

# ANKLE CREEK LIVESTOCK CROSSING PERMIT

ENVIRONMENTAL ASSESSMENT  
DOI-BLM-OR-B070-2013-0038-EA

Bureau of Land Management  
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CHAPTER I: INTRODUCTION: PURPOSE OF AND NEED FOR ACTION.....	1
A.    Introduction.....	1
B.    Purpose of and Need for Action.....	2
1.    Goals and Objectives .....	2
2.    Decision Factors.....	3
3.    Decision to Be Made.....	3
C.    Conformance with Land Use Plans.....	3
D.    Consistency with Laws, Regulations, and Policies.....	3
E.    Identification of Issues and Issues Considered but Not Analyzed Further .....	4
CHAPTER II: ALTERNATIVES / ROUTES ANALYZED .....	4
A.    No Action Alternative.....	4
B.    Common to All Alternatives.....	4
C.    Alternative 1 – Berrington Trail .....	5
D.    Alternative 2 – Wildhorse Creek Canyon.....	5
E.    Alternative 3 – Stonehouse Creek Trail.....	6
F.    Alternative 4 – Partial Trucking .....	6
G.    Alternatives Considered but not Analyzed Further .....	7
1.    Denial of Crossing .....	7
2.    Ignoring Crossing.....	7
CHAPTER III: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES .....	7
A.    Resources .....	9
1.    Noxious Weeds .....	9
2.    Fisheries Water Quality and Riparian Areas .....	11
3.    Social and Economic Values .....	16
4.    Soils, Biological Soil Crusts, and Upland Vegetation .....	18
5.    Special Status Species – Wildlife and Fish .....	21
6.    Wild and Scenic Rivers.....	22
7.    Wilderness.....	24
8.    Wildlife .....	29
B.    Cumulative Effects Analysis.....	30
CHAPTER IV: CONSULTATION AND COORDINATION.....	32
A.    Participating Staff .....	32
B.    Persons, Groups and Agencies Consulted .....	32

C. References.....32

Map 1 – Ankle Creek Livestock Crossing Permit – Location of Proposed Trailing Routes.....33

## CHAPTER I. INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

### A. Introduction

The Andrews Resource Area, Burns District, Bureau of Land Management (BLM) is analyzing possible effects by livestock trailing through the No Livestock Grazing Area (NLGA) of Steens Mountain Wilderness in order to access private land inholdings within Steens Mountain Wilderness. The BLM received a letter from the Law Office of Ronald S. Yockim indicating George Stroemple's intent to graze his private lands in early spring 2013.

Steens Mountain Wilderness was designated as part of the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act), P.L. 106-399, 114 Stat. 1655, 16 U.S.C. § 460nnn note. The Steens Act states in section 112(e) (1) that "[t]he Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area (CMPA) and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof." The Steens Mountain Cooperative Management and Protection Area Resource Management Plan (CMPA RMP) (2005) states reasonable access to private inholdings will be assessed in site-specific National Environmental Policy Act (NEPA) documents. The Steens Mountain Wilderness and Wild and Scenic Rivers (WSR) Management Plan (2005) states BLM will provide reasonable access to private inholdings while minimizing impacts to wilderness characteristics (page 53).

Several parcels of private land within Steens Mountain Wilderness may be used for livestock grazing at the discretion of the landowner. The parcels in this analysis are located in Ankle Creek Basin. Livestock grazing activities have occurred on these parcels historically and at least through 2004. When implementation of the NLGA [Sections 113(e) (2), and 201(d) (2)] occurred after 2004, grazing use was discontinued on surrounding public lands by the 2005 grazing season. Harney County had previously designated these private lands for agricultural use. Specific tax advantages exist for private landowners if these lands are used for agricultural purposes (typically livestock grazing in this area of Harney County.) Should private landowners desire to make use of their private lands for livestock grazing purposes, BLM must implement the Steens Act provisions concerning reasonable access.

Reasonable access for trailing access would be authorized through a grazing bill/crossing permit. Terms and conditions defining routes of travel, days authorized for crossing, and other reasonable access restrictions will be part of the authorization. The environmental effects of providing reasonable access will be disclosed in this NEPA analysis.

The landowner currently has motorized access to his private inholdings within wilderness by a BLM decision under the Ankle Creek Inholder Access Environmental Assessment Decision Record EA-OR-027-02-011, June 2004. The landowner or authorized agents could use this motorized access route to haul livestock to these inholdings by truck and stock trailer with no more than four vehicles per day, however, the cost would be

prohibitive and the process lengthy. In addition, the condition of the road is not conducive to this type of activity due to ruts and narrowness in places due to overgrown vegetation. Trailing would be more feasible and, therefore, three crossing alternatives are analyzed in detail below.

High Desert Aspens, LLC owns two parcels in the Ankle Creek Area containing 320 acres and 640 acres; Central Oregon Land, LLC owns two parcels in the Ankle Creek Area containing 629 and 600 acres. The same landowner owns both companies and has indicated his intent to cross BLM-managed land for the lawful purpose of accessing his private inholdings described below.

The private parcels within Steens Mountain Wilderness NLGA are located in W.M., T. 34 S., R. 33 E., sec. 08; W.M., T. 34 S., R. 33 E., sec. 09; W.M., T. 34 S., R. 33 E., sec. 16; W.M., T. 34 S., R. 32.75 E., sec. 36; W.M., T. 35 S., R. 32.75 E., sec. 01; and W.M., T. 35 S., R. 32.75 E., sec. 02 totaling 2,199 acres. The furthest northeast parcel totals 1,240 acres, while the southern parcel totals 959 acres (see map 1 for reference and description); both parcels are located roughly 80 air miles south of Burns, Oregon near the east rim of Steens Mountains Wilderness.

## **B. Purpose of and Need for Action**

The purpose of the action is to consider issuance of a grazing bill/crossing permit to allow livestock to cross BLM-managed land (specifically Steens Mountain Wilderness NLGA) to access private inholdings within the Ankle Creek area for cattle grazing. The need for action is established by the BLM's responsibility to respond to an external request to trail cattle across BLM-managed lands to access a private inholding. In addition, the Steens Act states reasonable access to privately-owned lands or interests in land within the boundaries of the CMPA will be provided. The CMPA RMP (2005) states that reasonable access to private inholdings will be assessed in site-specific NEPA documents (page 73). The Steens Mountain Wilderness and WSR Management Plan (2005) states that BLM will provide reasonable access to private inholdings while minimizing impacts to wilderness characteristics (page 53).

### **1. Goals and Objectives**

Goal 3: Manage nonconforming uses of Steens Mountain Wilderness, allowed under the Wilderness Act and the Steens Act, to have the minimum effect on wilderness values. (Pg-75)

Objective 3: Allow for a level of reasonable access for the use and enjoyment of private inholdings while protecting the wilderness.

Goal - Manage public lands to provide social and economic benefits to local residents, businesses, visitors, and future generations. (Pg-46)

Objective 1. Work cooperatively with private and community groups and local

government, Burns Paiute tribal, and other tribal governments to provide for customary uses consistent with other resource objectives and to sustain or improve local economies.

Goal 1-Serve current and future publics (Pg-13)

Objective 2. Provide opportunities for environmentally responsible commercial activities.

## 2. Decision Factors

In addition to requirements of law, regulation and land use plans; the decision to provide reasonable access will also consider the following decision factors.

- a) Would the needs of the landowner to make the reasonable use of private lands or interests in lands be met by this action?
- b) Would the effects of this action to wilderness, including the No Livestock Grazing wilderness, be minimal?
- c) Would this action prevent or limit adverse effects to wildlife or other natural resources?
- d) Is the implementation of this action practical?
- e) Does the timeframe for implementation meet the need of the project?

## 3. Decision to be Made

The Authorized Officer will determine the route to be used for the grazing bill/crossing permit and terms and conditions associated with the grazing bill/crossing permit.

### **C. Conformance with Land Use Plans**

All alternatives are in conformance with the CMPA RMP/ROD, dated August 2005, even though they are not specifically provided for, because they are clearly consistent with the RMP decisions outlined above under the Purpose and Need.

### **D. Consistency with Laws, Regulations and Policies**

The proposal is in conformance with State, Tribal, Federal and local land use plans, regulations and other authorities, specifically:

- Steens Mountain Cooperative Management and Protection Act of 2000
- Steens Mountain Wilderness and WSR Plan (2005)
- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- Public Rangelands Improvement Act (43 U.S.C. 1901), 1978

- 1998 Burns District Noxious Weed Management Program EA (OR-020-98-05)
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon, April 2011
- WO IM-2012-043; Greater Sage-Grouse Interim Management Policies and Procedures
- Code of Federal Regulations (43 CFR 4130.6-3 Crossing Permits), 2005
- BLM Manual 6340 – Management of Designated Wilderness (2012)
- Wilderness Act (16 U.S. C. 1131-1136) 1964

**E. Identification of Issues and Issues Considered but not Analyzed Further.**

Issues identified for analysis can be found in Table 1 in Chapter III.

**CHAPTER II. ALTERNATIVES / ROUTES ANALYZED**

Alternatives A through E have been fully analyzed in Chapter II of this EA. Following the public review period for this document, a proposed decision will be issued by the Field Manager. Due to the fact that several different routes have been requested in the past by either a lessee who intended to graze them or the actual owner of the private inholdings, the Field Manager may choose to proceed with any one of the alternatives analyzed or a combination of portions of each alternative. This approach would likely minimize the impacts to resources by allowing the ability to use a different route for accessing and leaving the Ankle Creek Private Inholdings.

**A. No Action Alternative**

This alternative is only applicable in the event the landowner determines they would not use their private lands for livestock grazing in any particular year. In this case, BLM would not provide an authorization for livestock crossing through the NLGA within Steens Mountain Wilderness. Analysis of the No Action Alternative provides a baseline from which to compare environmental effects of alternative actions.

