

4/27/99

PLAN CONFORMANCE/NEPA COMPLIANCE RECORD

BLM Office: Klamath Falls R.A. (OR-014)
Lease/Serial Case File No.: Grazing Permit #361090

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

Location of Proposed Action: This grazing permit covers a minority portion of the public land grazing preference within the Horsefly allotment (0882) and all of the grazing within the Paddock (0844) and J Spring (0803) allotments. The Klamath Falls R.A. has the grazing administration, as well as all other land management responsibilities, for the public lands in these allotments.

The Horsefly allotment is located in the north half of the Gerber block, surrounding much of Gerber Reservoir. This 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 Creek, a small portion of the Pitchlog drainage, and of most importance - Barnes Valley Creek. 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 1995 Biological Opinion (as amended) was reaffirmed and extended indefinitely by the USF&WS via their memo dated 4/6/99. Horsefly is a common use allotment that has 2 permittees. This allotments other (majority) permit was previously reissued in February 1999.

The J Spring allotment is located just to the northeast of Gerber Reservoir. It contains 320 acres of public land run in common with 260 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.

The Paddock allotment is located 2 miles north of Gerber Reservoir and just west of the Gerber Ranch. This allotment was also historically an intermingled BLM/private land allotment. However, since completion of the RMP in 1995, Paddock has been fenced away from the private lands on both sides. There are 440 acres of public land. This allotment also contains no live streams and has not been consulted on.

Description of Proposed Action: The proposed action is to transfer and renew a 10 year grazing permit for Sylvia Bruce in accordance with 43 CFR 4110.1, 4110.2-1(d), 4130.2, and 4130.3. This existing permit does not actually expire until 12/31/1999. However, the base property lessee (Elmer Creamer) has retired from the livestock business and, under the regulations, the permit automatically reverts back to the base property owner (Sylvia Bruce). The term of the renewed lease is 4/21/99 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 a maximum of 225 cattle/pairs (570 active AUMs). The fall use season will be 10/1 - 10/31 for 100 cattle (102 active AUMs). The previous permit had the same grazing use parameters. This permit for Horsefly also has

566 AUMs of suspended non-use; an essentially permanent 46% reduction in grazing use made during the 1960's (?) after a grazing survey and re-adjudication. The proposed action has the same parameters as outlined and approved in the 1995 Klamath Falls R.A. ROD/RMP/RPS (see below).

The J Spring allotment will continue to have a season-of-use of 5/1 - 6/30 for 4 cattle (7 AUMs); same as the previous permit. The proposed action for this allotment has the same parameters as outlined and approved in the 1995 KFRA ROD/RMP/RPS.

The Paddock allotment will also continue to have a season-of-use of 5/1 - 6/30 for 15 cattle; the same as the previous permit and as outlined in the ROD/RMP/RPS.

Applicant: Sylvia Bruce

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

Name of Plan: Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement (KFRA RMP/EIS dated September 1994)

Date Approved: June 1995 via the Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/ RPS)

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 the ROD/RMP/RPS, with J Spring on page H-15 and Paddock on page H-37. For all of the allotments, the renewed permit parameters are consistent with the ROD/RMP/RPS. Grazing use for Horsefly - 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 other two allotments had no specific "Identified Resources Conflicts/Concerns" or "Management Objectives" in the RMP.

William Lindsey 4/27/99
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 4/27/99
Surname(s) of Reviewer(s)

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

Name of Document: KFRA RMP/EIS (dated September 1994)
Date Approved: June 1995 via the KFRA ROD/RMP/RPS

This RMP/EIS and subsequent ROD/RMP/RPS have been reviewed against the following criteria to determine if they cover 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.

The proposed action is consistent with and the same as the grazing management identified in the RMP/EIS Preferred Alternative (called the "Proposed Resource Management Plan" or PRMP) and affirmed and implemented by the ROD/RMP/RPS.

2. A reasonable range of alternatives was analyzed in the existing document.

The proposed action lies within the range of various alternatives identified and analyzed in the RMP/EIS (summarized in table S-1 "Comparisons of Allocations and Management by Alternative", pages 18-50; and S-2 "Summary of Environmental Consequences by Alternative", pages 52-53). An array and range of alternatives were analyzed in the RMP/EIS. These included the No Action alternative (status quo), five other alternatives (A through E) that covered a span of management from a strong emphasis on commodities production to a strong emphasis on resource protection/preservation, and the PRMP that emphasizes a balanced approach of producing an array of socially valuable products within the concept of ecosystem management.

