UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District Office
Three Rivers Resource Area

FINDING OF NO SIGNIFICANT IMPACT

Greater Sage-grouse Habitat Improvement Project
and
Resource Management Plan Amendment
Environmental Assessment

DOI-BLM-OR-08-025-036-EA

INTRODUCTION

Three Rivers Resource Area, Burns District, Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) to analyze the habitat improvement project for greater sage-grouse in an area just south of Highway 20 overlapping the boundary of Harney and Lake Counties. Additionally, the EA analyzes a Resource Management Plan (RMP) Amendment to allow public harvest of wood byproducts in select areas south of Highway 20 and west of Highway 205 in the Three Rivers Resource Area.

The purpose of the habitat improvement project is to remove juniper expansion to restore, maintain, and improve greater sage-grouse habitat and reestablish travel corridors that once existed between Glass Butte and Rye Grass leks (mating/display grounds). The need for action is because juniper has expanded into 80 percent of the open sagebrush habitat in the project area to the extent that it may displace greater sage-grouse from this important lekking and nesting area, and create an impediment to sage-grouse movement through the area.

The purpose of the amendment is to allow the BLM to issue permits to the public for use of woodland byproducts, such as firewood, posts, poles, and juniper boughs, resulting from BLM juniper treatments in the area south of U.S. Highway 20 and west of Oregon Highway 205. The need is to amend the RMP to allow this activity in the identified part of the Three Rivers Resource Area.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined that Alternative C of the project is not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Three Rivers RMP/Final Environmental Impact Statement (FEIS). Therefore, an EIS is not needed.

This finding is based on the context and intensity of the project as described:

Context

The greater sage-grouse habitat improvement project is a site-specific action directly involving approximately 19,700 acres of BLM-administered land on the west edge of the Burns District that by itself does not have international importance. To the extent that the project improves greater sage-grouse habitat and as a result increases the security of greater sage-grouse as a species in Oregon, the Great Basin, and the United States reducing its need for listing under Endangered Species Act (ESA), the project would have progressively smaller beneficial effects from the State to the region to the national level.

Intensity

The Council on Environmental Quality's Ten Significance Criteria (40 CFR 1508.27) were used to determine the intensity or severity of resource and issue effects.

1. *Impacts may be both beneficial and adverse.* The Proposed Action would impact resources as described in the EA. The objective of the project is to manage native plant community successional trajectory to favor the dominance of sagebrush and diminish the ecological importance and amount of western juniper in treated areas. The primary desired objective is to maintain and restore greater sage-grouse habitat values provided by intact big sagebrush and associated plant communities.

   The short- and long-term impacts to other resources and values arise from the direct effects and side effects of cutting junipers and subsequent management of the downed trees to maintain or encourage sagebrush dominance over western juniper in the treated plant communities. These effects were analyzed in the EA. None of the environmental effects discussed in Alternative C of the EA were considered significant in the National Environmental Policy Act context, nor do the effects exceed those described in the Three Rivers RMP FEIS to which the EA is tiered.

2. *Degree to which the Proposed Action affects public health and safety.* The selected alternative would not open new areas to firewood gathering, and therefore would have no effect of public health and safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* The historic and cultural resources of the area have been inventoried and potential impacts are mitigated through avoidance. There are no wilderness characteristics or other unique characteristics in the project area. The project area is typical northern Great Basin public land with its limited attractions, plant communities, associated biological resources and values, history, prehistory, and current social and economic setting.

4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.*

AND

5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* There is inherent risk involved with vegetation manipulation in the Great Basin. Annual weather is very variable and unpredictable. The weather from the time of treatment and for two to several years post treatment is important to the short- and long-term results of the project. Weather is an uncontrollable variable.

   Social agendas are often interjected into vegetation manipulation projects on public lands and presented in terms of scientific controversy or debate and environmental uncertainty. BLM cannot mitigate these social debates. The selected alternative implements scientific information and experiential knowledge gained over the past several decades of managing western juniper expansion in sagebrush plant communities and the short- and long-term impacts to greater sage-grouse habitat values. The Burns District has numerous examples of similar projects successfully implemented. The EA did not find unique or unknown risks to the human environment that were not identified in the Three Rivers RMP EIS.

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.* No part of the selected alternative is precedential. The Burns District has numerous examples of similar successful projects.

7. W*hether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis included recently published scientific information, including the greater sage-grouse monograph (Knick and Connelly eds. 2011) which presented information on effects of several threats at various spatial scales, but did not reveal any cumulative significant effects beyond those already analyzed in the Three Rivers Proposed RMP/FEIS.

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. However, as part of the Project Design Features identified in the attached EA, prior to treatment implementation, a cultural resource specialist would determine if site inventory needs to be completed. In areas where the District archaeologist determines there is no reasonable expectation of cultural resources, site inventories may not be completed. If eligible features were found they would be avoided. Heavy equipment would not be utilized within identified site boundaries. Sites containing artifacts or features susceptible to fire damage or destruction would be protected from burning. Cultural resource properties would be protected throughout the life of the project.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* The goal of the project is to maintain or improve greater sage-grouse habitat values and thereby reduce their need for listing under ESA. There are no known threatened or endangered species or their habitat in the area and none would be affected by implementation of Alternative C.

10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* Implementation of the selected alternative (Alternative C) would not violate Federal, State, Tribal, or local laws, regulations, ordinances, or planning direction designed to protect the environment.

/signature on file/ *July 5, 2011*
Richard Roy Date
Three Rivers Resource Area Field Manager

USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District

DECISION RECORD
for
Greater Sage-grouse Habitat Improvement Project
Environmental Assessment
DOI-BLM-OR-08-025-036-EA

BACKGROUND

The Greater Sage-grouse Habitat Improvement Project and Resource Management Plan (RMP) Amendment Environmental Assessment (EA) analyzed juniper control treatments on approximately 19,700 acres of the Three Rivers Resource Area in western Harney County (Map A).

