

4160 (ORB050)

NOTICE OF PROPOSED DECISION
To Implement
Chalk Hills Allotment Management Plan
Environmental Assessment
DOI-BLM-OR-B050-2010-0020-EA
and Renew Term Grazing Permit

A. BACKGROUND

The Chalk Hills Allotment Management Plan/Environmental Assessment (AMP/EA) analyzed issues emerging from the 2006 Chalk Hills Allotment Evaluation process to aid in accomplishing resource objectives and achieving Standards for Rangeland Health and Guidelines for Livestock Grazing Management in Chalk Hills Allotment, and to address the permittee's request to adjust mandatory terms and conditions on the grazing permit and issue a new 10-year term grazing permit.

B. PROPOSED DECISION

Having considered the Proposed Action, No Action Alternative, other alternatives and associated impacts and based on analysis in the Chalk Hills AMP/EA and with consideration of public comments, it is my Proposed Decision to authorize implementation of Alternative C: Proposed Action with Modified Livestock Grazing Management, which includes the following elements:

- Management Changes
- Season of Use Change
- Project Development
- Renewal of one 10-year term grazing permit
- Adaptive management and monitoring

Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in the Chalk Hills AMP/EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared.

Implementation of Alternative C will provide measurable progress toward achieving Guidelines for Livestock Grazing Management (August 12, 1997) determined as not met in the 2006 Chalk Hills Allotment Evaluation and demonstrate significant progress¹ toward fulfilling fundamentals of rangeland health. Alternative C was also designed to achieve Chalk Hills Allotment resource objectives brought forth and revised from the 2006 Chalk Hills Allotment Evaluation.

1. Proposed Management

a. Livestock Grazing Management:

To continue to achieve Standards for Rangeland Health, achieve resource objectives, and conform to the Guidelines for Livestock Grazing Management, management in detail is as follows:

- (1) Livestock grazing management is designed and will be authorized to provide periodic growing season rest for upland plant species. Use periods per pasture may vary annually in order to provide for recommended rest periods (see Chalk Hills AMP/EA Table 5: Alternative C - General Livestock Grazing Management).

¹ **Significant Progress:** Used in reference to achieving a standard as outlined in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (1997). The use of the word "significant" in this document does not meet the Council on Environmental Quality's (CEQ's) definition of the word.

Livestock numbers may vary annually as outlined under Adaptive Management, (Chapter II, A. Actions Common to All Alternatives); however, total AUMs will not exceed 935.

- (2) Current permitted season of use will be changed from April 16 through August 15 to May 1 through September 30 for permit #3601627 to carry out the proposed grazing management. Refer to Maps H, I, and J for Alternative C grazing schematics and Appendix A for Grazing Treatment Descriptions. Extending the permitted season of use will not increase the 935 AUMs of active use on public land.

All pastures will follow a 3-year rotation with 2 years of a defer treatment to 1-year of a graze treatment. Under this grazing management, all pastures will receive periodic growing season rest (in the form of a deferment grazing treatment) in 2 out of 3 years (which is lacking under current management), resulting in conformance to Guidelines. This rotation will also allow for rest on browse species (namely bitterbrush) at least 1 of 3 years of grazing. If monitoring indicates a possible riparian issue with the deferred grazing within Iron Spring Pasture, the grazing rotation will be changed to an early/graze system until the fence to control or exclude livestock use can be completed.

2. Permit Renewal

The Proposed Action also includes renewal of the existing livestock grazing permit #3601627 in Chalk Hills Allotment for the current permittee. One 10-year term livestock grazing permit will be issued to continue 935 active use AUMs of livestock grazing on public land as outlined in Table 5 of the AMP/EA. No changes to AUM numbers will occur. The permit #3601627 will be issued with changes to the terms and conditions, encompassing the change in season of use from April 16 through August 15 to May 1 through September 30, and encompassing all changes within this AMP as analyzed in Alternative C.

