

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

Cottonwood Creek Allotment Management Plan
Environmental Assessment
DOI-BLM-OR-B050-2010-0049-EA

INTRODUCTION

Three Rivers Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze recommended management actions developed through an Interdisciplinary Team (IDT) and the 2006 evaluation process for Cottonwood Creek Allotment to aid in accomplishing resource objectives, Standards for Rangeland Health and Guidelines (S&Gs) for Livestock Grazing Management, and land use plan objectives for Cottonwood Creek Allotment set forth in the 1992 Three Rivers Resource Management Plan/Record of Decision (RMP/ROD)/Rangeland Program Summary.

Cottonwood Creek Allotment #05522 is located approximately 40 air miles northeast of Burns, Oregon. There are 8,196 acres of Bureau of Land Management (BLM)-managed land plus 1,197 acres of privately-owned land within the allotment for a total of 9,393 acres.

During the 2006 Cottonwood Creek Allotment Evaluation an IDT of Burns District BLM staff determined that Watershed Function – Riparian/Wetland Areas (Standard 2) is not being achieved on Cottonwood Creek within the Cottonwood-Palmer Pasture. In this pasture, the creek is relatively wide and shallow and livestock, in addition to conifer encroachment into the riparian area, is a causal factor in not achieving this Standard. This Standard is achieved in Exclosure and Creek-Reservoir Pastures; however, conifer encroachment is still reducing watershed function along Cottonwood Creek in those pastures. This Standard is not applicable in the Burnt Basin Pasture as there is no perennial water. The evaluation also found that Water Quality (Standard 4) was not achieved on Cottonwood Creek throughout the allotment. Although cattle have an effect on water quality, they were determined not to be the significant contributor to the Standard not being achieved in Creek-Reservoir or Exclosure Pastures during the 2006 S&G assessment (this Standard is not applicable in the Burnt Basin Pasture as there is no perennial water). The Native, Threatened or Endangered, and Locally Important Species (Standard 5) was also found to not be achieved on Cottonwood Creek due to water in the creek entering the allotment above the State temperature standard (68 °F). This Standard is being achieved for all upland species throughout the allotment. Standards fully achieved in the allotment include Watershed Function – Uplands, and Ecological Processes; however, these Standards are at risk of not being achieved in the future due to conifer encroachment within the allotment. See Table 1 in the attached EA for more information on Standards for Rangeland Health Determinations.

Guidelines for Livestock Management are not being achieved due to current grazing management not providing periodic growing season rest to forage plant species within the Cottonwood Creek Allotment. The 2006 Evaluation determined that the 1994 Allotment Management Plan (AMP) described management that only resulted in partial growing season rest, not periodic full growing season rest throughout the allotment. The 2006 Allotment Evaluation recommended a formal change in grazing management be made to include periodic growing season rest for all pastures within the allotment. While three of the five Standards are being achieved on uplands, they are at risk for not being achieved in the future due to years of consecutive grazing during the growing season. While effects of not providing periodic growing season rest had not caused a downward trend in upland condition as determined in the 2006 Cottonwood Creek Allotment Evaluation, 1994 to 2010, the average active use on this allotment was 294 Animal Unit Months (AUMs), which is 30 percent of permitted active use. The uplands are at risk for undesirable compositional changes as key species decline in vigor and population if the current trends are maintained, at the permitted active use level and no periodic grazing season rest occurs. When there is no rest during the active plant growth period, the plant (usually) has little opportunity for regrowth and recovery due to the lack of sufficient moisture late in the season, making it unable to complete an annual life cycle. Plants that are unable to complete their annual life cycles periodically generally show a decrease in vigor and abundance. This lack of growing season rest has already played a role in not achieving Standards 2, 4, and 5 within the Cottonwood-Palmer Pasture.

SUMMARY OF THE PROPOSED ACTION

The following would be the result of the Proposed Action.

1. Livestock Grazing Management:

Livestock grazing management is designed to provide periodic growing season rest for plant species. Use periods and livestock numbers may vary annually as outlined under Adaptive Management, (Chapter II, A. Actions Common to All Alternatives); however, total permitted AUMs would not exceed 996.

Current permitted season of use would stay from April 16 through September 30 for Permit #3601627. All pastures would receive at least one defer grazing treatment every third year, providing periodic growing season rest to all pastures and conforming to Guidelines. This grazing management would require a new pasture be created from the western portion of Creek-Reservoir Pasture, using four short sections of gap fences. If drift around the gap fences appears to be excessive, a solid fence would be constructed.

Periodically grazing would be allowed to occur within the enclosure, for a short duration, in order to reduce the aboveground biomass that has accumulated. Utilization would be limited to no more than 40 percent, and would occur no more than every other year.

2. Permit Renewal

One 10-year term grazing permit (#3601627) would be renewed with no changes in Active Use AUMs in Cottonwood Creek Allotment. The permit would be issued with changes to the terms and conditions, encompassing all changes within this AMP. Actual use billing would continue to be authorized as part of this AMP.

