

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management

Office: Andrews/Steens Resource Area, Burns District Office

Tracking Number (DNA #): DOI-BLM-OR-B070-2015-0036-DNA

Case File/Project Number: Ankle Creek Livestock Crossing Permit EA,
DOI-BLM-OR-B070-2013-0038-EA (2013)

Proposed Action Title/Type: Southern Livestock Crossing Access to Ankle Creek DNA

Location/Legal Description: Ankle Creek Basin (See attached map)

Applicant: High Desert Aspens, LLC. And Central Oregon Land, LLC

A. Description of the Proposed Action and Project Design Elements (or any applicable mitigation measures):

The proposal is for the BLM to consider issuance of a crossing permit to allow livestock to cross BLM-managed land [specifically Steens Mountain Wilderness No Livestock Grazing Area (NLGA)] to access private inholdings within the Ankle Creek area for cattle grazing. The Steens Mountain Cooperative Management and Protection Act (Steens Act) states reasonable access to privately-owned lands or interests in land within the boundaries of the Steens Mountain Cooperative Management and Protection Area (CMPA) will be provided. The CMPA Resource Management Plan (RMP) (2005) states that reasonable access to private inholdings will be assessed in site-specific National Environmental Policy Act (NEPA) documents (page 73). 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 (page 53). Under the Ankle Creek Inholder Access EA (OR-027-02-11) Decision Record, the BLM authorized reasonable motorized use of the Ankle Creek Route to access the private inholdings at issue here.

The proposed action involves crossing NLGA lands on or around June 1, 2015 with 300 cow/calf pairs and 12 bulls. Livestock movement would be accomplished by using several riders with dogs. 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.

The first route would be from Roaring Springs Ranch (private land outside of the NLGA) to the Ankle Creek parcels (4 total parcels owned and controlled by High Desert Aspens, LLC. and Central Oregon Land, LLC) traveling north/northeast for approximately 2.5 miles to the western-most parcels. One day travel from Roaring Springs Ranch to the Ankle Creek western parcels would be authorized, with flexibility provided for complete removal of livestock from public lands for an additional two days. The BLM would also authorize one day of travel from the Ankle Creek parcels back to Roaring Spring Ranch private lands by the same route sometime in the fall (September-October) depending on forage and water availability.

The BLM would also authorize livestock travel between the two adjoined southwest private parcels and the two adjoined northeast parcels by the shortest overland route. Approximately one to two

miles of the NLGA between the land parcels would be crossed. Access between land parcels would be along or across the tributaries to Ankle Creek (part of the Donner und Blitzen WSR). Crossing between private land parcels surrounded by the NLGA would be authorized for one day each way.

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. 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 inholder access decision of June 24, 2004 as stated above.

Notice of crossing activity would be requested by BLM, at least three days prior to crossing. 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. Until such time as fencing is built, the owner of the properties or other grazing livestock entity under a private lease or agreement agrees to make reasonable and good faith efforts to monitor distribution of livestock on the inholdings and to relocate and/or remove any livestock that may stray from the inholdings into the NLGA. Until such time as fencing is built, BLM intends to have its employees do spot checks within the NLGA to see if any livestock from the inholdings have strayed into the NLGA. The BLM will inform the landowner or other entity grazing livestock under a private lease of any such straying livestock as soon as practicable. The landowner or other entity grazing livestock under a private lease or agreement will then promptly remove the livestock from the NLGA.

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.

B. Land Use Plan (LUP) Conformance:

LUP Name: Steens Mountain Cooperative Management and Protection Area (CMPA) Resource Management Plan (RMP)/Record of Decision Date Approved: 2005

Steens Mountain Wilderness and Wild and Scenic Rivers (W&SR) Plan
Date Approved: 2005

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

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.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Andrews Management Unit/Steens Mountain CMPA Proposed RMP/Final Environmental Impact Statement, 2004

Ankle Creek Livestock Crossing Permit Environmental Assessment (EA), DOI-BLM-OR-B070-2013-0038-EA (2013)

Fish Creek Inholder Access-Livestock Crossing EA, OR-08-027-076 (2008)

D. NEPA Adequacy Criteria:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed action is very similar to alternatives analyzed in the Ankle Creek Livestock Crossing Permit EA, as well as similar to the Fish Creek Inholder Access-Livestock Crossing EA. The proposed action occurs within the same geographical area - Steens Mountain Wilderness, No Livestock Grazing Area. In fact the original Ankle Creek Livestock Crossing Permit EA analyzed approximately one mile of this new proposed action route. The difference in the proposed action compared to the routes analyzed in the Ankle Creek Livestock Crossing EA is the distance of the proposed route. The proposed route would cross approximately 2.5 miles of NLGA from Roaring Springs Ranch to the Ankle Creek private inholdings surrounded by the NLGA. The Ankle Creek EA analyzed up to eight miles plus the crossing between the northeast and southwest private inholdings surrounded by the NLGA. The crossing between the northeast and southwest private inholdings under the new proposed crossing would not change from what was originally analyzed. The trailing distance is up to approximately 5.5 miles shorter than previously analyzed in the Ankle Creek EA; therefore, overall effects would be less.