3. There has been no significant change in circumstances or significant new information germane to the proposed action.

A review was conducted to determine if any new information, studies, and analyses would materially differ from the data in the earlier analysis for these allotments during the RMP/EIS process. Included in these categories, and completed or extended since the date of the ROD/RMP/RPS, are the following:

- Section 7 consultation: Biological Assessments (BA) and subsequent Biological Opinions (BO) and amendments, have found that the grazing management on the Horsefly allotment is consistent with the recovery of the endangered shortnose sucker and with the perpetuation of its habitat (see the BA's, BO's, and End of Year reports for further information). The 1995 BO was recently affirmed and extended by the USF&WS memorandum 1-10-99-I-47, dated April 6, 1999.
- Ecological Site Inventory (ESI): In 1997-98, the field data collection for the ESI was performed on all three allotments. This information indicates that the conditions and trends on these allotments are overall appropriate and equal to, or better than, the conditions assumed and analyzed in the RMP/EIS.
- Ongoing analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) has not indicated any new significant information that would modify the management direction in these allotments.
- Water quality listings under Section 303(d) of The Clean Water Act reflect the information used in, and are extensions of, the original analysis.
- Extensive rangeland monitoring studies have been performed on the Horsefly

allotment since completion of the RMP. Some field observations have also been made on the other two allotments. All of these studies and information strongly indicate that there have been no adverse changes in resource conditions or trends that would require a change in management on these allotments. In fact, the information shows that conditions - upland and riparian - are improving throughout these areas.

- Additional fencing has been completed on the Paddock allotment, since completion of the RMP, allowing for decreased unauthorized grazing use and improved conditions.

In accordance with 43 CFR 4180, the Klamath Falls Resource Area is in the process of implementing the Standards for Rangeland Health and Guidelines for Grazing Management (S&G's), as developed by the Klamath PAC/RAC. Allotments in the RA have been grouped into priority and/or geographical areas based primarily on resource issues and to a lesser degree, efficiency of assessment. The three allotments covered by this Conformance Review will be assessed as described in the "Mitigation Measures/Other Remarks" section below.

All of the above have affirmed that the analysis in the RMP/EIS was accurate and appropriate, and if anything, conditions and trends are better than predicted.

4. The methodology/analytical approach previously used is appropriate for the proposed action.

The RMP/EIS and subsequent ROD/RMP/RPS designated domestic livestock grazing as a principle or major use for these allotments under the principle of multiple use on a sustained yield basis in accordance with FLPMA. The development of the Proposed Resource Management Plan in the RMP/EIS, as adjusted or affirmed by the ROD/RMP/RPS, meets NEPA standards for impact analysis. The methodology and analyses employed in the RMP/EIS are still considered valid.

5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.

The proposed action is entirely consistent and as listed in the RMP/EIS, as affirmed or adjusted by the ROD/RMP/EIS. Thus, direct and indirect impacts of the permit reissuance can not be significantly different than the EIS.

6. The proposed action would not change the previous analysis of cumulative impacts.

The proposed action as analyzed in the PRMP of the RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS, would not change analysis of cumulative impacts. Ongoing analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) have not indicated any cumulative impacts beyond those anticipated in the earlier analyses. (In addition, the ICBEMP, due to its regional approach, does not have the specificity of the RMP.) Any adverse cumulative impacts are essentially the same as those identified and accepted in the earlier planning efforts.

7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

The KFRA RMP/EIS and ROD/RMP/RPS were distributed to all interested publics for review. The public has been kept informed of plan implementation through periodic planning update reports (i.e. May 1995, October 1997, and February 1999). These planning updates or Annual Program Summaries, as they are now called, include information on range program and project accomplishments, updates to the RPS, monitoring reports, planned activities for the upcoming year, allotment evaluation and Standards and Guidelines assessments scheduling, and other information necessary to allow for adequate public involvement opportunities.

William Lindsey 4/27/99
Surname(s) of Reviewer(s)

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 J Spring and Paddock allotments are both scheduled for Assessments 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, the adherence to the basic RMP objectives, and the cooperation of the permittees in making it work.

Re-initiation of the consultation process was just completed for Horsefly, since the prior consultation expired after the 1998 grazing season. A recent memorandum from the USF&WS (RE: 1-10-99-I-47, dated 4/6/99) extended the 1995 Biological Opinion indefinitely. This process has reaffirmed the grazing management as proper and in keeping with resource conditions conducive to the survival of the sucker. To ensure compliance with the Biological Opinion(s) for this area, the following condition has been added to the permit - "Grazing use in the Horsefly allotment will be made in accordance with the Horsefly AMP and the USF&WS Biological Opinions for the allotment."

To ensure conformance with 43 CFR Subpart 4180, the following condition has been added to all grazing permits and leases - "The terms and conditions of your

permit or lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180 - "Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration". An assessment of your allotment(s) is scheduled between 1999 and 2008 to determine if the grazing management meets the standards of rangeland health. Additional information is available from the Klamath Falls Resource Area office."

Authorized Official: /s./ Teresa A. Raml Date: 5/17/99
Manager, Klamath Falls Resource Area