3. Proposed Range Improvements

Refer to attached AMP/EA Map G: Proposed Range Improvements. General Project Design Elements for Proposed Range Improvements would be implemented as described in the AMP/EA.

a. Gap Fence Construction

Four gap fences would be constructed for an approximate total of 1-mile of new fences. These fences would be located in the current Creek-Reservoir Pasture, along Cottonwood Creek. Cottonwood Creek is in a steep canyon as it runs through Creek-Reservoir Pasture and there are only a few locations where cattle can cross. By blocking these crossings using the gap fences, it would be difficult for cattle to travel between the east and west sides of the creek. Therefore, these gap fences would result in the creation of a fourth pasture, Squaw Creek Pasture, which would encompass the area west of Cottonwood Creek.

b. Creek-Reservoir Pasture Division Fence

If monitoring indicates the gap fences described above are not adequate to keep livestock from travelling between the new Squaw Creek Pasture and Creek-Reservoir Pasture, a full division fence would be constructed. This fence would tie into three of the four gap fences and end at the allotment boundary fence. This fence would add an additional 1.3 miles of fence (approximately). Gap Fence #4 would be removed since it would no longer be necessary.

c. Conifer Reduction

Conifers, especially western juniper and to some extent ponderosa pine, are encroaching upon all rangeland and riparian plant communities in the Project Area to various degrees. The Project Area for conifer reduction would be west of North Cottonwood Road (or west of private property boundary where the road travels across private property) to the allotment boundary. The Project Area is approximately 2,220 acres; however, treatment would not occur on all acres within the treatment area. In Cottonwood-Palmer Pasture, approximately 1.5 acres would be treated east of North Cottonwood Road to the private property boundary; this small area includes the approximate 275 feet of Cottonwood Creek that is not in the enclosure.

Treatments would reduce the densities of small diameter juniper trees and thin areas of densely stocked ponderosa pine trees. Old growth juniper and clumps of conifers would be left throughout the allotment for diversity and habitat needs. All nest trees would be left and special care would be taken to protect them when working in the vicinity. No action areas would be left to provide cover for wildlife. Treatments would consist of cutting followed by hand piling or machine piling and pile burning, or cutting and leaving.

Riparian areas would be the top priority for treatments. Following conifer reduction, riparian woody species such as cottonwood trees may be planted along the creeks within the allotment to help improve riparian conditions.

d. Reservoir Maintenance

Reservoir maintenance would include the cleaning and maintenance of the reservoir to ensure continued function, as needed. This may include, but is not limited to, the application of bentonite and dam reconstruction, as needed.

4. Monitoring: Monitoring by BLM staff, in coordination with the livestock operator, of the success in achieving allotment-specific resource objectives would take place following implementation.

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 Proposed Action would occur in Cottonwood Creek Allotment and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Three Rivers Proposed RMP/Final Environmental Impact Statement (PRMP/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 Three Rivers RMP/ROD, and implementing range management programs within the scope and context of this document.

Intensity

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

1. Impacts that may be both beneficial and adverse. The EA considered potential beneficial and adverse effects. Project Design Features were incorporated to reduce impacts. None of the effects are beyond the range of effects analyzed in the Three Rivers PRMP/FEIS, to which the EA is tiered.

Air Quality: The Proposed Action would produce smoke from pile burning fires and to a lesser degree dust from mechanical treatments. Impacts to air quality from pile burning could range from reduced visibility, to pneumonic irritation, and smoke odor affecting people in proximity to the Project Area when such treatments are underway. These impacts are short-lived. Impacts to air quality from mechanical treatments would be airborne dust generated while operating that would reduce visibility in the immediate Project Area, ceasing quickly when such operations stop. The amount of impact would be dependent on atmospheric conditions at the time of ignition.

Cultural Heritage: Under the Proposed Action Alternative, cultural resources would not be affected by grazing effects except in existing and new congregation areas that might arise near proposed range developments. Fencing projects could create new congregation areas where existing or undiscovered cultural resources would be affected by livestock impacts (primarily hoof shear). These range developments would be inventoried prior to construction and the best method to minimize or eliminate effects to nearby cultural resources would be utilized. For conifer reduction, the Project Area will be surveyed prior to treatment and sites would be removed from cutting units. Piles will not be constructed on areas with cultural resources. Waterhole cleanouts would not affect nearby cultural sites as long as heavy equipment used in the cleanout stayed within the original reservoir footprint and used existing access roads.

Fire Management: The Proposed Action would reduce intensity and severity of wildfires and risk to firefighters. Suppression actions would be able to employ more direct attack strategies minimizing acres burned in wildfires. Implementation of the Proposed Action would lower the risk of a large-scale, high-intensity wildfire event occurring within the allotment. Fire behavior in treated areas can be expected to have low rates of spread, low fire intensities, and low flame lengths immediately following fuel treatments.

Fisheries/Special Status Species: Altering the vegetation within the riparian zone to facilitate expansion of existing deciduous vegetation would improve aquatic habitat and conditions for fish. The existing deciduous component would be enhanced due to reduced competition with conifers. By expanding the deciduous community, greater bank stability, sediment capture, nutrient input, and water storage and release is expected. Expanding the riparian hardwood community would also affect the aquatic food web by increasing inputs of terrestrial insects from riparian areas. Benefits to redband trout from conifer thinning would only be realized above the reservoir as Cottonwood Creek does not support a fishery below the reservoir.