**B. Common to All Action Alternatives**

- Livestock travel across public lands would be limited to the most reasonable timeframe to assure proper and safe livestock movement and limit effects to the wilderness resource. One to two days travel to and from the private inholding's would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Travel time between private land parcels would be authorized for one day after which all livestock shall be removed from public lands
- Control of livestock when trailing would be required to prevent extended travel timeframes, only incidental grazing associated with trailing would be permitted.

All other grazing would be unauthorized. It is the responsibility of the landowner to assure livestock traveling to private lands do not remain on public lands, nor stray continually onto public lands for grazing purposes. Sufficient number of herders or other livestock controls would be requested. No authorization of motorized vehicles would be part of any livestock grazing bill/crossing permit across public lands. Motorized access within Steens Mountain Wilderness is authorized separately under the Ankle Creek in holder access decision of June 24, 2004.

- Notice of Trailing Activity would be requested by BLM, at least three days prior to trailing. Contact between the landowner, the livestock operator, and the BLM is critical to resolving issues and assuring monitoring takes place during initial trailing and during grazing of private lands.
- Monitoring by BLM would occur during the initial livestock trailing across public land to ensure cattle are kept moving at an acceptable pace to their destination.
- Livestock need to be on dry lot for five days prior to turnout, or be fed on non-weed infested irrigated pastures or weed-free rangelands.

#### **C. Alternative 1 – Berrington Trail**

The route from Wildhorse Ranch to the Ankle Creek parcels (owned and/or controlled by the owner of Wildhorse Ranch) would be westerly from Wildhorse Ranch up Berrington Trail for about two miles to the junction with Ankle Creek route; thence, either 2.5 miles across the uplands to the northeast parcel, or westerly about two miles to the southwest parcel. The approximate distance to trail the cattle is four miles to the southwest parcel and 4.5 miles to the northeast parcel. Livestock travel between the northeast private parcel to the southwest parcel would be by the shortest overland route. Approximately one to two miles of the NGLA between the two parcels within Steens Mountain Wilderness would be crossed. Access between parcels would be along or across the tributaries to Ankle Creek (part of the Donner und Blitzen WSR). Movement of livestock would be accomplished by using several riders with dogs on or around July 31, 2013 to trail 125 cow/calf pairs and return by the same route sometime in the fall depending on forage availability. One day to two days travel to and from the private inholding's would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

#### **D. Alternative 2 – Wildhorse Creek Canyon**

The route from Wildhorse Ranch to the Ankle Creek parcels (owned and/or controlled by the owner of Wildhorse Ranch) would be northerly roughly 2.5 miles from the Wildhorse Ranch up Wildhorse Creek Canyon to a point where access could be obtained in a wesetly direction over the canyon rim. From here the northeast parcel would be .5 to .75 miles from the canyon floor up and over the rim and onto the private land, the southwest

parcel would be 1.5 to 2 miles. Total distance traveled would be approximately 3 to 4.5 miles. Livestock travel between the northeast private parcel to the southwest parcel would be by the shortest overland route. Approximately 3.5 to 4 miles of NLGA and an additional 1 to 2 miles between the two parcels within Steens Mountain Wilderness would be crossed. This route would be along Wildhorse Creek (a designated Wild River within the WSR system). Access between parcels would be along or across the tributaries to Ankle Creek (part of the Donner und Blitzen WSR). . Movement of livestock would be accomplished by using several riders with dogs on or around July 31, 2013, to trail 125 cow/calf pairs and return by the same route sometime in the fall depending on forage availability. One to two days travel to and from the private inholdings would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

**E. Alternative 3 – Stonehouse Creek Trail**

The route from Wildhorse Ranch to the Ankle Creek parcels (owned and/or controlled by the owner of Wildhorse Ranch) would be southwest from the ranch to the old Stone House Creek livestock trail that starts in the south east corner of the Serrano Point Allotment. Here the livestock would be turned in a north western direction and trailed parallel to the Stone House Creek drainage up and over the rim and onto Penland Meadows near the old historic Public Watering Hole. From this point the livestock would be able to trail on the old road that leads from the Public Water hole to the private inholdings. This road will lead directly to the proposed route, from this point livestock can be trailed to one of the two private parcels on Ankle Creek. The total length of travel from the Wildhorse Meadows to where the Stone House route intercepts the proposed route would be approximately five miles long. From here it would an additional three miles to the southwest Ankle Creek inholdings and four miles to the northeast Ankle Creek inholdings. Livestock travel between the northeast private parcel to the southwest parcel would be by the shortest overland route. Approximately four to five miles of NLGA and an additional one to two miles between the two parcels within Steens Mountain Wilderness would be crossed. Movement of livestock would be accomplished by using several riders with dogs on or around July 31, 2013, to trail 125 cow/calf pairs and return by the same route sometime in the fall depending on forage availability. One to two days travel to and from the private inholdings would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

**F. Alternative 4 – Partial Trucking**

Cattle could be trucked around from Wildhorse Ranch approximately 90 miles to South Steens Campground and off-loaded uphill from the campground. Livestock would be trailed down South Steens Loop Road to Newton Cabin Trailhead just below the campground; they would follow this trail for approximately one mile at which time the trail turns into Mud/Ankle Creek Trail. This trail would take them approximately 5.4 miles to an old road. This road would be followed for approximately one mile south to

the southern most private parcel on Ankle Creek; from here it is approximately one to two miles northeast to the second privately owned parcel. Livestock travel between the northeast private parcel to the southwest parcel would be by the shortest overland route. Approximately seven to eight miles of NLGA and an additional one to two miles between the two parcels within Steens Mountain Wilderness would be crossed. Movement of livestock would be accomplished by using several riders with dogs on or around July 31, 2013, to trail 125 cow/calf pairs and return by the same route sometime in the fall depending on forage availability. One to two days travel to and from the private inholdings would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

#### **G. Alternatives Considered but Not Analyzed Further**

1. Denial of crossing by livestock is not considered a viable alternative, as reasonable access to private lands is provided by the Steens Act. This alternative would require a change in legislation. However, the No Action alternative seeks to describe the environmental effects of not having livestock cross through the NLGA to reach private lands.
2. Ignoring crossing by livestock is not considered a viable alternative, as the definition of reasonable access is not the same as unfettered access. The Interior Board of Land Appeals in their affirmation of the 2004 BLM Decision on Ankle Creek Inholder Access made that determination.

### **CHAPTER III. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

The environmental consequences discussion describes all expected effects including direct, indirect, and cumulative on resources from enacting the proposed alternatives. A distinction between direct and indirect effects is not made in this chapter and in many cases cumulative effects are only described as effects. All effects are considered direct and cumulative; therefore, use of these words may not appear.

This document is tiered to the Andrews Management Unit/Steens Mountain CMPA Proposed RMP/FEIS (Andrews/Steens PRMP/FEIS) (August 2004). The environmental consequences and cumulative effects sections in the Andrews/Steens PRMP/FEIS describe potential environmental consequences to the greater environment of Steens Mountain and are incorporated into this document by reference in accordance with the Council on Environmental Quality (CEQ) regulations § 43 CFR 1502.2. Additional project-specific descriptions of potential environmental consequences are provided in the text below.

An IDT has reviewed and identified issues and resources affected by the alternatives, the results are summarized in Table 1 below. Affected resources are in bold.

**Table 1: Resources and Issues**

Issues/Resources		If Not Affected, Why? If Affected, Reference Applicable EA Section where the resource issues will be analyzed.
Areas of Critical Environmental Concern (ACECs)	Not Affected	There are no ACEC's in the project area.
Air Quality (Clean Air Act)	Not Affected	The dust created by trailing of cattle would not be measurable and would dissipate quickly.
American Indian Traditional Practices	Not Affected	A trailing permit, allowing livestock to be moved from one place to another, would not affect American Indian Traditional Practices because the visible effects of livestock movement would be transitory in nature.
Cultural Heritage	Not Affected	Allowing livestock to be moved from one place to another would not affect cultural resources because the three proposed routes have been grazed in the past. Any livestock movement effects would be transitory in nature and less noticeable than the effects of generalized grazing and trailing prior to this proposed project.
Environmental Justice (Executive Order 12898)	Not Affected	Implementation of the proposal would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near the project area.
Farmlands (prime or unique)	Not Affected	There are not prime or unique farmlands in the project area.
Fire Management	Not Affected	The trailing of cattle from one area to another would not involve any kind of fire management activity.
<b>Fisheries</b>	<b>Affected</b>	<b>See Chapter III, Section B, with Riparian and Water Quality.</b>
Forestry/Woodlands	Not Affected	There are no forests or woodlands in the project area.
Flood Plains (Executive Order 13112)	Not Affected	There are no floodplains in the area.
Grazing Management/ Rangelands	Not Affected	A grazing management plan within the NLGA does not exist; therefore, management would be covered under the terms and conditions of the grazing bill/crossing permit. Only incidental grazing would occur on public lands while trailing, Only private ground is to be grazed and BLM does not control grazing management on private lands.
Hazardous or Solid Waste	Not Affected	There are no hazardous or solid wastes in the project area and the project is not expected to cause any releases.
Migratory Bird Treaty Act (Executive Order 13186)	Not Affected	Temporary displacement of migratory birds would occur when livestock are herded through habitats. This temporary displacement would not be measurable as affects would only last as long as cattle are moving through the area.
<b>Noxious Weeds (Executive Order 13112)</b>	<b>Affected</b>	<b>See Chapter III, Section A.</b>
Paleontology	Not Affected	There are no known paleontology issues the project area.
Recreation/Visual Resources	Not Affected	Recreation use currently is light in this area, with majority of use occurring in the fall by hunters. No changes to the appearance of the land/water component of the landscape character are expected as a result of the trailing activities.
<b>Riparian and Water Quality (Executive Order 11990)</b>	<b>Affected</b>	<b>See Chapter III, Section B.</b>