Adaptive management is based upon achieving resource objectives (Allotment Specific Resource Objectives in Chapter I (b), Standards for Rangeland Health) highlighted in the Purpose and Need Section; and monitoring will be used to identify where adaptive measures are appropriate for grazing management. "Adaptive management ... is about taking action to improve progress toward desired outcomes." (www.doi.gov/initiatives, 2007). Knowing that uncertainties exist in managing for sustainable ecosystems, changes to the rotation may be authorized for reasons such as, but not limited to:

- Adjust the rotation/timing of grazing based on previous year's monitoring and current year's climatic conditions.
- Drought causing lack of available water in certain areas originally scheduled to be used.
- Changes in use periods to balance utilization levels per pasture.

Flexibility will be authorized and changes in rotations will continue to meet resource objectives. Flexibility is dependent upon the demonstrated stewardship and cooperation of the permittee. Rangeland monitoring is a key component of adaptive management. As monitoring indicates changes in grazing management are needed to achieve resource objectives, they are implemented annually working with the permittee.

3. Range Improvement Projects

Refer to Chalk Hills AMP/EA, Map G: Proposed Rangeland Improvements.

a. Spring Development

The development of an unnamed spring, which currently feeds into Dead Cow Reservoir, located at T. 20 S., R. 37 E., Section 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$, will occur, consisting of an enclosure fence (large enough to allow wildlife to comfortably enter it) and a standard trough. Dead Cow Reservoir was constructed in 1959 by digging out the spring and adding a small dam causing the water to pool. Water will be provided by piping water to a trough outside the proposed enclosure. When livestock are not present in the pasture, the gates will remain open, allowing wildlife in the area access to a natural water source.

The enclosure fence around Zinc Spring (T. 20 S., R. 37 E., Section 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$) will be expanded to protect the entire spring area and associated riparian vegetation. The spring was originally developed in 1977 with a small enclosure around the spring, which does not encompass the entire spring. A second (new) enclosure will be constructed around the overflow area (which is in a drainage) in order to protect riparian vegetation, reduce erosion at the site, and provide a meadow habitat for birds.

Construction at both springs will be for a typical spring development, as applicable. For the Dead Cow Reservoir/Spring source a head box will be installed with water piped to a trough within 100 feet of the spring. From the collection box, a trench will be dug to bury a plastic pipe that will transport water to the new trough. A ripper tooth mounted to a dozer will most likely be used for digging a trench approximately 30 to 36 inches deep where 2-inch black PVC pipe will be buried. The disturbed ground along the pipeline will be seeded to help prevent the establishment of noxious weeds.

All fence construction will follow the General Project Design Elements for Proposed Range Improvements (described below).

b. Pipeline Construction

Approximately 5.3 miles of pipeline will be constructed within the Chalk Hills Allotment.

A 3.3-mile pipeline will come off of the Three C's Well (T. 20 S., R. 36 E., Section 26, SW¹/₄SE¹/₄); approximately 1.7 miles of pipeline will be connected to the current troughs overflow and piped east to the Juntura Cutoff Road and then south to a trough in Section 36, NE¹/₄SE¹/₄, in the Three C's Pasture. Currently, the only water source in this pasture is at the well.

Where the pipeline corners at the Juntura Cutoff Road, a drain will be installed, which will allow water to empty into a natural drainage and flow into the CC Reservoir (T. 20 S., R. 36 E., Section 36, NE¹/₄NE¹/₄) providing an additional water source for the Chimney Spring Pasture. (This drain will only be opened occasionally to supply water to the reservoir when livestock are present and when the reservoir is dry. The drain will only remain open long enough to allow a usable amount of water to accumulate in the reservoir; it will not result in a riparian area along the drainage.) Currently the only reliable water source in Chimney Spring Pasture is Dead Cow Reservoir. The two other reservoirs in this pasture do not hold water on a regular basis.

At the Three C's well, a storage tank (above ground) will be placed uphill from the well, and the remaining 1.6 miles of pipeline will run from it.