Forestry/Woodlands: Stocking of expansion western juniper would decrease to be more in line with historical levels. Small and medium sized ponderosa pine stocking would be reduced by thinning of some densely stocked areas. The pines that remain would have increased vigor and be more able to withstand natural disturbance processes such as fire and insect attack. Ponderosa pine would exist in a level more characteristic of the historical pine woodland. Bitterbrush, bunchgrass and other upland vegetation would benefit from the decreased stocking of trees due to decreased competition for resources.

Grazing Management/Rangelands: Livestock grazing management would be made to continue to achieve Standards currently being achieved and conform to Guidelines and range improvement projects would occur to aid grazing management. The addition of the Squaw Creek Pasture would allow for improved management and distribution; the amount of time livestock graze near Cottonwood Creek and Cottonwood Reservoir would be reduced, increasing the opportunity for riparian species to complete their lifecycle. By providing for defer treatments, periodic growing season rest to key forage plant species would occur, allowing key forage plants the opportunity to complete their life cycles, store carbohydrates, and produce the maximum amount of cover and herbage, resulting in more abundant and vigorous plants. Conifer reduction would improve the quality of the riparian areas and the uplands by releasing the understory from competition with conifers. This would increase the amount of forage available to both wildlife and livestock. Conifer reduction would also decrease the likelihood of an unnatural stand replacement wildfire and increase the ability of the system to recover from one. The proposed reservoir maintenance would ensure current watering sources remain functional and continue to collect and hold water, allowing for appropriate distribution throughout the allotment.

Migratory Birds: The proposed grazing strategy is expected to provide growth and cover of current year's herbaceous upland vegetation during the nesting and early brood-rearing periods for migratory birds on 45 to 76 percent of the allotment, and would enhance the vigor and resilience of existing plant communities. Deferred grazing would also reduce potential disturbance to all upland nesting birds from livestock use and associated management activities. Constructing fences may increase the risk of collision to flying birds. The fence would be located in the uplands away from the creek to reduce the risk to birds flying between the water in the reservoir and the uplands. Fences would increase the number of available perches for territorial singing, hunting, and other activities. Migratory birds would be displaced from the area during construction and maintenance activity, but displacement would be temporary and small in area. Conifer reduction would affect migratory bird diversity and use across the allotment by reducing the structural complexity of the allotment. This treatment would favor open sagebrush associated species, but would still support limited habitat for tree and cavity nesting species. Cut juniper trees left onsite would act as small refuges, protecting young plants from livestock and wildlife browsing. Planting woody riparian species along Cottonwood Creek would accelerate the transition to later seral plant communities, providing greater vegetative structure and cover, and would provide more foraging and nesting areas for birds. Broader distribution of livestock would increase the total area regularly accessed by livestock, but would provide a more even spatial distribution of residual vegetation in the allotment.

Noxious Weeds: The Proposed Action involves an increase in short-term disturbances during conifer cutting activities and fencing project work; however, the potential for persistent weed issues in the allotment would be less than the no action. Piling and burning cut trees is not advisable where medusahead is present since it would likely expand in the burned area. The grazing management should promote vigorous, productive plant communities, which would better utilize the resources of the site, lessening opportunities for noxious weed introduction and spread.

Recreation/Visual Resources: The Proposed Action would improve overall health of the allotment. Grazing management that improves riparian condition and water quality would be beneficial to fish habitat and improve fishing opportunities. Project guidelines ensure that mountain mahogany stands and conifer islands within the Project Area provide cover for mule deer and elk. Overall recreational opportunities such as fishing and hunting would then be improved.

Riparian Zones, Wetlands, and Water Quality: Riparian areas along Cottonwood Creek would receive graze-defer treatments which may not improve riparian zones since late season use reduces time for riparian regrowth and recovery to occur. Defer use would reduce residual vegetation for spring runoff the following year. Cutting and leaving down juniper may help deter cattle from congregating in riparian areas. Reintroducing and mimicking natural processes such as conifer removal should result in a positive vegetation response. A short-term reduction in stream shade would occur, but reducing competition from juniper and other conifers in riparian zones should facilitate long-term recovery of deciduous woody and herbaceous riparian communities. Overall riparian benefit would be highest above the reservoir as the riparian potential below the reservoir is limited due to fluctuating/unnatural streamflows.

Social and Economic Values: Construction of range improvements, reducing conifers and performing maintenance on existing facilities would provide economic opportunities to the local communities through the purchase of supplies and services. Developments would provide periodic rest to upland vegetation and better cattle distribution improving rangeland conditions and providing for continued livestock grazing. This improved condition would also enhance recreational opportunities such as hunting and wildlife viewing. Expanding existing deciduous vegetation in riparian zones would improve aquatic habitat and conditions for fish; thereby, promoting fishing opportunities.

Soils and Biological Soil Crusts: Effects to soils and soil compaction from hoof impact would be better distributed throughout the allotment and, as a result, reduced. Soils could be disturbed, and Biological Soil Crusts (BSCs) reduced, in localized areas from mechanized equipment used for implementation of the Proposed Action.