<b>Social and Economic Values</b>		<b>Affected</b>	<b>See Chapter III, Section C.</b>
<b>Soils and Biological Soil Crusts (BSCs)</b>		<b>Affected</b>	<b>See Chapter III, Section D.</b>
<b>SSS and Habitat</b>	<b>Wildlife</b>	<b>Affected</b>	<b>See Chapter III, Section E.</b>
	Plants	Not Affected	There are no known Plant T&E species or their habitat.
	<b>Fish</b>	<b>Affected</b>	<b>See Chapter III, Section E.</b>
T/E Species or Habitat	Wildlife	Not Affected	There are no known T&E species or their habitat.
	Plants	Not Affected	There are no known T&E species or their habitat.
	Fish	Not Affected	Wildhorse Creek was stocked with trout from Mann Lake. These trout are not considered the Threatened Lahontan Cutthroat Trout.
<b>Upland Vegetation</b>		<b>Affected</b>	<b>See Chapter III, Section D with Soils and Biological Soil Crusts.</b>
<b>Wild and Scenic Rivers</b>		<b>Affected</b>	<b>See Chapter III, Section F.</b>
<b>Wilderness/WSAs</b>		<b>Affected</b>	<b>No WSA Present; Wilderness See Chapter III, Section G.</b>
Parcels with Wilderness Characteristics		Not Affected	Not present.
Wild Horses		Not Affected	There would be no affects to wild horses under any of the alternatives. Most of the horses in the Steens Herd Management Area are located west of the NLGA west of the Donner und Blitzen River.
<b>Wildlife</b>		<b>Affected</b>	<b>See Chapter III, Section H.</b>

## A. Resources

### 1. Noxious Weeds

#### Affected Environment

Steens Mountain Wilderness and WSR Plan (2005) discussion of the affected environment, is referenced, P-38:

“Noxious weeds are present in limited amounts within Steens Mountain Wilderness and WSRs. The Burns District has an ongoing weed management program, which involves education/awareness, prevention, inventory, treatment, and monitoring. Disturbance, especially along roads and other transportation corridors is the primary contributor to introduction and spread of weeds.

Biological spread through birds or mammals also plays a minor role. The Burns District weed management program incorporates a variety of treatment options including manual, chemical, mechanical, and biological methods of control.”

The BLM database currently lists 23 known noxious weed sites totaling 66.8 acres in this portion of the CMPA. There have been 3 different noxious weed species documented in the allotment. The numbers and acreages associated with each are displayed in Table 2 below:

**Table 2: Noxious Weed Distribution in this area of the CMPA**

Noxious Weed Species	Number of Sites	Acres
Spotted knapweed	6	2.5
Canada thistle	9	34.1
Bull thistle	8	30.2
<b>Totals</b>	<b>23</b>	<b>66.8</b>

The Berrington Trail route is free of weeds until the top of the rim. At that point, small infestations of spotted knapweed have been documented and treated. This area is monitored on a regular basis.

From 2007, 2008, and 2009 through 2012 noxious weeds (primarily Canada thistle and spotted knapweed) were treated along the Newton Cabin Road and trail network and near Ruin spring, close to the western rim of Wildhorse Canyon in an area adjacent to the proposed Wildhorse Creek route (Alternative 2) in cooperation with the private landowner. Monitoring of this area, and continued treatments are expected for the foreseeable future. The Stonehouse Creek Trail through Penland Meadow (Alternative 3) crosses a number of areas with infestations of primarily Canada thistle. The Newton Cabin Route (Alternative 4) from the South Loop road crosses areas infested with bull thistle, Canada thistle, and spotted knapweed.

Any of the proposed trailing routes are susceptible to the introduction and spread of noxious weeds. Many waterholes in the area already have infestations of Canada bull thistle. Depending on climatic conditions in any given year, weed infestations vary in complexity. Once Canada thistle establishes in an area, the seed can be viable on site for 25+ years. Seeds are windborne and can travel considerable distances. Spotted knapweed and other noxious weeds cause similar infestations, which even when treated, may last for years due to longevity of seed.

Environmental Consequences

No Action Alternative: Noxious weeds are currently present within the area and require continued monitoring and treatment. Treatments for spotted knapweed would continue at Wildhorse Canyon Rim Spring and at Newton and Tabor Cabin crossings and along all the roads and trails. Canada thistle and bull thistle would continue to be treated at isolated locations where feasible. Monitoring of

activities that may result in detection of new noxious weed infestations is typically limited to that associated with recreational uses in the wilderness area, or that may be detected by the range rider or other resource program personnel working in the area.

Common to All Alternatives: Any new ground disturbing activities, including the reestablishment of limited and temporary livestock use through trailing in the NLGA, have the potential to create opportunities for noxious weed establishment and spread. Productive, healthy plant communities would reduce opportunities for noxious weed introduction and spread.

The effects of livestock trailing may be positive or negative, depending on the livestock and weed species, the origin point of the livestock prior to trailing through the area, whether or not stock were on weed-free pastures or dry lotted (fed on weed free hay) for 5 days prior to entry onto rangelands. Weed seeds will pass through the digestive tract of animals in 3-5 days.

Having additional monitoring personnel in the area would increase the opportunity to observe, and eventually treat noxious weed infestations that may begin in the area related to reasonable access uses, or have been introduced by recreational uses, or via native birds and mammals. Treatment of weed infestations in wilderness areas is constrained by laws, regulations and policies, and frequently, more expensive and more time-consuming measures to reduce motorized and mechanized effects on wilderness qualities are used.

All Trailing Route Alternatives (Alternative 1, Alternative 2, Alternative 3, and Alternative 4): Cattle may graze on spotted knapweed plants which, if grazed prior to seedset, would reduce seed production and therefore potential weed spread. If cattle were “trained” to eat thistles and knapweed prior to trailing, they would consume a much greater amount of these weeds. If grazing occurs prior to seedset, potential weed spread would be reduced and in fact the cattle would perform a very useful weed management service. If grazing occurs after seedset, the weed seeds are commonly carried in the digestive tracts of cattle and the weeds would be transported via seeds and spread into new areas.

## 2. Fisheries Water Quality and Riparian Areas

### Affected Environment

The Federal Environmental Protection Agency (EPA) delegated authority to Oregon Department of Environmental Quality (DEQ) to implement the Clean Water Act (CWA). The objective of the CWA is to restore and maintain the physical, chemical, and biological integrity of the nation’s waters. To implement the CWA, the State of Oregon develops and adopts water quality standards, which include beneficial uses, narrative and numeric criteria, and antidegradation

policies. Oregon's water quality standards are contained in Oregon Administrative Rules 340 Division 41. Section 303(d) of the CWA requires the state to identify those waters not meeting the water quality standards, referred to as "water quality limited" or "impaired" and to develop Total Maximum Daily Loads (TMDLs). The TMDLs describe the amount of each pollutant a water body can receive without violating water quality standards.

Through a Memorandum of Agreement (MOA, USDI 2003), ODEQ recognizes BLM as the Designated Management Agency responsible for implementing and enforcing natural resource management programs for the protection of water quality on public lands under its jurisdiction. This MOA recognizes nonpoint source water quality issues are best controlled through development, adoption, and implementation of sound resource management practices, referred to as Best Management Practices (BMPs). The primary cause of water quality degradation on public land is nonpoint source pollution. To further the purposes of this MOA and the CWA, the USFS and BLM are implementing a protocol for addressing CWA Section 303(d) Listed Waters (USDA/USDI 1999). In coordination with the EPA, ODEQ and other agencies, the BLM is implementing the protocol recognized as the vehicle for achieving water quality compliance.

The areas to be grazed within the private inholdings as well as the public lands separating the two parcels contain portions of Ankle and South Ankle Creeks within the Upper Donner und Blitzen Watershed. There is also a 70 acre portion (bearing no streams) of the eastern inholding that lies within the Alvord Lake Watershed. There would likely be effects to fisheries and water quality due to the presence of livestock use within and during passage between the inholdings. However, the lack of current collected data regarding these streams located on privately owned land eliminates a benchmark from which to measure effects from current or future grazing within or upstream of these areas.

Current data on Public lands in this area show that bank scouring is present along both Ankle and South Ankle Creeks. However, valley confinement and topography in the region, along with riparian vegetation and soil types suggests that the channels are healthy. Beaver are present in these stream reaches which may contribute to stream health through water retention in the uplands. Late in the summer the public land portions of South Ankle Creek are intermittent with short (100-200 ft.) perennial reaches. Duration and length of perennial channels based on spring/seep output, snowmelt and spring and summer rains. There is no record of developed springs or other water resources within the inholdings.

The following perennial streams on public land would have to be crossed by livestock to access the private inholdings under the different Action Alternatives:

Alternative 1: *Berrington Trail*: None

Alternative 2: *Wildhorse Creek Canyon*: Wildhorse Creek.

Alternative 3: *Stonehouse Creek Trail*: Stonehouse Creek (Approximately 500' section) in the Alvord Lake Watershed.

Alternative 4: *Partial Trucking*: Indian Creek, Mud Creek, Ankle Creek, and South Ankle Creek. Livestock crossings are anticipated to occur within existing or historic roadways and trails. These crossings are well armored and cross at points where movement leaves little time for livestock loitering alongside the streambanks.