A storage tank is required in order to make the beginning of the pipeline the highest point on the pipeline, allowing the water to gravity flow over a small saddle. This section of pipeline will start at the well, go to the storage tank, and then go from the storage tank northeast to T. 20 S., R. 36 E., Section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$. At this point the pipeline will turn north and end at a trough in the Iron Spring Pasture at T. 20 S., R. 36 E., Section 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$. The only reliable water in the Iron Spring Pasture is from a trough located in the northeast corner at a private well. The reservoir in this pasture rarely has water, and Mill Gulch is classified as an intermittent stream.

The remaining 2.0 miles of pipeline will run from a well on private property in T. 20 S., R. 36 E., Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$. This pipeline will run south, following a road to the boundary fence separating Zinc Spring and Chimney Spring Pastures. A bottomless trough, storage tank (aboveground), and secondary pump (run by a generator or solar power) will be located approximately 1.2 miles from the well in T. 20 S., R. 37 E., Section 19, SE $\frac{1}{4}$ NW $\frac{1}{4}$ in the Zinc Spring Pasture. A second trough will be located at the fence dividing Zinc Spring and Chimney Spring Pastures in T. 20 S., R. 37 E., Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$. This bottomless trough will service both pastures, allowing improved distribution due to a more reliable water source. Currently the only reliable water sources in Zinc Spring Pasture are Zinc Spring in the northeast, and a trough located at the private well; the Chimney Spring Pasture's most reliable source of water is Dead Cow Reservoir in the southwest part of the allotment; the permittee hauls water to the northeast side of the pasture, annually in an attempt to improve distribution.

Cooperative agreements between the Bureau of Land Management (BLM) and grazing permittee will be developed to fill associated storage devices (i.e., troughs, storage tanks) after livestock are removed, to provide water for wildlife. Heavy equipment (i.e., trenchers) and manual labor will be used during construction of these developments. Associated storage tanks, pipelines, and water troughs with float valves will be included in project designs, as needed. The required design for the proper function of the water supply will vary to accommodate the associated storage tanks, capacity, and number of water troughs.

c. Mill Gulch Riparian Exclosure Fence

If monitoring indicates the deferred grazing system in Iron Spring Pasture is not maintaining riparian function (e.g., downward trend in riparian condition, increased erosion, etc.) to the Mill Gulch riparian and water resources, a fence approximately 0.4-mile long will be constructed to create a riparian exclosure in the northwest corner of this allotment. This will require a cattleguard across the Juntura Cutoff Road, and will result in an exclosure approximately 43 acres in size. If this fence is constructed, the resulting exclosure will be opened to livestock grazing when the accumulation of fine fuels begin to limit new vegetative growth or becomes a fire hazard. If monitoring indicates an issue with the deferred grazing within this pasture, the grazing rotation will be changed to an early/graze system until the fence could be completed.

Refer to Map G for the range improvement locations.

d. General Project Design Elements for Proposed Range Improvements

- (1) Proposed rangeland improvement sites will be surveyed for cultural values prior to implementation. Where cultural sites are found, their condition and National Register eligibility will be evaluated. If determined National Register eligible and under threat of damage, mitigation measures to protect cultural materials will be determined. Mitigation plans will be developed in consultation with the State Historic Preservation Office if necessary. Mitigation measures can include protective fencing, surface collection and mapping of artifacts, subsurface testing and complete data recovery (full-scale excavation).
- (2) Proposed rangeland improvement sites will be surveyed for Special Status plant species prior to implementation. Special Status plant sites will be avoided.
- (3) No range improvement projects will be constructed within 0.6-mile of known sage-grouse lek sites.
- (4) All proposed fences constructed in sage-grouse habitat will include plastic safety clips on the wire to reduce potential mortality from sage-grouse hitting the fence.