Mechanical impacts would be primarily considered short term in nature. An exception would be areas immediately adjacent to new fencelines, which would have increased livestock concentration and would likely increase soil compaction, reduce BSC cover, and limit recruitment for the duration of the increased use. By removing conifers livestock would be encouraged to disperse from these areas, allowing vegetation to reestablish leading to improved soil stability and the establishment or improvement of BSCs. Where juniper is cut and dropped, microhabitats would develop allowing for increased vegetative growth which would lead to increased soil stability and the development or improvement of BSCs. In areas where juniper is cut, piled and burned, there would be short-term disturbance. Long-term potential impacts would be dependent upon the degree and constancy of the potential impacts. This alternative would allow for recovery of soils and BSC in areas previously experiencing increased use.

Special Status Species: Greater sage-grouse is designated as a Candidate species by the U.S. Fish and Wildlife Service, and juniper encroachment of sagebrush steppe communities is listed as a threat to sage-grouse habitat (75 FR 3910). A recently published scientific monograph on sage-grouse also identified juniper encroachment as a major threat to sage-grouse (Knick and Connelly eds. 2011). The update to the Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2011) also states that juniper and sage-juniper are the two largest risks to sage-grouse habitat in the Burns District Implementation Area (which includes Cottonwood Creek Allotment). The juniper in Cottonwood Creek Allotment is encroaching into some of the open sagebrush communities and degrading sage-grouse core habitat. The proposed juniper treatments would immediately control the threat of juniper, improve sage-grouse habitat in the allotment, and facilitate sage-grouse movement within and through the area. Conifer reduction would improve sage-grouse habitat by enhancing and expanding potential foraging and nesting areas. Older juniper, as well as some younger juniper that is left untreated, would continue to impair sage-grouse habitat where juniper cover approaches or exceeds 5 percent. Sage-grouse would not likely utilize areas with dense juniper, and treatments in these areas would not directly affect sage-grouse. Birds in open sagebrush habitat adjacent to areas being treated may be displaced, but would quickly return following cessation of treatment activity. Conifer treatment in riparian areas would reduce the risk of a stand replacing wildfire and protect nesting habitat for bald eagles. Planting woody riparian species along Cottonwood Creek would have no measurable effect on sage-grouse or bald eagles, but may provide potential eagle nesting habitat in the long term. The grazing schedule would maintain adequate herbaceous screening cover through the nesting and early brood-rearing period on approximately half the allotment annually, and three-fourths of the allotment every third year. This would reduce potential disturbance to nesting sage-grouse and bald eagles in these pastures by livestock grazing or associated management activities.

Constructing fences would create a new obstruction for birds flying through the allotment, and would increase the risk of collision. Fences also create elevated perches in sagebrush vegetation and may expand the hunting territory or increase hunting efficiency of some avian predators of sage-grouse and their nests. The fence would be located in the uplands away from the creek to minimize the collision risk to birds, especially hunting eagles, flying between the water and the uplands. Special Status Species birds would be displaced from the area during construction activity, but displacement would be temporary and localized around the areas of construction and maintenance.

Upland Vegetation: Proposed range improvements would facilitate grazing management, which should maintain or improve upland plant communities. Periodic growing season rest would allow for improved plant vigor and diversity, improved plant community composition, age class distribution and overall production within the allotment. Deferred livestock grazing would allow upland forbs and grasses to complete their reproductive cycles. Livestock distribution would be improved, which would allow for increased control of livestock grazing. The addition of the Squaw Creek Pasture would allow cattle to be periodically removed from the area around Cottonwood Creek and Cottonwood Reservoir in the Creek-Reservoir Pasture. Impacts resulting from fence construction would be minimal and temporary. Impacts to upland vegetation from reservoir maintenance would also be minimal due to the fact that the reservoirs are already constructed and would not be expanded in size. The proposed conifer reduction would result in reduced competition for vegetation in the understory, resulting in less bare ground and more abundant and vigorous perennial grasses and shrubs. Pile burning would limit the amount of understory lost while reducing the fuel load and the risk of wildfire. Areas of short-term damage to vegetation may occur where the juniper is piled. The Proposed Action would improve overall rangeland health by encouraging productivity, vigor, and diversity of plant communities within Cottonwood Creek Allotment. Current carrying capacity for all demands (wildlife and livestock) would be maintained or improved as plant communities would remain in stable to upward trend in rangeland condition.

Wildlife: The proposed grazing strategy is expected to provide maximum growth and cover of current year's herbaceous upland vegetation on 45 to 76 percent of the allotment and would enhance the vigor and resilience of existing plant communities. Wildlife, especially small mammals, reptiles, and amphibians would benefit due to the wider distribution and retention of adequate hiding cover during the breeding season. Deferring grazing would reduce competition between big game and livestock when they have dietary overlap. Constructing fences may affect movement of big game through the allotment. Fences would be located in the uplands away from the creek to minimize the risk of entanglement or injury to big game traveling through the riparian corridor.

Conifer reduction would reduce structural complexity, which may result in decreased distribution and abundance of wildlife species that prefer a more extensive tree cover component. The structural complexity would become more typical of conditions prior to Euro-American settlement. Conifers retained onsite would provide adequate seasonal cover and forage for big game. Planting woody riparian species would provide more forage and cover over a shorter timeframe for numerous wildlife species residing near the creek or traveling between the creek and the uplands. Maintenance of water sources in the uplands would provide a more reliable late season water source in the uplands, and help reduce livestock concentration, trampling, and heavy utilization along Cottonwood Creek. Disturbance, including displacement of wildlife, during maintenance activities may occur, but this impact would be temporary.