**Table 3: Summary of water quality, riparian functioning condition and fish presence for streams on livestock trail routes**

Stream	303(d) list? <sup>1</sup>	Functioning Condition <sup>2</sup>	Grazed by Livestock?	Fish bearing?
South Fork Donner und Blitzen River	Y	Functioning at Risk Upward Trend	No	Yes - Redband Trout, Malheur Mottled Sculpin
Indian Creek	Y	Proper Functioning Condition	No	Yes - Redband Trout, Malheur Mottled Sculpin
Mud Creek	Y	Functioning at Risk Upward Trend	No	Yes - Redband Trout, Malheur Mottled Sculpin
South Ankle Creek	N	Functioning at Risk Upward Trend	No	Yes - Redband Trout
Wildhorse Creek	N	Proper Functioning Condition	No	Yes - Mann Lake Cutthroat (Hybrid)
Willow Creek	N	Proper Functioning Condition	Yes	No

<sup>1</sup> Streams on ODEQ 303(d) list described below

<sup>2</sup> Proper Functioning Condition Assessments are conducted by BLM only on portions of streams that are on BLM managed land.

South Fork Donner und Blitzen River (SFDB), Indian Creek, and Mud Creek are included on ODEQ's 303(d) list (2004-2006 report) because these streams exceed the water temperature standard for salmonid fish (spawning, rearing, or presence), the primary Designated Beneficial Use. BLM's capacity to influence the 303(d) listing for water temperature is primarily related to managing growth and maintenance of shade-producing shrubs and trees relative to streams' potential. With the exception of Willow Creek, livestock grazing does not occur in riparian zones in the assessment area, and therefore has no influence on shade-producing vegetation.

### Environmental Consequences

#### No Action Alternative

No effects to stream side shade, sediment or riparian vegetation cover and vigor would occur as a result of temporary livestock trailing. Therefore, no effect to water temperature, sediment or riparian functioning condition would occur. Only

occasional saddle and pack stock would affect wetland and riparian vegetation. Since camping is authorized within the affected area, hobbled horses or mules, or even llamas may forage or browse on riparian and wetland vegetation. These effects are monitored on an annual basis, in accordance with the Steens Mountain Wilderness and WSR Management Plan (2005.)

#### Common to All Action Alternatives

Trailing use by livestock across and near streams may have temporary effects to stream bank stability. Effects would be dependent upon channel substrate, bank composition and vegetative cover at or near crossing points. However, since streams are now either in proper functioning condition, or functioning at-risk, but in an upward trend, passage of livestock is not expected to influence current proper functioning condition, or reverse an upward trend in affected streams.

Once on site, livestock could be expected to migrate between the eastern and western inholding based on resource needs. In making that passage, South Ankle Creek must be crossed creating a riparian use scenario similar to that analyzed in trailing livestock into and out of the inholdings. The exception is that some livestock may stray and loiter in the riparian area possibly for the duration of the authorized grazing period. The full effect of this would be based on the number and duration of trespass livestock as well as the specific location of use.

Minor, incidental grazing of riparian herbaceous plants would occur as the livestock move through the area. Since cattle don't seek-out shrubs during spring trailing when green grass and herbaceous vegetation is available, no twig-browsing is expected occur to shade-producing streamside vegetation during that time. Minor browse on shrubs as livestock pass may occur during return trailing when cattle switch preference to shrubs in the absence of more palatable green forage.

Since livestock would be more or less continuously moving, individual plants would be subject to single bites, utilization would be slight to light, and this very short-term (one day or less) grazing is not expected to affect vigor of riparian plant communities in current or future years. Riparian vegetation grows actively with available water and has the capability to rapidly recover after any temporary effects of trailing use.

Additional sediment is expected to enter streams at crossing points, but inputs would be limited to the period when livestock are actually crossing. Due to gradient of affected streams, sediment tends to be well-suspended and flushed through stream systems quickly. These sediment events are often invisible within a few hundred feet of the source, and are not expected to add to cumulatively overload sediment balance in affected streams, or influence water quality in any measurable (or meaningful) way. At some well-armored locations, where bank composition is mostly rock or dense grass cover, no additional sediment would be

visible.

Since any additional sediment would occur in very brief flushes, water temperature would not be measurably affected, effects to stream bank stability would be brief and limited to small areas, and health and vigor of riparian vegetation would not be measurably affected, Livestock trailing would not prevent attainment of ODEQ water temperature standards in the future, or change the condition or trend of riparian functioning condition.

#### Alternative 1 – Berrington Trail

Under Alternative 1 Livestock would be moved across existing routes from the Wildhorse Creek area on the east side of Steens Mountain. Wildhorse Creek is nearby the eastern lowermost portion of the trail, but does not cross the creek. There are no other perennial streams along or near these routes. Therefore, water quality and riparian areas would not be affected.

Mann Lake Cutthroat Trout (hybrid) are present in Wildhorse Creek. This population is believed to be present through the creek into Wildhorse Lake at the headwaters. This population is not protected and is not expected to be effected by the Alternative 1.

#### Alternative 2 – Wildhorse Creek Canyon

Under this alternative, livestock would trail approximately four miles up and alongside Wildhorse Creek. Livestock would have open access to the stream at nearly any point along this route, which may temporarily affect water quality through increased turbidity, streambank alteration and a loss of some riparian vegetation. Wildhorse Lake and Wildhorse Creek were stocked in 1956 through 1986 with Mann Lake Lahontan cutthroat trout. These trout are not regarded to be pure Lahontan cutthroat; therefore, they are not considered threatened and are not protected under the Endangered Species Act. Livestock would trail alongside Wildhorse Creek for approximately one day; consequently, the effects to fish, water quality, and riparian areas would only be temporary along this creek.

#### Alternative 3 – Stonehouse Creek Trail

Under this alternative, livestock would be trailed on the old historic route leading up Stone house Creek and to the Public Water Hole. Stonehouse Creek, with the exception of an approximately 500 feet perennial reach, is intermittent and is not fish bearing. There is little riparian vegetation or characteristics along its length until approximately the 5500 feet elevation mark where snowmelt from late season cornices and subsurface flow contribute a small amount of water via seeps throughout the year. Livestock may congregate here for food and what water is available during passage. Above this area, Alternative 3 proposes to use the existing closed road Passage across this road is not expected to have any effect to

fisheries or water quality.

#### Alternative 4 – Partial Trucking

Under Alternative 4, livestock would be transported by truck to the west side of Steens Mountain nearby the South Steens Campground. From that site livestock would be trailed along existing closed roads on a path that would require at least three stream crossings and passage along streamside trails of nearly two miles. These streams (Indian, Mud and Ankle Creeks) are part of the Redband Trout Reserve as designated in the Steens Act.

The four alternative routes would occur in places on historic trails that are well armored. Crossing points are at right angles to the channels and dense riparian vegetation would limit livestock access into the stream channels in areas where the trail and streams are in close proximity. There would be an increase in sediment entry into streams from soil loosened by passage at nearby each crossing and where trailing alongside streams.

### 3. Social and Economic Values

#### Affected Environment

Prior to the Steens Mountain Wilderness designation, access to these private inholdings was managed under casual use which essentially allowed unrestricted access to the properties by landowners during the season when routes were open, as long as damage to public lands did not result. Grazing use was the primary use of the inholdings.

Livestock raising and associated feed production industries are major contributors to the economy of Harney County. The highest individual agricultural sales revenue in the county is derived from cattle production (65 percent), which is inextricably linked to the commodity value of public rangelands. The cattle industry provided \$54,553,000 in sales in Harney County in 2011 compared to \$44,161,000 in 2010 [Oregon State University (OSU), Extension Service, 2011]

"Quality of life" is very individual when determining what is valued in a lifestyle and what features make up that lifestyle. Lifestyle features can be determined by historical activities of the area, career opportunities and the general cultural features of the geographical area. Quality of life issues are subjective and can be modified over time with exposure to other ways of living. Recreation is a component of most lifestyles in the area and includes driving for pleasure, camping, backpacking, fishing, hunting, hiking, horseback riding, photography, wildlife viewing, and sightseeing. These activities contribute to the overall quality of life for residents.

In addition to local recreation use, the undeveloped, open spaces in the county are

themselves a tourist attraction and contribute a "sense of place" for many. The attachment people feel to a setting, typically through a repeated experience, provides them with this sense of place. Attachments can be spiritual, cultural, aesthetic, economic, social or recreational.

Wilderness advocates value wilderness lands for non-monetary, social purposes. Although some parties believe that economic development is enhanced by the designation of wilderness areas around small communities, no data is available to support that allegation in the area surrounding Steens Mountain. Current visitation to the CMPA appears to be consistent with levels occurring prior to the Steens Act.

Hunting and other types of dispersed outdoor recreational experiences contribute to the local economy on a seasonal basis. Fee hunting and recreation alone contributed \$110,000 to Harney County in 2009 (<http://oain.oregonstate.edu>, 2009).

### Environmental Consequences

#### No Action Alternative

Under the No Action Alternative, a trailing permit would not be issued. Nonissuance would affect the landowner's ability to access private property as there is no other way to access these parcels except to cross public lands. Use options of these lands, when in conformance with County land use plans, are at the discretion of the landowner and held as a basic right important to landowners.

Social effects to wilderness users would not occur, and those who value Steens Mountain Wilderness and its NLGA would benefit from the lack of conflict and potential effects from trailing livestock.

#### Common to All Alternatives

Livestock grazing on private lands would help maintain the culture of cattle production in place as early as the turn of the century on these private parcels. In turn, an economic benefit to the private landowner for use of these lands would occur; however, the exact amount is unknown.

Reasonably foreseeable future actions (RFFAs) such as recreational pursuits and noxious weed treatments would continue under all alternatives. Implementation of any of the alternatives in combination with the above listed RFFAs is not expected to measurably contribute to cumulative effects. The North Steens 230-kV Transmission Line Project, although a RFFA, has been approved and a Right-of-Way issued; however, the decision is currently being litigated. Overall effects of this RFFA combined with the effects of these alternatives would not affect social and economic values in Harney County as taxes would continue to be paid

and trailing would be short-term (2 days total).