- (5) Proposed range improvement sites will be surveyed for noxious weed populations prior to implementation. Weed populations identified in or adjacent to the proposed projects will be treated using the most appropriate methods in accordance with the 1998 Burns District Noxious Weed Management Program EA/Decision Record (DR) OR-020-98-05.
- (6) The risk of noxious weed introduction will be minimized by ensuring all equipment (including all machinery, 4-wheelers, and pickup trucks) is cleaned prior to entry to the sites, minimizing disturbance activities, and completing follow-up monitoring, to ensure no new noxious weed establishment. Should noxious weeds be found, appropriate control treatments will be performed in conformance with the 1998 Burns District Noxious Weed Program Management EA/DR OR-020-98-05.
- (7) All proposed fences will be constructed using BLM approved standards for four-strand fences.
- (8) All watering troughs installed will be equipped with escape ramps for birds and small mammals.
- (9) Reseeding will take place in areas disturbed by implementation of rangeland improvement projects. Soil displaced for pipeline installation will be pulled in and returned to original slope and grade then seeded with a whirlybird seeder and drag. The seed mix used for these rangeland improvement projects will be a mixture of native and nonnative species including crested wheatgrass, bluebunch wheatgrass, squirreltail (*Elymus elymoides*), and native forbs. Crested wheatgrass will be used in the seed mix because it is drought tolerant, competitive with invasive species, has a long seed viability period, and aggressive germination characteristics; therefore, reducing the chance of noxious weed establishment.
- (10) In the development of springs, the spring source and trough overflow area will be fenced to prevent livestock grazing and trampling and provide meadow habitat. A small waterhole will be developed inside the fenced overflow area for wildlife use.

- (11) One to two-inch diameter plastic pipe is generally used for pipelines. The pipeline is buried with a pipe-laying device consisting of a modified ripper tooth mounted on a tractor. The pipe is generally laid as deeply as possible under the ground, but no deeper than 36 inches. Where obstructions (e.g., rock) prohibit burying, the pipe will be laid on the surface and covered with borrowed soil.
- (12) The grazing permittees will be responsible for all fence maintenance. Proper fence maintenance will be a stipulation for turnout each year.

C. PUBLIC COMMENTS AND RESPONSES

A copy of the original EA and unsigned FONSI were mailed to Federal, State and County Agencies and other interested public on May 25, 2010. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on May 26, 2010.

The Burns District BLM received public comments on the Chalk Hills AMP/EA. The BLM responses to public comments are discussed below.

1. Comment: Delaying turnout until May 1 is a slight improvement but should be delayed further. Extending the grazing season by 45 days will have adverse effects on seed set and plant physiology (e.g., energy storage).

Response: While no grazing will occur prior to May 1, grazing will only occur between May 1 and July 31 (graze treatment) in 1 of 3 years for each pasture. In the other 2 years, grazing will occur beginning August 1 (defer treatment). During the 2 years that receive defer grazing, no plants will be grazed by livestock and they will be allowed to complete a full reproductive cycle. Please refer to the AMP/EA Chapter II, D – p. 18 and Chapter III, A.2 – p. 30.
2. Comment: Improving livestock distribution is not necessarily a good thing because it spreads the effects of livestock to areas that are currently spared the adverse effects of livestock grazing. Improved distribution homogenizes the impacts and expands the ecological stress caused by livestock grazing. Maybe it would be better to just limit livestock numbers.

Response: Improving livestock distribution throughout the allotment will not result in increased adverse effects within the allotment as a whole since the number of permitted AUMs will remain at 935. Improving livestock distribution will effectively spread out the effects across the allotment, reducing them in areas of heavy use, and increasing them in areas of little use. This redistribution will result in the allotment being utilized more evenly and at a level from which the ecological system can easily recover. Limiting livestock is not necessary since the selected action will meet the Purpose and Need of the EA.

3. Comment: The 5-mile water pipeline might reduce grazing pressure in some areas but will increase grazing pressure in other areas that are currently less impacted. The public investment in the pipeline probably makes little sense from the perspective of the public. It will increase pressure to continue grazing when grazing may not make sense. It will likely result in soil damage, spread weeds, and displace wildlife.