2. Degree to which the Proposed Action affects public health and safety. No aspect of the Proposed Action or alternatives would have an effect on overall 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. There are no unique characteristics within or around the Cottonwood Creek Allotment.
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 Proposed Action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or alternatives.
5. Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS to which this proposal is tiered.
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. This project neither establishes a precedent nor represents a decision in principle about future actions. 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 Three Rivers PRMP/FEIS which encompasses the Cottonwood Creek Allotment. The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions. Continued livestock grazing, weed treatments, road maintenance, recreation activities, and Otis Mountain/Moffet Table Fuels Management Project EA OR-06-025-056 are all Reasonably Foreseeable Future Actions (RFFAs).

The Celatom Mine Expansion Project includes about 11.3 acres of Cottonwood Creek. Although the Celatom Mine Expansion Project is an RFFA, it is still in National Environmental Policy Act (NEPA) process and subject to change based on public comments in future NEPA analysis and subsequent administrative remedies. Therefore, effects of this RFFA for mine expansion were not addressed in this analysis. The cumulative effects of these actions were thoroughly addressed throughout Chapter III by resource as applicable.

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 T&E species or their habitat affected by the Proposed Action or alternatives.
10. Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Action and alternatives do not threaten to violate any law. The Proposed Action is in compliance with the Three Rivers 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 Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (September 1991);
2. The Proposed Action and alternatives are in conformance with the Three Rivers RMP/ROD (1992);
3. There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and
4. The environmental effects, together with the proposed Project Design Features, 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.

/signature on file/
Richard Roy
Three Rivers Resource Area Field Manager

September 16, 2011
Date

4160 (ORB050)

NOTICE OF PROPOSED DECISION
To Implement
Cottonwood Creek Allotment Management Plan
Environmental Assessment
DOI-BLM-OR-B050-2010-0049-EA
and Renew Term Grazing Permit

Dear _____ :

You are receiving this Proposed Decision because you are an interested public, permit holder of record or lien holder of record.

A. BACKGROUND

The Cottonwood Creek Allotment Management Plan/Environmental Assessment (AMP/EA) analyzed issues emerging from the 2006 Cottonwood Creek Allotment Evaluation process to aid in accomplishing resource objectives, reduce conifers (especially western juniper) within the allotment and along riparian areas, achieve Standards for Rangeland Health and Guidelines for Livestock Grazing Management in Cottonwood Creek Allotment, and to address the permittee's request to 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 Cottonwood Creek AMP/EA, it is my Proposed Decision to authorize implementation of Alternative B: Proposed Action – Management Changes and Project Development, which includes the following elements:

- Adaptive management and monitoring
- Management Changes
- Fence Development
- Conifer Reduction
- Reservoir Maintenance
- Renewal of one 10-year term grazing permit

Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in the Cottonwood Creek 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 B will provide measurable progress toward achieving Guidelines for Livestock Grazing Management (August 12, 1997) determined as not achieved in the 2006 Cottonwood Creek Allotment Evaluation and demonstrate significant progress¹ toward fulfilling fundamentals of rangeland health. Alternative B was also designed to achieve Cottonwood Creek Allotment resource objectives brought forth and revised from the 2006 Cottonwood Creek Allotment Evaluation.

1. Proposed Management

a. Livestock Grazing Management

Livestock grazing management is designed to provide periodic growing season rest for plant species. Use periods per pasture may vary annually in order to provide for recommended rest periods described in the table below. Livestock numbers may vary annually as outlined under Adaptive Management (Chapter II, A. Actions Common to All Alternatives); however, total permitted AUMs will not exceed 996.

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 definition of the word.

Current permitted season of use will stay from April 16 through September 30 for Permit #3601627, which will be adequate to carry out the proposed grazing management. Refer to Maps C, D, and E for proposed grazing schematics and Appendix A for Grazing Treatment Descriptions.

| Year | Pasture Name | Livestock # | Approximate Use Dates | Approximate AUMs | Season of Use (Grazing Treatment Description) |
|------|-------------------|-------------|-----------------------|------------------|---|
| 1 | Cottonwood-Palmer | 51 | 05/01-07/15 | 127 | Graze |
| 1 | Burnt Basin | 92 | 05/01-09/15 | 417 | Graze |
| 1 | Creek-Reservoir | 175 | 07/15-08/15 | 213 | Defer |
| 1 | Squaw Creek | 175 | 08/16-09/30 | 236 | Defer |
| 2 | Cottonwood-Palmer | 51 | 07/15-09/30 | 130 | Defer |
| 2 | Burnt Basin | 150 | 05/01-07/15 | 375 | Graze |
| 2 | Creek-Reservoir | 191 | 08/16-09/30 | 289 | Defer |
| 2 | Squaw Creek | 190 | 07/15-08/15 | 200 | Defer |
| 3 | Cottonwood-Palmer | 52 | 05/01-07/15 | 130 | Graze |
| 3 | Burnt Basin | 141 | 07/15-09/30 | 361 | Defer |
| 3 | Creek-Reservoir | 100 | 07/16-09/30 | 253 | Defer |
| 3 | Squaw Creek | 100 | 05/01-07/15 | 250 | Graze |

All pastures will receive at least one defer grazing treatment every third year. This grazing management will require a new pasture be created from the western portion of Creek-Reservoir Pasture. As discussed below in Proposed Range Improvements, this will be done by using four short sections of gap fences which will reduce the likelihood of livestock crossing between the new Squaw Creek Pasture and Creek-Reservoir Pasture. However, since the entire pasture boundary will not be fenced, some drift will likely occur between the pastures, especially when Cottonwood Reservoir is low; this drift will be monitored, and if it appears to be excessive, a solid fence will be constructed. Under this grazing management, all pastures will receive periodic growing season rest (in the form of a defer grazing treatment) at least every third year (which is lacking under current management), resulting in conformance to Guidelines.