Alternative 1 – Berrington Trail, Alternative 2 – Wildhorse Creek Canyon, and Alternative 3 – Stonehouse Creek Trail

Use options of these lands, when in conformance with County land use plans, are at the discretion of the landowner and held as a basic right important to landowners.

Enjoyment of Steens Mountain Wilderness by the public would continue to occur within wilderness and the NLGA where either temporally or spatially separated from livestock trailing activities. Some visitors, especially those who travel to Steens Mountain Wilderness to enjoy a livestock-free landscape, would be disappointed if they happened upon trailing livestock, or evidence of their passage.

Alternative 4 – Partial Trucking

Trucking livestock would cause an economic burden upon the private property landowner. The livestock would have to be trucked approximately 90 miles from the east side of Steens, south on East Steens Road, west on Catlow Valley Road, North on Highway 205 and then east on South Loop Road. Currently, fuel prices in Harney County are averaging \$3.98/gallon (May 2013) for diesel. It is estimated that three semis would be necessary to haul the 125 cow/calf pairs of cattle.

Since South Loop Road is a well-maintained road and the main road into the South Steens area, no affects are anticipated to social values from the truck traffic. Some visitors, especially those who travel to Steens Mountain Wilderness to enjoy a livestock-free landscape, would be disappointed if they happened upon trailing livestock or evidence of their passage.

4. Soils, Biological Soil Crusts and Upland Vegetation

Affected Environment

Baconcamp-Clamp-Rock Outcrop and Ninemile-Westbutte-Carryback are the two general soil types found along the Ankle Creek Route. The Baconcamp-Clamp complex characteristics are 5 to 80 percent slopes; moderate to shallow depth; and is well drained. The Ninemile-Westbutte-Carryback has the following characteristics: 0 to 70 percent slopes; moderately deep to shallow; and is well drained. Topographic variation and the resulting variation in slope has allowed for some localized loss of fine materials from road surfaces over the years during high-volume runoff events; this is evident along specific portions of the Ankle Creek access route in particular.

Berrington Trail passes through two general soils series, Tumtum-CoblyLoam and Pernty-Rock Outcrop Complex. Tumtum-Cobly loam occurs on 4 to 15 percent slopes in alluvial fans, fan terraces, and old lake terraces. It is well-drained and very shallow. The Pernty-Rock Outcrop Complex occurs on 30 to 70 percent slopes, has a gravelly silt texture, and is shallow and well drained. The loss of fines is similar to Ankle Creek in nature, although recent modification of the route may have introduced an increase in the fine soils represented in specific portions of the trail.

Biological soil crusts (BSCs) generally play a minor role in soil surface stability on soils where vascular plant density is relatively high, especially in mountain big sagebrush communities, which is the case for most of the proposed routes. Most BSCs present in these communities are represented by short mosses under shrub cover. Soil surfaces throughout the CMPA and designated trailing routes are protected from raindrop impact primarily by vascular plant cover and from development of extended flow paths (that can become rills and gullies) by cover of plant litter and rocks.

The most extensive vegetative community represented along trailing routes is composed of mountain big sagebrush/perennial bunchgrass community. Other communities include low sagebrush (*Artemisia arbuscula*)/bunchgrass and quaking aspen (*Populus tremuloides*)/bunchgrass. Some of the common plant species in those communities include Idaho fescue (*Festuca idahoensis*), Thurber's needlegrass (*Achnatherum thurberianum*), basin wildrye (*Leymus cinereus*), mountain brome (*Bromus marginatus*), Sandberg's bluegrass (*Poa secunda*), squirreltail (*Elymus elymoides*), tailcup lupine (*Lupinus caudatus*), Hood's phlox (*Phlox hoodia*), hairy paintbrush (*Castilleja tenuis*), Nelson's needlegrass (*Achnatherum nelsonii*), green rabbitbrush (*Chrysothamnus viscidiflorus*), and snowberry (*Symphoricarpos sp.*).

The area along Berrington Trail is a plant community dominated by western juniper (*Juniperus occidentalis*), mountain big sagebrush (*Artemisia tridentata vaseyana*), and Wyoming big sagebrush (*Artemisia tridentata wyomingensis*). Other associated plant species include Sandberg's bluegrass, bluebunch wheatgrass (*Pseudoroegneria spicata*), and bitterbrush (*Purshia tridentata*). The upper portion of Berrington Trail and Wildhorse Canyon supports a large brushfield consisting primarily of snowberry and chokecherry (*Prunus virginiana*).

#### Environmental Consequences

##### No Action Alternative:

Soil surface stability, BSCs and upland vegetation would not be affected by passage of livestock as trailing would not occur.

##### Affects Common to All Action Alternatives:

Passage of livestock over closed roads is expected to increase detachment of soil particles by 80-90 percent, which would result in increased transport of sediment on road surfaces. However, vigorous vegetative cover, vascular plant litter and presence of rocks adjacent to roads would cause any increased sediment moving off roads to settle before reaching zero-order stream channels and passing into perennial streams. The elevated sediment production resulting from the trailing would diminish 80-90 percent after the first precipitation event.

Passage of livestock away from closed roads would result in trampling of vascular plants, including limb breakage on shrubs, and slight compaction of soil surfaces. However, passage would be brief, and decompaction would occur through the remainder of the year, especially during freeze-thaw cycles in cold seasons. Hoof impact and shrub breakage would open more soil surface to sunlight for herbaceous plants and incorporate litter and seeds. Manure and urine from passing livestock would incorporate organic material to soil profiles, increasing soil fertility along trails and offsetting effects to compaction. If affected, short moss clumps may be broken-up but would recover during wet periods or even expand as a result of this kind of disturbance leading to more stable soils

In general, short-term (one day) disturbance to soil surfaces and vegetative communities from livestock passage in the effected plant communities would have effects that balance one another: A temporary decrease in soil surface stability would be balanced by a temporary increase in soil fertility; damage to shrubs increases vascular plant litter and creates opportunities for herbaceous plants; biological soil crusts (particularly mosses) may be detached or scattered, but may actually increase in cover during recovery periods.

The cumulative effects of the incidental and temporary livestock grazing on the trail routes, along with the effects of grazing in much of the rest of the Steens Mountain CMPA would be unmeasureable since they will be temporary in nature with impacts lasting one growing season. The utilization by trailing the cattle for one day in either direction on the four routes would be none (0) to slight (10 percent) utilization given the short distances the cows would be traveling and the fact that they would not be resting for very long in any one spot. The cumulative effects from grazing the private inholdings and NLGA while trailing would be minor given the small size of the affected areas compared to the overall size of the NLGA. Grazing at more than 50 percent within the private landholdings could decrease vegetative cover which has the potential to increase the amount of bare ground. Without sufficient ground cover, both vegetative and biological soil crusts, soil particles may be subject to wind and water erosion with particles coming to rest on the adjacent BLM lands. The BSCs directly adjacent would be affected by the cover of soil which would prevent the cyanobacteria, lichens and mosses from receiving adequate sunlight and water. These effects would be short term, lasting one to two growing seasons or, until the vegetation on the adjacent private lands reestablishes and would diminish with increased distance from the private landholdings (TR 1730-2, pg. 56).

## 5. Special Status Species Wildlife and Fish

### Affected Environment

Special status animal species occurring within this project area include Greater Sage-Grouse and several species of bats. There are no known federally listed endangered, threatened, or proposed to be listed wildlife species or designated critical habitat in the area of the proposed trailing permit.

Greater Sage-Grouse are known to use the area around the Ankle Creek inholdings for nesting, brood rearing, and late fall to early winter habitat. Nesting occurs from April through June each year. There are no known leks in the area of Alternative 1.

Redband trout, a Bureau Sensitive species, inhabits Donner und Blitzen River, including Ankle Creek and Indian Creek within the project area. The species presents a unique natural history, reflecting the Pleistocene connection between lake basins of eastern Oregon and Snake and Columbia Rivers. Redband trout are able to survive warmer water than most other salmonids and thus are better adapted to a desert environment. Redband trout inhabit Indian Creek, Mud Creek, Ankle Creek, and Donner und Blitzen River.

An Oregon Department of Fish and Wildlife (ODFW) aquatic habitat survey was completed on the public land portions of Ankle and Mud Creeks in the summer of 2002. Results indicate streams overall were lacking in streamside vegetation to provide adequate shade to the stream channel, which may result in higher water temperatures and larger fluctuations in daily temperatures than if more shade was present. Mud Creek and the upper part of Ankle Creek had moderate to high amounts of eroding streambank (23 to 43 percent of reach), which in part is contributing to sediment in the stream channel. The streams also have a high width-to-depth ratio (i.e., they are wide and shallow), and have lower pool frequency and overall pool area than is desired for high quality fish habitat. Trend monitoring for this area shows improving stream conditions which is expected to continue into the foreseeable future.

The Steens Act designated Donner und Blitzen River, including Ankle Creek, as a Redband Trout Reserve upstream of the confluence with Fish Creek. The purpose of the reserve is to conserve, protect, and enhance the Donner und Blitzen River population of Redband trout and the unique ecosystem of plants, fish, and wildlife of a river ecosystem; and to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation and access (Steens Act 2000).

## Environmental Consequences

### No Action Alternative

There would be no change to existing use within the NLGA and Steens Mountain Wilderness, special status wildlife species would continue to experience temporary displacement when recreational hikers or equestrians walk by on trails or use campsites.