Response: Please see response to the previous comment concerning livestock distribution. The development of the pipeline will benefit both livestock and wildlife directly. It will not provide a reason to increase permitted AUMs within the allotment, nor will it be an argument for continued grazing if the ecological resources suggest that grazing needs to be reduced or removed. If grazing were reduced or removed, the pipeline will continue to support wildlife in drought years. The construction of the pipeline will result in soil damage, temporarily displace wildlife, and may spread weeds. These issues were all addressed in Chapter III: Description of the Affected Environment and Environmental Consequences beginning on Page 21 of the Chalk Hills AMP/EA.

4. Comment: "Flexibility" is great as long as it is used to increase conservation of natural systems but not if it is used to increase utilization and exploit the natural bounty for the benefit of livestock production.

Response: The BLM uses flexibility as a tool to better manage sustainable ecosystems, not to manage or improve livestock production. See Chapter II, A. Actions Common to All Alternatives beginning on Page 9 of the Chalk Hills AMP/EA.

5. Comment: Average plant utilization is a crude tool for mitigating grazing impacts, because some areas (e.g., those near water) are grazed beyond the average over and over and over, so they do not receive the full benefit of the mitigation.

Response: Utilization studies provide an overall estimate of utilization within an area, as well as documenting the areas which show high, moderate, or low levels of use. Using information of utilization and utilization patterns, we are better able to make adjustments to management and identify projects which will benefit the ecosystem within the allotment. Areas near water generally get utilized more than areas far from water. However, increasing the number of water sources available will help distribute livestock and the utilization levels around current water sources will decrease, reducing some of the effects.

6. Comment: The ecosystem will store more carbon and help mitigate climate change if they remain ungrazed. The agency needs to help mitigate climate change by managing all living systems to capture and store optimal levels of carbon. Livestock grazing reduces carbon storage in vegetation and soil at an ecosystem scale and grazing must be reduced to help mitigate climate change.

Response: Greenhouse gas emissions and climate change are now addressed within the EA. Please refer to Chapter I, H.2 beginning on Page 8 for that information.

7. Comment: We strongly encourage the agency to make contingency plans that require the removal of livestock during droughts, and after droughts the agency should provide for long periods of rest and recovery before livestock are allowed to return so that plants can rebuild soil cover, biomass, and energy stores both above and below ground.

Response: Removal of livestock for drought or other ecologically related reasons falls under Adaptive Management. Please see Chapter II, A.1 beginning on Page 9 in the EA for a description of Adaptive Management and Flexibility.

8. Comment: Repeated late season grazing may have deleterious effects on the shrub component, specifically antelope bitterbrush, thus reducing the value of the allotment as mule deer winter range.

Response: New monitoring identified under Chapter II, A. Actions Common to All Alternatives, beginning on Page 9 of the Chalk Hills AMP/EA, and adaptive management will allow for changes in management (i.e., decreasing late season grazing) if monitoring indicates that grazing is having an effect on the shrub component. This issue was also analyzed in Chapter III: Description of the Affected Environment and Environmental Consequences beginning on Page 21 of the Chalk Hills AMP/EA.

D. RATIONALE

Having considered the comments received and the BLM responses, it is my Proposed Decision the comments did not reveal the need for additional analysis or content revisions of the Chalk Hills AMP/EA or the FONSI. The BLM specialists reviewed the comments and provided detailed responses to the relevant comments in Section 3 (Public Comments Received and Responses) of this document.

This Proposed Decision best meets the Purpose and Need for the Action because it: 1) allows implementation to continue to achieve Standards and provides growing season rest on upland forage species to allow for conformance to Grazing Guidelines; 2) it implements rangeland improvement projects to provide for better cattle distribution and utilization; 3) provides protection for springs and associated riparian vegetation; 4) provides flexibility for annual variation in environmental conditions, including drought; and 5) responds to the permittee's request to adjust mandatory terms and conditions on the grazing permit and issue a new 10-year term grazing permit (#3601627) under 43 Code of Federal Regulations (CFR) 4130. In addition the Proposed Decision was based on consultation with affected grazing permittee, local Harney County Government, public comments, and conformance with applicable laws and regulations.