The 54-acre riparian enclosure will not be grazed regularly. However, the enclosure will be monitored, and periodically grazing will be allowed to occur within the enclosure, for a short duration, in order to reduce the aboveground biomass that has accumulated. Utilization will be limited within the enclosure to no more than 40 percent, and will occur no more than every other year. While grazing may be authorized within the enclosure, grazing is authorized based on the condition of the enclosure and will not occur regularly.

b. Permit Renewal

The Proposed Action also includes renewal of the existing livestock grazing permit (#3601627) in Cottonwood Creek Allotment for the current permittee. A new 10-year term livestock grazing permit will be issued to continue 996 active use AUMs of livestock grazing on public land as outlined in Table 4. No changes to AUM numbers will occur. The permit will be issued with changes to the terms and conditions, encompassing all changes within this AMP.

Actual use billing will continue to be authorized as part of this AMP because of the variability in forage production from year to year, and the unreliability of water sources. Annual grazing will be authorized with a Letter of Authorization prior to turnout. Conditions are that accurate records are kept and an Actual Use Grazing Report is submitted within 15 days after the authorized use is completed. If conditions are not met, actual use billing will no longer be allowed, and advanced billing will occur.

Adaptive management is based upon achieving resource objectives (Allotment Specific Resource Objectives in Chapter I (C), 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). Adaptive management recognizes that knowledge about natural resource systems is sometimes uncertain and, in this context, adaptive management affords an opportunity for improved understanding. Knowing uncertainties exist in managing for sustainable ecosystems, changes to the proposal 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, not to exceed 15 days outside of the permitted season of use, and will not allow use above the total permitted use for the allotment.
- Drought causing lack of available water in certain areas originally scheduled to be used.
- Changes in use periods to balance utilization levels per pasture.
- Damages to the riparian and water resources.

Flexibility in grazing management 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 meet resource objectives, they are implemented annually working with the permittee.

2. Proposed Range Improvements

Refer to Cottonwood Creek AMP/EA, Map F for the location of existing range improvements and refer to Map G for the Proposed Action range improvement locations.

a. Gap Fence Construction

The development of four gap fences will be constructed. These fences will be located in the current Creek-Reservoir Pasture. Gap Fence #1 will be located in T. 19 S., R. 36 E., Section 9, W $\frac{1}{2}$, and will be approximately 0.6-mile long, this will be the longest gap fence and will parallel Cottonwood Reservoir, limiting livestock access to the reservoir from the west side. Gap Fence #2 will be located in T. 19 S., R. 36 E., Section 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and will be no more than 0.2-mile long on Bureau of Land Management (BLM)-managed land. This fence would connect to a gap fence located on the adjacent private property. Gap Fence #3 will be located in T. 19 S., R. 36 E., Section 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and will be less than 0.1-mile long. Gap Fence #4 will be located in T. 19 S., R. 36 E., Section 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and will also be less than 0.1-mile long. In total, there will be less than 1-mile of new fence construction. These fences will be 3-strand barbed wire fences, and will follow the General Project Design Elements for Proposed Range Improvements (described below). Since Cottonwood Creek is in a steep canyon as it runs through Creek-Reservoir Pasture, there are only a few locations where cattle can cross. By blocking these crossings using the gap fences, it will be difficult for cattle to travel between the east and west sides of the creek. Therefore, these gap fences will result in the creation of a fourth pasture, Squaw Creek Pasture, and will encompass the area west of Cottonwood Creek.

b. Creek-Reservoir Pasture Division Fence

If monitoring indicates the gap fences described above are not adequate to keep livestock from travelling between the new Squaw Creek Pasture and Creek-Reservoir Pasture, a full division fence will be constructed. This fence will begin in T. 19 S., R. 36 E., Section 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$, where it will tie into Enclosure Pasture Fence. The fence will travel through Sections 4 and 9, will tie into Gap Fence #1, and then will continue to private property (Section 16); the private property owner will be responsible for fencing on his property. The fence will connect Gap Fence #2 and Gap Fence #3 and then tie into the allotment boundary fence in T. 19 S., R. 36 E., Section 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$. This fence will add an additional 1.3 miles of fence (approximately). However, Gap Fence #4 will be removed since it will no longer be necessary. This fence will be 3-strand barbed wire, and will follow the General Project Design Elements for Proposed Range Improvements.

c. Conifer Reduction

Conifers, especially western juniper (*Juniperus occidentalis ssp. occidentalis*) reduction, and to a lesser extent ponderosa pine (*Pinus ponderosa*), is encroaching upon all rangeland and riparian plant communities in the Project Area to various degrees. In many areas, especially riparian areas, conifer was not a natural component of the system. The Project Area for conifer reduction will be west of North Cottonwood Road (or west of private property boundary where the road travels across private property) to the allotment boundary. The total Project Area is approximately 2,220 acres; however, treatment will not occur on all acres within the treatment area. In Cottonwood-Palmer Pasture, approximately 1.5 acres will be treated east of North Cottonwood Road to the private property boundary; this small area includes the approximate 275 feet of Cottonwood Creek that is not in the enclosure. The majority of the treatment will occur within the Creek-Reservoir and Squaw Creek Pastures.