Common to All Trailing Route Alternatives (Alternative 1, Alternative 2, Alternative 3, and Alternative 4): All four of the routes are within Preliminary General Habitat (PGH), but as there would be no permanent changes to habitat as a result of trailing action; there will be no effect to this habitat. Greater Sage-Grouse would only be temporarily displaced by trailing on public lands during the time the cattle are passing through the area. Nesting would not be affected since hatching of young would be completed by the time the cattle are moving through the area. Sage-grouse would either walk out of the way of the trailing animals or flush and fly a short distance from the activity. They would use the area after the livestock trailing is complete. Bats would be unaffected by these actions since roosts would not be disturbed during the trailing process and trailing activities would have ceased by nightfall when bats would emerge from their roosts.

The Cumulative Effects Analysis Area is the NLGA as the effects to habitat would be linear and only affect 3.5 to 7.4 miles within the NLGA. Cumulative effects of Alternative 1 or any of the alternatives would not be measurable on special status species populations or their habitat as there is no other RFFAs in this area that would have affects to special status species or their habitat. Past actions such as prescribed fires and naturally occurring fires have not changed the landscape in ways that would affect overall special status species populations or their habitat.

## 6. Wild and Scenic Rivers

### Affected Environment

Donner und Blitzen WSR, including the Ankle Creek, Mud Creek, Indian Creek, and the segments and Wildhorse Creek WSR would be crossed by trailing routes in the action alternatives. All segments of the WSR have a "Wild" classification and the majority of each river segment also falls within the Steens Mountain Wilderness. The Outstandingly Remarkable Values (ORVs) identified for the Donner und Blitzen River and its tributaries include Scenic, Geologic, Recreational, Fisheries, Wildlife, Vegetation, and Cultural (Historic). The ORVs for Wildhorse Creek are Scenery, Recreational, Wildlife and Botanic. These ORVs are described in additional detail in the Steens Mountain Wilderness and WSR Plan (August 2005).

### No Action Alternative

There would be no affects to WSR ORVs.

### Common to All Alternatives

Any trailing activities between the two private land parcels would have temporary (as the cattle cross the river) affects to South Ankle Creek. There would be no affects to Scenic, Geologic, Recreational, and Cultural ORVs. Affects to fisheries would be short-term as cattle cross the river, but sedimentation would diminish once all livestock have crossed. Riparian vegetation would be trampled during trailing activities. Livestock would be continuously moving, therefore, individual plants would be subject to slight to light utilization and vigor of riparian plant communities in current or future years would not be affected. Riparian vegetation grows actively with available water and has the capability to rapidly recover after any temporary effects of grazing.

RFFAs within the WSR corridors include recreational activities such as hunting, fishing, hiking, and horseback riding. The North Steens Ecosystem Project would not occur within the WSR corridors except at Riddle Brothers Ranch Historic District, and the North Steens 230-kV Transmission Line project would only have indirect affects to Kiger Creek WSR; therefore, there are no cumulative effects from these two RFFAs when combined with any of the alternatives.

Affects to the Wildlife ORV are described under the Wildlife Section.

### Alternative 1 – Berrington Trail

Trailing effects between the two private parcels would only occur to South Ankle Creek as described under “Effects Common to All Alternatives”. No other WSRs would be affected.

### Alternative 2 – Wildhorse Creek Canyon

Cattle would be herded north up Wildhorse Canyon and affect Wildhorse Creek. Effects described under “Effects Common to All Alternatives” for South Ankle Creek would apply to Wildhorse Creek. The Botanical ORV would not be affected as trailing activities would not reach the headwaters of Little Wildhorse Creek.

Affects to the Wildlife ORV are described under the Wildlife Section.

### Alternative 3 – Stonehouse Creek Trail

Trailing cattle up the Stonehouse Creek Trail would have no effect to the ORVs of the WSRs because the trail is not within a WSR corridor.

Alternative 4 – Partial Trucking

Implementation of the Trucking Alternative would require cattle to cross Indian, Mud and Ankle Creeks. Affects to these creeks would be the same as the effects described under “Effects Common to All Alternatives” for South Ankle Creek.

7. Wilderness

Affected Environment

Steens Mountain Wilderness was established in Title II of the Steens Act. Section 202 (a) General Rule – The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S. C 1131 et seq.) In Section 113(e) (2), the Secretary was directed to cancel permitted grazing on Federal lands within the area designated as the NLGA. The area of interest through which the private landowner wishes to trail livestock for this analysis, is part of the NLGA.

Steens Mountain Wilderness is managed in accordance with Steens Mountain Wilderness and WSR Management Plan (2005) as well as the Steens Mountain CMPA RMP ROD (2005.)

The general requirements and restrictions of the Wilderness Act, including its implementing regulations, apply to all wilderness areas unless Congress enacts specific provisions and standards for the administration of an area when designating it as a wilderness area. Where specific provisions and standards are enacted, they must be given effect by BLM in its decision-making affecting that wilderness area.

In authorizing access to inholdings under regulations that implement section 5(a) of the Wilderness Act, 16 U.S.C. § 1134(a) (2000), BLM will approve only the mode, route, and degree of access that inholders enjoyed at the time of wilderness designation.

State and Private Lands within Wilderness: Section 5.(a) In any case where State - owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State -owned or privately owned land by such State or private owner and their successors in interest, or the State -owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture:

Under regulations implementing the mandate to assure adequate access under the Wilderness Act, BLM is required to identify routes and modes previously used to access inholdings and to select the combination of routes and modes which will cause the least impact on wilderness character. 43 C.F.R. § 6305.10(a).

Conversations with local landowners indicate Berrington Trail was built in the 1960s for trailing cattle and had not been passable by motor vehicles for many years, until improved without authorization in July 2004. A May 2004 BLM inspection of Berrington Trail confirmed portions of the trail were no longer suitable for any type of motorized vehicular use. Most of the trail is located on land the BLM acquired in 1991, after the wilderness inventory process. The upper portion of the trail was public land at the time of the 1980 wilderness inventory and was not identified as a motorized route in the BLM Wilderness Study Area inventory of the area. Old two-track routes or trails may be located within the Wildhorse Canyon. Since grazing permits were cancelled on Federal lands in this area, vegetation has grown without the impact of seasonal livestock grazing. In the past where up to 50 percent average annual growth of forage crops was removed by livestock grazing, only wildlife and recreational saddle and pack stock have had access to forage crops for grazing.

The portions of the wilderness that could be affected are in outstanding natural condition. Some unnatural features exist throughout, including corral remnants, fences, troughs, juniper cuts, and closed jeep roads. Except for the Berrington Trail (which lies within Serrano Point Allotment), the affected portion of the wilderness is also closed to livestock grazing permits.

Opportunities for Solitude and primitive and Unconfined Recreation are enhanced by the area's remoteness along with a varied and rugged topography. Shallow drainages, vegetative screening provided mainly by juniper trees, and the vast landscape contribute to a visitor's sense of seclusion. Solitude is high during most of the rest of the year with the exception of hunting season when use is generally the highest. The isolated area is usually devoid of sights and sounds of human activity with the exception of occasional overflights of aircraft and from backcountry visitors. Wilderness visitors are rare during the winter months to this portion of Steens Wilderness given the relative inaccessibility of the access routes into the area.

Opportunities for primitive and unconfined recreation are outstanding throughout and include day hiking, backpacking, horseback riding, hunting, fishing, photography, and nature study. Visitor use in the Ankle Creek area is primarily in the fall during hunting season. The Wildhorse Canyon areas are less frequently visited than the Ankle Creek area. Neither area receives as much wilderness recreation use as Big Indian and Little Blitzen gorges.

Special features enhancing the area's wilderness values include geology, vegetation, wildlife, and scenic qualities. Bighorn sheep and redband trout are some of the wildlife values noted in Steens Mountain Wilderness.

### Environmental Consequences

#### No Action Alternative

No trailing of cattle would occur.

*Untrammeled:* There would be no effect to the untrammeled characteristic.

*Undeveloped:* There would be no effect to the undeveloped characteristic.

*Naturalness:* There would continue to increase as the historic effects of livestock grazing become less evident over time.

*Solitude and opportunities for primitive and unconfined recreation:* Would remain unaffected.

#### Common to All Alternatives

Under the Wilderness Act, livestock grazing is an authorized use of many wilderness areas in the United States, including portions of the Steens Mountain Wilderness. However, the majority of the Steens Mountain Wilderness was designated a NLGA by Congress in the Steens Act. Limited livestock trailing to private inholdings, even if appropriately controlled by private landowners, and effectively monitored by BLM, would have an effect on the NLGA. In addition to the effects associated with trailing, some visitor's wilderness experience may be affected by the presence of livestock on inholdings within the NLGA given the expectation of there being no livestock present in the NLGA.

Supplemental wilderness values including wildlife would be affected by displacing wildlife that may be in the area as livestock move through, effecting visitor's wilderness experience of unconfined recreation.

The cumulative effects of motorized access allowed through the Ankle Creek Area (Ankle Creek Inholder Access Decision, June 2004); permitted motorized access associated with livestock permits in other areas of Steens Mountain Wilderness would affect Steens Mountain Wilderness cumulatively with the addition of livestock access across the NLGA. A result would be an effect to naturalness, solitude, and opportunities for primitive and unconfined recreation; especially for Steens Mountain Wilderness users who choose to visit this area precisely because livestock are not permitted to graze on federal lands in this area. The trailing uses would be in addition to the cumulative effects.

### Alternative 1 – Berrington Trail

Trailing cattle up Berrington Trail to the private in-holding where they will graze for the summer months, then herded along the same trail back to their winter holding area. Trailing distance is approximately 4 to 4.5 miles to the inholding and one to two miles between inholdings. Several riders with dogs would accompany the herd along the trail to and from the in-holding.

Livestock travel across public lands would be limited to the most reasonable timeframe to assure proper and safe livestock movement, and limit effects to the wilderness resource. One day travel each direction would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

*Untrammeled:* There would be no effect to the untrammeled characteristic.