The Fish Creek EA analyzed crossing one-half mile of NLGA by sheep and nine miles with cattle. The trailing distance is up to approximately 6.5 miles shorter than previously analyzed in the Fish Creek EA; therefore, overall effects would be less.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Ankle Creek analyzed five alternatives including the No Action Alternative and considered two additional alternatives. The Ankle Creek EA analyzed three separate routes starting from the eastern side of Steens Mountain to the private inholdings surrounded by the NLGA along with an alternative to partially truck and trail cattle from the South Steens Campground area southeast to the private inholdings surrounded by the NLGA. The proposed action route mileage is approximately 5.5 miles less than the alternatives analyzed in the Ankle Creek EA and trailing would likely follow an old closed road within the NLGA.

The Fish Creek EA analyzed three alternatives including the No Action Alternative. The trailing distance is up to approximately 6.5 miles shorter than previously analyzed in the Fish Creek EA.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of Bureau of Land Management [BLM] sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The existing analysis is still valid. There is no new information or circumstances that would change the analysis of the new proposed action. Greater sage-grouse were analyzed in the Ankle Creek Livestock Crossing EA, Chapter III, page 21, and concluded no permanent changes to habitat as a result of trailing would occur. Grouse may be temporarily displaced by trailing as cattle are passing.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct, indirect, and cumulative effects would be similar to those analyzed in the Ankle Creek EA (Please refer to Chapter III, pages 9-29 addressing affects to weeds, riparian areas, social and economic values, soils and upland vegetation, wild and scenic rivers, wilderness and wildlife).

- Noxious Weeds were addressed on Page 11 of the EA. The EA stated any new ground disturbing activities have the potential to create opportunities for noxious weed establishment and spread. Effects vary depending upon the livestock and weed

species, the point of origin and whether or not livestock were grazing on weed-free pastures prior to entry or not.

- Fisheries, Water Quality and Riparian Area effects were discussed beginning on page 14 of the EA. The EA discloses livestock trailing across or near streams would have temporary effects to stream bank stability; incidental grazing of riparian herbaceous plants would occur as livestock move through the NLGA along with minor browsing of shrubs; and streams may receive some additional sediment at crossing points.
- Livestock grazing on private lands would help maintain the culture of cattle production and provide an economic benefit to the private landowner (Social and Economic Values, EA at page 17).
- 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 CMPA would not be measureable since they will be temporary in nature with impacts lasting one growing season. 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 (Soils, Biological Crust and Upland Vegetation, EA at page 20).
- Greater sage-grouse were analyzed in the Ankle Creek Livestock Crossing EA, Chapter III, page 21, and concluded no permanent changes to habitat as a result of trailing would occur. Grouse may be temporarily displaced by trailing as cattle are passing.
- Effects to Wild and Scenic Rivers (EA at page 23) would have temporary affects as the cattle cross the river. There would be no affects to Scenic, Geologic, Recreational and Cultural Outstandingly Remarkable Values.
- Page 26 of the EA addresses affects to wilderness values stating 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. Some visitor's wilderness experience may be affected by the presence of livestock given the expectation the area is a NLGA.

The only difference in the analysis presented in the EA compared to the new proposed crossing is the distance of the actual trailing to occur within the NLGA. The proposed route would be approximately 5.5 miles less and overall effects to natural resources, wilderness values, and social values would, therefore, be less.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

There was adequate public involvement during the Ankle Creek Livestock Crossing and Fish Creek EAs. Eleven individuals, organizations or agencies were provided the opportunity to comment on the Ankle Creek EA. Two public comments were received stating the Steens Act expressly recognized that private landowners must have reasonable access to their lands.

E. Interdisciplinary Analysis:

Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

Specialist Signature and Date: Jarod Lemos 5/18/15
Jarod Lemos, Riparian/Fisheries/Water Quality

Specialist Signature and Date: Lesley Richman 5/18/2015
Lesley Richman, Noxious Weed

Specialist Signature and Date: Holly Orr
Holly Orr, Social and Economic

Specialist Signature and Date: Caryn Burri 5.18.15
Caryn Burri, Soils, Biological Crusts, Upland Vegetation

Specialist Signature and Date: Tom Wilcox 5/18/2015
Tom Wilcox, Wilderness and W&SR

Specialist Signature and Date: Andy Daniels 5/18/15
Andy Daniels, Wildlife

Specialist Signature and Date: Stacy Fenton 5/18/15
Stacy Fenton, Geographic Information Specialist

Note: Refer to the Environmental Analysis (EA) for a complete list of the team members participating in the preparation of the original EA or planning documents.