I also selected Alternative C: Proposed Action with Modified Livestock Grazing Management based on the following decision factors (outside laws and regulations). Decision factors are additional questions or statements used by the decision maker to choose between alternatives that best meet project goals and resource objectives. These factors generally do not include satisfying legal mandates, which must occur under all alternatives. Rather decision factors assess, for example, the comparative cost, applicability, or adaptability of the alternatives considered.

Will the Proposed Decision to implement Alternative C:

1. Improve livestock distribution across the allotment and encourage more uniform utilization patterns?

Yes, proposed construction of pipelines and strategic placement of troughs and drain valves will enhance livestock distribution within the allotment and away from areas of historical heavy use. This will promote more uniform utilization patterns, thus reducing forage competition between all grazers.

2. Promote economic stability for the local and rural economy dependent upon public land grazing and public lands uses?

Yes, the proposed grazing management will provide economic benefits to the Harney County economy through the purchase of supplies, equipment, and labor to develop the spring at Dead Cow Reservoir, construct exclosures around both springs and associated riparian areas, and construct the pipelines. Additional economic benefit may be seen if the Mill Gulch Riparian Exclosure Fence is completed. There will also be economic benefits through taxes and goods and services purchased by the ranch and employees that utilize this allotment. Alternative C is designed to improve conditions for uplands, which could maintain or increase forage production and provide improved water sources for livestock and wildlife. In addition, providing sustainable grazing management that improves habitat conditions for wildlife will in turn increase economic opportunities for recreational activities such as hunting.

Renewing the current 10-year term permit, with Alternative C of this AMP as a term and condition of the permit, will provide for a continued viable ranching livelihood for the livestock operators and employees of this ranch.

3. Provide rangeland resources to grazing permittees, and other users of the public land?

Yes, the AMP/EA provides for multiple use in many ways. Healthier vegetative communities allow for improved habitat for migratory birds and wildlife, and are more resistant to invasion by noxious weeds. The improved habitat improves recreational opportunities such as hunting and wildlife viewing within the allotment. By allowing grazing within the allotment, we are allowing economic stability for the associated permittee and those who work for them, as well as keeping the tradition of ranching within the Harney County community.

4. Employ adaptive management strategies in order to assure success in achieving project objectives?

The AMP/EA employs adaptive management strategies in order to ensure success in achieving project objectives and preventing damage to the resources within the allotment. This is seen in the development of new monitoring transects which will show use on bitterbrush, and require an adjustment of grazing management if use exceeds 15 percent. It is also seen in the Mill Gulch Riparian Exclosure Fence, which will only be constructed if monitoring suggests the stream is being damaged by late-season use. The AMP/EA also allows for the adjustment: 1) of rotation/timing of grazing based on previous year's monitoring and current year's climatic conditions; 2) of the rotation/season of use of grazing based on previous year's monitoring of bitterbrush utilization and Cole Browse Transects to ensure at least 85 percent of existing deer winter range within this allotment remains intact;

3) of grazing due to drought causing lack of available water in certain areas originally scheduled to be used; 4) of changes in use periods to balance utilization levels per pasture; and 5) due to damages to the riparian and water resources.

5. Promote resistance to noxious weed invasion and establishment by encouraging diverse, productive, vigorous plant communities?

Alternative C will provide growing season rest in each pasture for two consecutive years and lifecycle completion will occur for key forage plant species during these 2 years. This will result in increased vigor and abundance of key forage species. Vigorous, productive plant communities, which better utilize the resources of the site, lessen opportunities for noxious weed introduction and spread. The proposed range improvements will facilitate grazing management which should maintain or improve upland plant communities. Livestock distribution will be improved with development of additional water sources. A larger foraging area will be available by providing additional reliable water later in the year. More water sources will reduce heavy to severe utilization levels on key forage species within service areas around current reliable water. The proposed exclosure expansion around Zinc Spring will promote recovery of herbaceous riparian plant species within this wetland area. The proposed spring development in Chimney Spring Pasture will protect the herbaceous riparian plant species within the wetland area while providing an additional water source for livestock. Alternative C will improve overall rangeland health by encouraging productivity, vigor, and diversity of plant communities within Chalk Hills Allotment. Current carrying capacity for all demands (wildlife and livestock) will be maintained or improved as plant communities remain in stable to upward trend in rangeland condition.