*Undeveloped:* There would be no effect to the untrammeled characteristic.

*Naturalness:* Naturalness is negatively affected by the passage of cattle within an area designated as a NLGA. The passage of the herd leaves an imprint on the land of disturbed surfaces and grazed plants. The effect is noticeable until the surface disturbance has been weathered away and the grasses have grown again.

*Solitude and unconfined recreation:* Is negatively affected by the presence of cattle and riders actively engaged in herding in the NLGA.

*Other Features of Value:* The NLGA is a special feature of the Steens Mountain Wilderness. The presence of cattle being trailed across the NLGA negatively affects this special feature. The in-holder is given two days to trail the herd, with an additional four days to gather strays should the herd breakup during the crossing. The potential for cattle to stray in the NLGA is high when considering that no cattle have grazed there since 2004

### Alternative 2 – Wildhorse Creek Canyon

Cattle would be herded along Wildhorse Canyon trail to the private in-holding where they will graze for the summer months, then herded along the same trail back to their winter holding area. Trailing distance is approximately 3 to 4.5 miles with 1 to 2 miles between inholdings.

Several riders with dogs would accompany the herd along the trail to and from the in-holding.

Livestock travel across public lands would be limited to the most reasonable timeframe to assure proper and safe livestock movement, and limit effects to the wilderness resource.

One day travel each direction would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days.

Crossing between private land parcels would be authorized for one day.

*Untrammeled:* Effects to the untrammeled characteristic are the same as Alternative 1

*Undeveloped:* Effects to the untrammeled characteristic are the same as Alternative 1

*Naturalness:* Effects to the untrammeled characteristic are the same as Alternative 1

*Solitude:* Effects to the untrammeled characteristic are the same as Alternative 1

#### Alternative 3 – Stonehouse Creek Trail

Cattle would be herded along Stonehouse Creek trail to the private inholding where they will graze for the summer months, then herded along the same trail back to their winter holding area. Trailing distance is approximately eight to nine miles with one to two miles between inholdings.

Several riders with dogs would accompany the herd along the trail to and from the in-holding.

Livestock travel across public lands would be limited to the most reasonable timeframe to assure proper and safe livestock movement, and limit effects to the wilderness resource.

One day travel each direction would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days.

Crossing between private land parcels would be authorized for one day.

*Untrammeled:* Effects to the untrammeled characteristic are the same as Alternative 1.

*Undeveloped:* Effects to the untrammeled characteristic are the same as Alternative 1.

*Naturalness:* Effects to the untrammelled characteristic are the same as Alternative 1.

*Solitude:* Effects to the untrammelled characteristic are the same as Alternative 1.

#### Alternative 4 – Partial Trucking

Cattle would be trucked to South Steens Campground, unloaded then herded along the Ankle Creek Inholder Access Route. Distance to trail cows from campground is 7.7 to 8 miles with an additional 1 – 2 miles between inholdings.

Several riders with dogs would accompany the herd along the trail to and from the in-holding.

Livestock travel across public lands would be limited to the most reasonable timeframe to assure proper and safe livestock movement, and limit effects to the wilderness resource.

One day travel each direction would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days.

Crossing between private land parcels would be authorized for one day.

*Untrammelled:* Effects to the untrammelled characteristic are the same as Alternative 1.

*Undeveloped:* Effects to the untrammelled characteristic are the same as Alternative 1.

*Naturalness:* Effects to the untrammelled characteristic are the same as Alternative 1.

*Solitude:* Effects to the untrammelled characteristic are the same as Alternative 1.

## 8. Wildlife

### Affected Environment

Wildlife common to the area include mule deer, bighorn sheep, elk, pronghorn antelope, badger, coyote, mountain lion, jackrabbit, cottontail rabbit, pocket gopher, vole, other small mammals, golden eagle, red-tailed hawk, kestrel, turkey vulture, Cooper's hawk, mourning dove, many other migratory birds, amphibians, and reptiles. The area serves as summer habitat for deer and elk with some elk wintering in the vicinity of Donner und Blitzen River during mild winters. Mule deer also winter on the lower slopes of the east face of Steens Mountain.

Mountain quail, which were recently reintroduced on Steens Mountain, are known to occupy areas near the proposed project area.

### Environmental Consequences

#### No Action Alternative

There would be no change to existing use within the NLGA and Steens Mountain Wilderness, wildlife species would continue to experience temporary displacement when recreational hikers or equestrians walk by on trails or use campsites.

#### Common to All Trailing Route Alternatives (Alternative 1, Alternative 2, Alternative 3, and Alternative 4

Wildlife in the immediate area of the trailing would be displaced during trailing activities. Wildlife in the immediate area of recreating hikers and equestrians would be displaced while hikers and equestrians are passing through the area. Most wildlife species would have already had their young and ungulate young would be mobile enough to flee with the adults if disturbed. As with the effects to migratory birds, nesting birds could still have young in the nest which could cause some flushing of adults but would not cause abandonment of the nest and young due to the temporary nature (one to two days in and one to two days out) of this action. Wildlife in the immediate area of the trailing livestock would be displaced while livestock are being moved through the area but would use the habitat again once the disturbance had passed. This disturbance, while more than in the no action alternative would not cause any abandonment of young ungulates or birds so there would be no effects to wildlife from the alternatives.

The Cumulative Effects Analysis Area is the NLGA as the effects to habitat would be linear and only affect 3.5 miles within the NLGA. There would be no measurable cumulative effects of any of the alternatives on wildlife populations or their habitat as there is no other RFFAs in this area that would have affects to wildlife or their habitat. Past actions such as prescribed fires and naturally occurring fires have not changed the landscape in ways that would affect overall wildlife populations or their habitat.

## **B. Cumulative Effects Analysis**

As the CEQ, in guidance issued on June 24, 2005, points out, the “environmental analysis required under NEPA is forward-looking,” and review of past actions is required only “to the extent that this review informs agency decision-making regarding the Alternatives.” Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of Alternative 1’s cumulative effects, and secondly as a basis for identifying Alternative 1’s direct and indirect effects. The CEQ stated in this guidance that “[g]enerally, agencies can conduct an adequate

cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” This is because a description of the current state of the environment inherently includes the effects of past actions. The CEQ guidance specifies that the “CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions.” Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.

The second area in which the CEQ guidance states that information on past actions may be useful is in “illuminating or predicting the direct and indirect effects of Alternative 1.” The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.

However, "experience with and information about past direct and indirect effects of individual past actions" have been found useful in "illuminating or predicting the direct and indirect effects" of the Alternatives in the following instances: the basis for predicting the effects of the Alternatives is based on the general accumulated experience of the resource professionals in the agency with similar actions.

The environmental consequences discussion described all expected effects, including direct, indirect, and cumulative, on resources from enacting the proposed alternatives. direct and indirect effects plus past actions become part of the cumulative effects analysis; therefore, use of these words may not appear. In addition, the Introduction Section of this EA, specifically the Purpose of and Need for Action, identifies past actions creating the current situation.

RFFAs, also relevant to cumulative effects, include those Federal and non-Federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These Federal and non-Federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. These RFFAs must fall within the geographic scope and timeframe of the analysis being prepared. Continued weed treatments and recreation activities are known RFFAs. The North Steens 230-kV Transmission Line Project and North Steens Ecosystem Restoration Projects are outside the NLGA, but within the CMPA. The cumulative effects of these actions were thoroughly addressed throughout Chapter III by resource as applicable.

## **CHAPTER IV: CONSULTATION AND COORDINATION**

**A. Participating Staff**

Daryl Bingham, Fisheries  
Louis E. Clayburn, Range Management Specialist  
Andrew Daniels, Wildlife Biologist  
Stacy Fenton, Geographic Information Systems  
Lisa Grant, Wild Horse Specialist  
Holly Orr, District Planning and Environmental Coordinator  
Lesley Richman, District Weed Specialist  
Scott Thomas, District Archaeologist  
Tom Wilcox, Outdoor Recreation Planner, Wilderness

**B. Persons, Groups, and Agencies Consulted**

Wildhorse Ranch  
Oregon Department of Fish and Wildlife, Hines, OR  
Steens Mountain Landowners Group

**C. References**

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions. Available online at <http://soils.usda.gov/technical/classification/osd/index.html>. Accessed [06/01/2011].