F. Others Consulted:

Identify other individuals, agencies or entities that were consulted with as part of completing the NEPA analysis.

- Steens Mountain Advisory Council
- Harney County Court
- Oregon Department of Fish and Wildlife
- Private Landowners

G. Conclusion: Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

Louis Clayburn, Project Lead
Signature: Louis Clayburn Date: 5/18/15

Holly Orr, Planning and Environmental Coordinator

Signature: Holly Orr

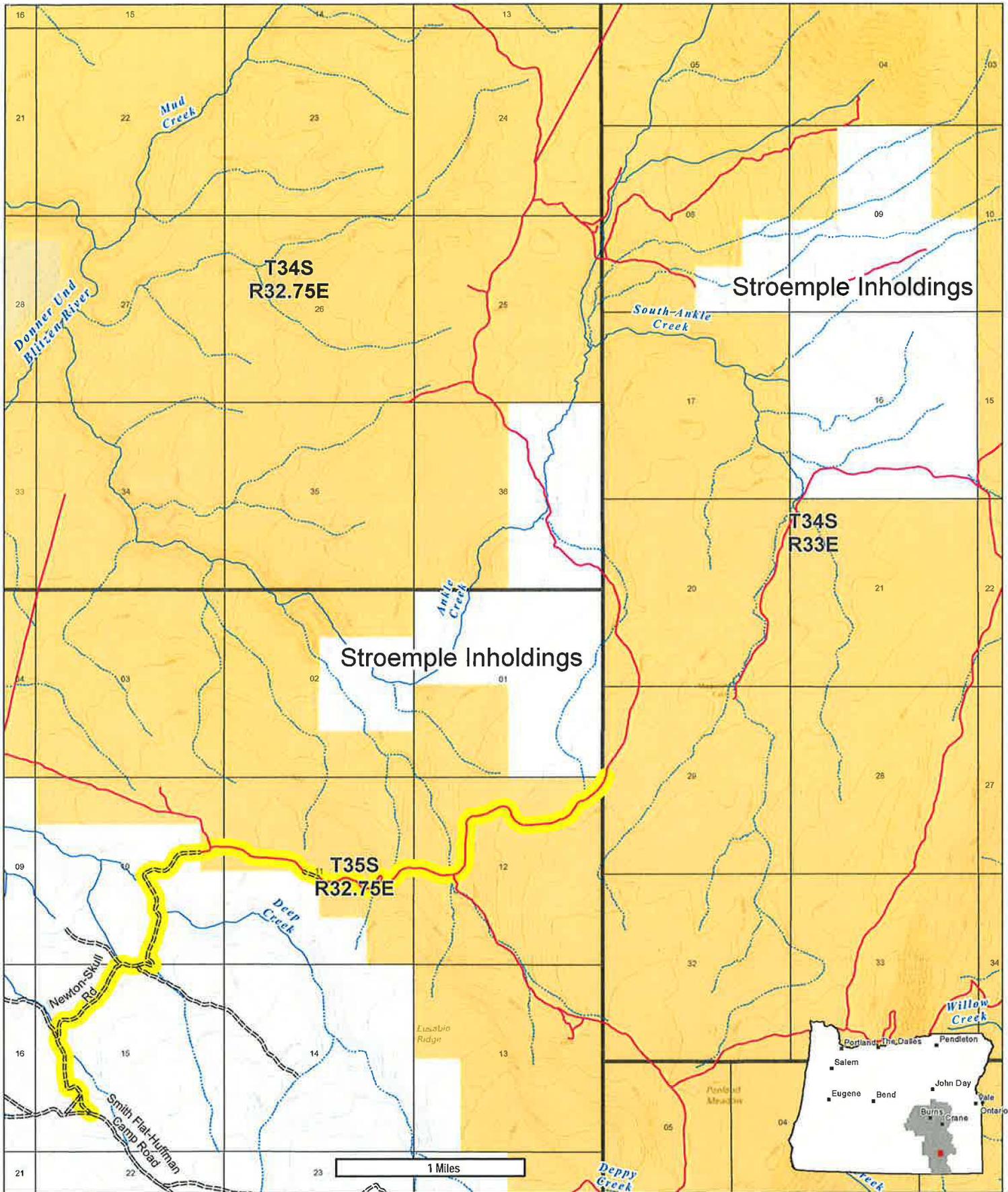
Date: 05/10/15

Rhonda Karges, Andrews/Steens Field Manager

Signature: Rhonda Karges (Acting)

Date: 5-19-15

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|--|------------------------|--|---------------------------|--|---------------------------|
| | Crossing Access | | Perennial Streams | | Steens Mtn Wilderness |
| | Primitive Route | | Intermittent Streams | | Bureau of Land Management |
| | Closed Road | | BLM Wilderness Study Area | | Private/Unknown |


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 Bureau of Land Management
 Burns District, Oregon

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 DOI-BLM-OR-B070-2015-0035-DNA
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