Treatments will reduce the densities of small diameter juniper trees. Old growth juniper and clumps of conifers will be left throughout the allotment for diversity and habitat needs. No action areas will be left to provide cover for wildlife. Treatments will consist of cutting followed by hand piling or machine piling and pile burning, or cutting and leaving. Machine piles will be approximately 8 to 12 feet by 16 to 22 feet in size and will be constructed using grapple equipment during dry or frozen conditions. Hand piles will be 3 to 5 feet by 3 to 5 feet in size.

Hand piling will occur in areas that are sensitive and/or inaccessible to equipment due to slope or terrain. Hand piling will occur within the Cottonwood Creek corridor and along other intermittent streams within the allotment. Piles will be burned when soils are saturated or frozen and there is no potential for the fire to spread. Burning will occur within 2 years of pile construction. Cut and leave treatments will occur in riparian areas where "leave trees" will benefit the riparian system and protect it from wildlife and livestock grazing. Cut and leave will only occur in areas of low fire risk. Pile burning will minimize burned areas, retaining the majority of the existing understory, while reducing the fuel load created by cut conifers. Burned areas will be seeded using a seed mix that will provide competition against annual grasses and other undesirable species; the seed mix will include a combination of native and introduced grasses (namely crested wheatgrass) and forbs.

Most areas of densely stocked ponderosa pine trees will be thinned. All nest trees will be left and special care will be taken to protect them when working in the vicinity. Piles will be placed far enough away from remaining ponderosa pine trees to protect them from burning. Duff will be raked back from the trunks of these trees to further protect them and to increase their chance of survival in a wildfire.

Treating 90 to 100 percent of the riparian area within the project unit will be the main objective. Treatment within riparian areas will be the priority, and will be completed prior to treatments on the uplands. On the uplands, the objectives will be to treat between 90 and 100 percent of sagebrush plant communities in the latter stages of transition to juniper woodlands, and to treat 40 and 60 percent of acreage in an early to middle phase of transition to juniper woodland. Following conifer reduction, riparian woody species such as cottonwood trees may be planted along the creeks within the allotment to help improve riparian conditions. Riparian woody species will be planted in areas where it is unlikely they will naturally become established and are needed to improve riparian condition.

d. Reservoir Maintenance

Reservoir maintenance is not currently needed; however, it will likely be needed sometime in the next 10 years. Reservoir maintenance will include the cleaning and maintenance of the reservoir to ensure continued function. This may include, but is not limited to, the application of bentonite and dam reconstruction, as needed. Note: This does not include maintenance to Cottonwood Reservoir.

e. 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). Cultural resource values will be protected throughout the life of the project.
- (2) Archaeological sites will be avoided within conifer reduction units and activity generated fuels will not be piled within the boundaries of sites.
- (3) Proposed rangeland improvement sites will be surveyed for Special Status plant species prior to implementation. Special Status plant sites will be avoided/protected throughout the life of the project. Special Status plant populations will be avoided within mechanical treatment units if necessary. The District Fuels Botanist will review burn plans prior to project implementation.
- (4) Protect Special Status wildlife species (fisheries and wildlife) habitat throughout the life of the project. Structures or areas with Special Status Species (SSS) habitat value identified during wildlife surveys will be protected during project implementation. The District Fuels Wildlife Biologist and/or the Three Rivers Fisheries Biologist will review burn plans prior to project implementation.
- (5) No range improvement projects will be constructed within 0.6-mile of known sage-grouse lek sites.
- (6) 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.

- (7) The grazing permittees will be responsible for all fence maintenance. Proper fence maintenance will be a stipulation for turnout each year.
- (8) 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 or future National Environmental Policy Act analysis.
- (9) 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, or any future District Noxious Weed EA.
- (10) Piling and burning of cut conifers trees will not occur in or adjacent to medusahead patches.
- (11) All proposed fences will be constructed using BLM approved standards for 3 or 4-strand wire fences.
- (12) Reseeding may take place in areas disturbed by implementation of rangeland improvement projects, including areas where piles were burned. Mixtures of native and adapted grass, forb, and shrub seed may be applied to designated areas with ground-based methods. The mixture will include native and nonnative species such as crested wheatgrass, bluebunch wheatgrass, squirreltail (*Elymus elymoides*), and native forbs. Crested wheatgrass (*Agropyron cristatum*) may 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.
- (13) Avoid manual cutting of conifers with old growth characteristics or obvious wildlife occupation (cavities or nests). Protect such trees during all prescribed fire operations by placing piles far enough away from them to avoid any damage.