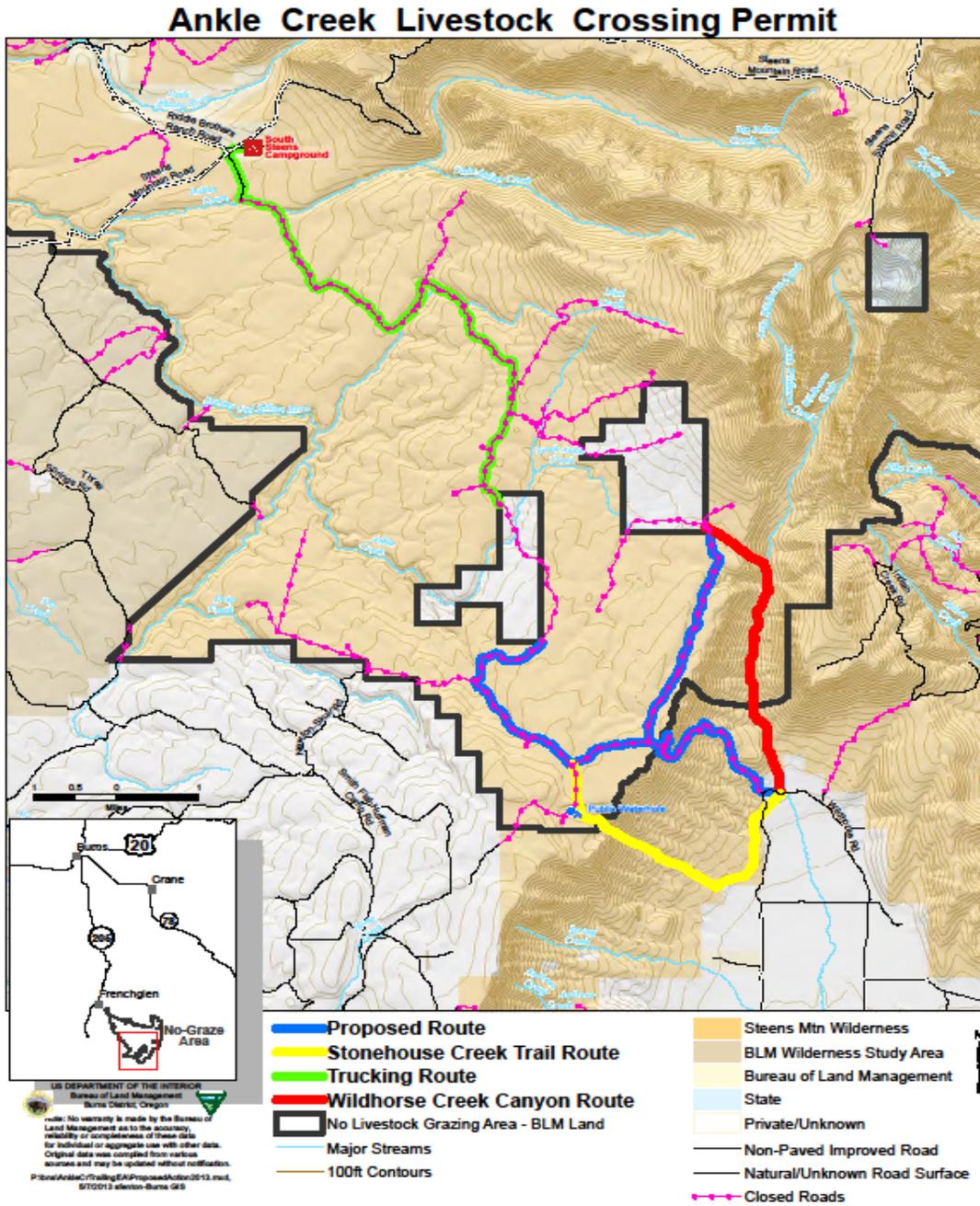
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Location of Proposed Trailing Routes. (Map 1)



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District Office  
Andrews Resource Area  
Finding of No Significant Impact**

**Ankle Creek Trailing Permit  
Environmental Assessment  
DOI-BLM-OR-B060-2009-0067-EA**

## **INTRODUCTION**

The Andrews Resource Area, Burns District, Bureau of Land Management (BLM) is analyzing possible effects by livestock trailing through the no graze wilderness in order to access private land inholdings within Steens Mountain Wilderness. The BLM has received verbal indication such access may be used. Steens Mountain Wilderness was designated as part of the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act), P.L. 106-399, 114 Stat. 1655, 16 U.S.C. § 460nnn note. The Steens Act states in section 112(e)(1) that "[t]he Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof." The Steens Mountain Cooperative Management and Protection Area Resource Management Plan (CMPA RMP) (2005) states that reasonable access to private inholdings will be assessed in site-specific National Environmental Policy Act documents. The Steens Mountain Wilderness and Wild and Scenic Rivers (WSR) Management Plan (2005) states that BLM will provide reasonable access to private inholdings while minimizing impacts to wilderness characteristics.

Several parcels of private land within Steens Mountain Wilderness may be used for livestock grazing at the discretion of the landowner. These parcels are located in Ankle Creek Basin. Livestock grazing activities have occurred on these parcels historically and at least through 2004. When implementation of the No Livestock Grazing Area (NLGA) [Sections 113(e)(2), and 201(d) (2)] occurred after 2004, grazing use was discontinued on surrounding public lands by the 2005 grazing season. Harney County designated these private lands for agricultural use. Specific tax advantages exist for private landowners if these lands are used for agricultural purposes (typically livestock grazing in this area of Harney County.) Should private landowners desire to make use of their private lands for livestock grazing purposes, BLM must implement the Steens Act provisions concerning reasonable access.

Reasonable access would be by authorization from the authorized officer or Cooperative Management Agreement between BLM and the landowner. Terms and conditions defining routes of travel, days authorized for crossing, other reasonable access restrictions, and alternative analysis will be attached to any authorization for access following discussions with property owners. The environmental effects of providing reasonable access will be disclosed.

## **SUMMARY OF THE ALTERNATIVES**

The four alternatives analyzed trailing approximately 125 cow/calf pairs through the No Livestock Grazing Area (NLGA) to access private inholdings located within the Ankle Creek drainage inside Steens Mountain Wilderness. This would be accomplished by using several riders with dogs on or around July 31, 2013 and return by the same route sometime in the fall depending on forage availability. The approximate distance to trail the cattle within the NLGA of Steens Mountain Wilderness is from three to eight miles depending on which route is utilized. One to two days travel to and from the private inholding's would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional four days. Crossing between private land parcels would be authorized for one day.

## **FINDING OF NO SIGNIFICANT IMPACT**

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

### Context

The analyzed alternative routes would occur in The No Graze Wilderness and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Andrews Management Unit (AMU)/Steens Mountain Cooperative Management and Protection Area (CMPA) Proposed RMP/Final Environmental Impact Statement (FEIS). There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS. The actions described represent anticipated program adjustments complying with the CMPA (RMP/ROD).

### Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The Environmental Assessment (EA) considered potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the AMU/CMPA Proposed RMP/Final Environmental Impact Statement (FEIS), to which the EA is tiered.

Summarize:

### **Fisheries, Riparian/ Water Quality**

Under the action alternatives effects to water quality would be minimal due to a slight increase in possible sediment deposition at water crossings along the planed routes. Some grazing on riparian vegetation is expected but the effects would be minimal due to the short time period cows are expected to be in these areas.

### **Noxious weeds**

If cattle are allowed to graze weeds after seedset, seeds from the weeds are carried in the digestive tracts of cattle and the weeds could be transported via seeds and spread into new areas.

### **Social and Economic Values**

Under alternatives one, two and three social and economic values in Harney County would not be affected. Reasonably Foreseeable Future Actions (RFFAs) would continue under all alternatives. Under alternative 4 an economic burden would be placed upon the private property landowner/ lessee from having to truck livestock 90 miles from the east side of Steens, south on East Steens Road, west on Catlow Valley Road, North on Highway 205 and then east on South Loop Road. With the price of diesel around \$3.98/gallon (May 2013) a substantial amount would have to be paid on behalf of the private property lessee to move his cows.

### **Soils, Biological Soil Crusts and Upland Vegetation**

The effects of the analyzed alternative routes and cumulative effects of the incidental and temporary livestock grazing on the trail routes, along with the effects of grazing in much of the rest of the Steens Mountain CMPA, are not significant to the human environment, as all grazing activities on public lands in the CMPA are held to Rangeland Health standards and guidelines, and no untoward effects on rangeland ecosystems have been measured under current grazing systems.

### **Special Status Species**

The effects of the analyzed alternative routes would be negligible on special status species populations or their habitat as there are no other RFFAs in this area that would have affects to special status species or their habitat. Greater Sage-Grouse and several species of bats would only be temporarily displaced by trailing on public lands. Only minor and temporary effects would be expected.

### **Upland Vegetation**

The effects of the analyzed alternative routes would be temporary to the plant shrub communities from the trailing of cows to the private inholdings located within the Ankle Creek drainage inside Steens Mountain Wilderness.

### **Wild and Scenic Rivers**

The effects of the analyzed alternative routes would be temporary and minimal in nature to the outstanding resource values of the wild and scenic rivers.

2. *Degree to which the analyzed alternative routes affects public health and safety.* No aspect of the analyzed alternatives would have an effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* The analyzed alternatives are within the Steens Mountain Wilderness NLGA.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the analyzed alternative routes or preference among the alternatives. The trailing of livestock through the NLGA within the Steens Mountain Wilderness is likely to be a controversial action to groups opposed to actions within the wilderness. However the Steens Act of 2000 requires the BLM to provide reasonable access to private inholdings.
5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* There are no known highly uncertain or unique or unknown risks effects to the human environment.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* The analyzed alternatives to trail cattle across the NLGA of the Steens Mountain Wilderness is the result of the need to provide reasonable access to private inholdings. While the action is contrary to the intent of the NLGA, the need of the private landowner must be respected. The Steens Act provides both the authority to create a livestock free zone while also providing reasonable access. The BLM must do both. Example: The Steens Act provided a unique opportunity to conserve, protect, and manage the long-term ecological integrity of the CMPA. In addition, range improvements, implementation of AMPs and issuance of 10-year grazing permits are ongoing and expected actions as outlined in the CMPA RMP/ROD and as analyzed in other EAs. No long-term commitment of resources causing significant impacts was noted in the EA or RMP.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Andrews/Steens PRMP/FEIS which encompasses the Ankle Creek private inholdings.
8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no features within the project area listed or eligible for listing in the *National Register of Historic Places*.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by the analyzed alternative routes.

10. *Whether an action threatens a violation of The State, or local law or requirements imposed for the protection of the environment.* The analyzed alternative routes do not threaten to violate any law. The analyzed alternative routes are in compliance with the CMPA RMP, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that: 1) The implementation of the analyzed alternative routes will not have significant environmental impacts beyond those already addressed in AMU/CMPA PRMP/FEIS (August, 2004); 2) The analyzed alternative routes are in conformance with the CMPA RMP/ROD; 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and 4) The environmental effects, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.

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Rhonda Karges  
Andrews/Steens Resource Area Field Manager, Burns

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Date