and monitoring studies evaluated every year since then. The Campbell allotment is scheduled for an Assessment in FY 2001.

The S&G's assessments will ascertain whether current management of these public lands meets the requirements of the 5 Standards for Rangeland Health. If existing management is not, or is not making significant progress towards, meeting the Standards, management changes will be made.

The evaluations and consultations performed to date for the Horsefly allotment, indicate that either the Standards are being met or that the current management is making significant progress towards meeting the Standards. (Or if not met, it is not due to current livestock grazing). This is largely due to the 9 pasture "flash" rest-rotation grazing system, the fencing of important creeks into riparian pastures and/or exclusion, and the cooperation of the permittees in making it work. This allotment is currently in the re-initiation of consultation process since the prior consultation expired after the 1998 grazing season. This consultation is expected to be completed prior to the 1999 grazing use for the pastures in and around the important shortnose sucker spawning creeks.

Authorized Official: /s./ Robert G. Hopper Date: 3/2/99
Acting Manager, Klamath Falls Resource Area