I did not select the No Action Alternative because the continuation of current management under the No Action Alternative will not (1) conform to the Guidelines for Livestock Grazing Management; (2) ensure livestock grazing management continues to achieve the Standards for Rangeland Health; and (3) address the goals and objectives of the AMP and the Purpose and Need.

E. AUTHORITY

The enclosed Chalk Hills AMP/EA DOI-BLM-OR-B050-2010-0020-EA is tiered to the September 1991 Three Rivers Proposed Resource Management Plan (PRMP)/Final EIS. Relevant information contained within this document is incorporated by reference. Alternative C is in conformance with the Three Rivers RMP, September 1992, even though it is not specifically provided for, because it is clearly consistent with the following RMP decision(s):

1. Improve or maintain erosion condition in moderate or better erosion condition (Appendix 9, pg. Appendices 87).
2. Adjust allotment capacities and management system, as needed, to address minerals development impact (Appendix 9, pg. Appendices 87).
3. Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment as shown in Appendix 9. Range improvements will be constrained by the Standard Procedures and Design Elements shown in Appendix 12 (GM 1.3, pg. 2-36).
4. Adjust overall grazing management practices as necessary to protect Special Status Species (SSS) and to maintain or enhance their habitat (SSS 2.1, pg. 2-57). Currently, sage-grouse, or their habitat, are known to exist within the allotment. Fence overflow area at all spring developments to provide meadow habitat for sage-grouse (SSS 3.3, pg. 2-60).
5. Implement a rotation or deferred grazing system on all allotments within big game ranges (WL1.2, pg. 2-66).
6. Maintain browse on at least 85 percent of the acreage in deer winter range currently supporting browse (WL1.3, pg. 2-67). Approximately 71 percent (6,873 acres) and 100 percent (9,688 acres) of Chalk Hills Allotment is classified as deer winter and summer range, respectively.

Alternative C has also been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (42 U.S.C. 4321-4347), 1970
- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- Endangered Species Act (16 U.S.C. 1544), 1973
- Public Rangelands Improvement Act (43 U.S.C. 1901), 1978
- 1992 Three Rivers RMP/Record of Decision/Rangeland Program Summary
- August 12, 1997 Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the BLM in the States of Oregon and Washington
- 1998 Burns District Noxious Weed Management Program EA (OR-020-98-05)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon, August 2005
- State, local, and Tribal laws, regulations, and land use plans

F. RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Three Rivers Resource Area Field Manager, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision.

The protest, if filed should clearly and concisely state the reason(s) as to why the Proposed Decision is in error.

In the absence of a protest, the Proposed Decision will become the Final Decision of the authorized officer without further notice unless otherwise provided in the Proposed Decision. Any protest received will be carefully considered and then a Final Decision will be issued.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the Final Decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the Final Decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error and otherwise complies with the provisions of 43 CFR 4.470. Within 15 days of filing the appeal and any petition for stay, the appellant must serve a copy of the appeal and any petition for stay to any person named in the decision and listed at the end of the decision (43 CFR 4.471(b)). The petition for a stay and a copy of the appeal must also be filed with the Office of Hearing and Appeals at the following address:

United States Department of the Interior
Office of Hearings and Appeals
405 South Main Street, Suite 400
Salt Lake City, Utah 84111

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b)(1), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days of receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions, contact either Autumn Toelle at (541) 573-4461, or me at (541) 573-4425.

Sincerely,

/signature on file/

Richard Roy
Three Rivers Resource Area Field Manager