- (14) Maintain suitable big game hiding and thermal cover. Ensure that mountain mahogany stands and conifer leave islands continue to function as big game cover following treatments. Retain at minimum 10 percent of expansion juniper within the Project Area to provide cover for mule deer and elk.
- (15) Invasive juniper will be treated within a 2-mile buffer around a greater sage-grouse lek. Treatments will not take place between March 1 and June 15.
- (16) Construction will be avoided within one-half mile of a bald eagle nest, during nesting (usually occurring April 15 to July 15). A wildlife specialist will check the area prior to construction to make sure no birds remain in the nest.
- (17) Hand piles will be located at least 15 feet from deciduous trees found along the stream.
- (18) Burning will follow the Oregon State Smoke Management Plan in order to protect air quality and reduce health and visibility impacts on designated areas.
- (19) As soon as practicable after completion of all project activity within a specific area, routes damaged by vehicles will be maintained or repaired to the condition they were in prior to treatment; all road work will occur within the existing road corridor.

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 June 8, 2011. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on June 15, 2011.

The Burns District BLM received no public comments on the Cottonwood Creek AMP/EA.

D. RATIONALE

This Proposed Decision best meets the Purpose and Need for the Action because it:

1) allows implementation to continue to achieve Standards currently being achieved and moves the allotment toward achieving those Standards not currently achieved, as well as providing growing season rest on upland forage species to allow for conformance to Grazing Guidelines; 2) implements rangeland improvement projects to provide for better cattle distribution and utilization; 3) provides for conifer reduction (primarily western juniper) within a 2,200-acre Project Area (conifer reduction would not occur on all acres within the Project Area), which will help move the allotment toward meeting all Standards; help improve sage-grouse core habitat and facilitate sage-grouse movement within and through the area (EA Page 64); 4) provides flexibility for annual variation in environmental conditions, including drought; and 5) responds to the permittee's request to issue a new 10-year term grazing permit (#3601627) under 43 CFR 4130. In addition the Proposed Decision was based on consultation with affected grazing permittee, local Harney County Government, and conformance with applicable laws and regulations.

I also selected Alternative B: Proposed Action - Management Changes and Project Development 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 B:

1. 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 construct fences and maintain reservoirs, and for conifer reduction. Additional economic benefit may be seen if the Creek-Reservoir Pasture Division 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 B is designed to improve conditions for uplands and riparian areas, 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 B 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.

2. 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.

3. 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 (EA Chapter II.A.2.a.) which will increase the amount of monitoring on upland and riparian areas. It is also seen in the Creek-Reservoir Pasture Division Fence, which will only be constructed if monitoring suggests a large amount of livestock are drifting between the Creek-Reservoir and Squaw Creek Pastures, resulting in unsuccessful management of livestock within those pastures with only the gap fences. 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 grazing due to drought causing lack of available water in certain areas originally scheduled to be used; 3) of changes in use periods to balance utilization levels per pasture; and 4) due to damages to the riparian and water resources.

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

Alternative B will provide growing season rest in each pasture for at least 2 of 4 years and lifecycle completion will occur for key forage plant species during these defer treatments. 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 would maintain or improve upland plant communities.

Livestock distribution will be improved with development of gap fences. Conifer reduction will reduce the amount of water being utilized by conifers, allowing that water to remain in the system. Increased water supply will result in increased production of desired species further reducing the risk of noxious weed establishment and spread. By piling, burning, and seeding burned areas within the allotment, the risk of increasing medusahead rye within the allotment is reduced. Alternative B will improve overall rangeland health by encouraging productivity, vigor, and diversity of plant communities within Cottonwood Creek 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 moves the allotment toward achieving all Standards for Rangeland Health; and (3) address the goals and objectives of the AMP and the Purpose and Need.

E. AUTHORITY

The enclosed Cottonwood Creek AMP/EA DOI-BLM-OR-B050-2010-0049-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 B 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 surface water quality on public lands to meet or exceed quality standards for all beneficial uses as established by the Department of Environmental Quality, where BLM-authorized actions are having a negative effect on water quality (Appendix 9, pg. Appendices 84).
2. Allocate forage to meet elk forage demands (Appendix 9, pg. Appendices 84).
3. Improve and maintain riparian or aquatic habitat in good or better habitat condition (Appendix 9, pg. Appendices 84).
4. Protect SSS or its habitat from impact by BLM-authorized actions (Appendix 9, pg. Appendices 84).
5. Manage approximately 50,000 acres of available productive noncommercial forestlands and woodlands for the enhancement of habitat diversity, minor forest products, watershed protection, and rangeland productivity (F 2, pg. 2-24).
6. Remove or thin selected concentrations of western juniper which adversely affect rangeland, watershed, wildlife habitat or other management objectives (F 2.1, pg. 2-24).

7. 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).
8. Adjust overall grazing management practices as necessary to protect 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.
9. Fence overflow area at all spring developments to provide meadow habitat for sage-grouse (SSS 3.3, pg. 2-60).
10. Implement a rotation or deferred grazing system on all allotments within big game ranges (WL1.2, pg. 2-66).
11. Maintain browse on at least 85 percent of the acreage in deer and elk winter range currently supporting browse (WL1.3, pg. 2-67). Approximately 100 percent (8,472 acres) of Cottonwood Creek Allotment is classified as elk winter range.

Alternative B 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. 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
- 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)
- 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, 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

Enclosure