Greater sage-grouse was recently designated a Candidate species by the U.S. Fish and Wildlife Service (USFWS), and juniper encroachment of sagebrush steppe communities was identified as a threat to sage-grouse habitat (75 FR 3910). A recent scientific monograph on sage-grouse also identified juniper encroachment as a major threat to sage-grouse (Knick and Connelly eds. 2011). Hagen (2011) states that juniper and juniper-sagebrush are the two largest risks to sage-grouse habitat in the Burns District Bureau of Land Management (BLM), specifically identifying the project and surrounding area as being in need of juniper treatment (Hagen 2011). Juniper continues to encroach on open sagebrush communities in the project area, and is degrading occupied sage-grouse habitat between two active lek complexes. The proposed juniper control treatments would immediately restore and improve sage-grouse habitat, and maintain connectivity between the Glass Butte and Rye Grass lek complexes.

During the planning of the project and EA, the public expressed interest in harvesting cut juniper for fuelwood, posts, poles, and other woodland byproducts. However, the Three Rivers RMP does not authorize the BLM to issue permits for public removal of cut (dead-and-down) juniper or harvest of live juniper boughs on BLM-managed lands south of Highway 20 and west of Highway 205. Due to public interest, an amendment to the RMP was developed and analyzed as part of this EA. EA-level plan amendments follow a different administrative remedy process in accordance with BLM Manual H-1601-1, Land Use Planning Handbook (Page 28); therefore, a separate Proposed Decision would have to be issued for the Plan Amendment. This Decision Record pertains only to the control of juniper encroachment, and does not address public harvest of juniper.

COMPLIANCE

The proposed treatment (control juniper encroachment) is in conformance with management direction established in the Record of Decision (ROD) for the Three Rivers RMP of 1992. The RMP objectives, applicable to the Proposed Action include:

- restore, maintain or enhance the diversity of plant communities and wildlife habitat in abundances and distributions which prevent the loss of specific native plant community types or indigenous wildlife species habitat within the Resource Area (WL-7).
- maintain, restore or enhance the habitat of candidate, State listed and other sensitive species to maintain the populations at a level which will avoid endangering the species and the need to list the species by either State or Federal governments (SSS-2).
- maintain, restore or enhance the diversity of plant communities and plant species in abundances and distributions, which prevent the loss of specific native plant community types or indigenous plant species within the Resource Area (V-1).

The attached Greater Sage-grouse Habitat Improvement Project and RMP Amendment DOI-BLM-OR-08-025-036-EA is tiered to the Three Rivers Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS), 1991, and relevant information contained therein is incorporated by reference. The Action Alternatives were designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Three Rivers RMP/ROD (September 1992)
- National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347), 1970
- Federal Land Policy and Management Act (FLPMA) (1976)
- 1998 Burns District Noxious Weed Management Program EA (OR-020-98-05)
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (USDI-2000)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2011)
- State, local, and Tribal land use plans and regulations

The Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2011) identified juniper as a threat to sage-grouse in the project area, and recommended actions to take to reduce this threat to restore sagebrush, native grasses, and forbs while maintaining sage-grouse and sage-grouse habitat. The location of the project area and selection of proper juniper control treatments are based largely on information and conservation guidelines provided in the Oregon Sage-grouse Strategy and with close cooperation of Oregon Department of Fish and Wildlife (ODFW).

DECISION

A Finding of No Significant Impact (FONSI) found the action alternatives analyzed in DOI-BLM-OR-08-025-036-EA did not constitute a major Federal action that will significantly impact the quality of the human environment. Therefore, an EIS was unnecessary and will not be prepared.

Having considered the action alternatives and No Action Alternative and associated impacts, and based on analysis in DOI-BLM-OR-08-025-036-EA, it is my decision to select Alternative C and implement the following actions in the Greater Sage-grouse habitat improvement project area:

1. Project Area – Implement juniper control methods as proposed:

   Cut/Scatter: Juniper growing at low densities or consisting primarily of small trees (Phase I) will be cut and left in place where there will be minimal increased risk of fire spread. Due to the crown width of some trees, cut juniper is often taller than standing juniper. In this case, long branches of cut juniper would be removed and scattered to limit vertical height of cut trees to less than 4 feet. The intent is to eliminate competition between juniper and the sagebrush-bunchgrass communities, minimize the number of potential perches for avian predators, and accelerate the breakdown of cut juniper.

   This treatment area boundary incorporates many acres that do not contain trees due to the low density and scattered nature of juniper expansion. However, this large area was delineated partly for ease of description and partly to account for small trees not identified during project development or field visits. This will be the primary treatment method applied, covering up to 7,345 acres.

   Cut/Limb/Jackpot Burn: Juniper growing at moderate to high densities (Phase II) would be cut down, and branches extending vertically above 4 feet in height would be limbed and stacked on top of the bole. The pile would be jackpot burned in 1 to 3 years after drying. Jackpot burning will be used where fuel loads are discontinuous or in isolated areas with higher fuel concentrations. Jackpot burning would consist of personnel with drip torches or other ignition sources walking through treatment areas and lighting concentrations of cut juniper, although a helicopter equipped with a helitorch may also be used depending on available funds and staffing. Burning by this method would reduce the fine fuels and minimize soil sterilization relative to burning larger, denser machine-pile slash. Jackpot burning would only be conducted under conditions when there is little potential for fire to spread or impact desirable vegetation, such as when the ground is frozen or wet during late fall, winter, or spring. This treatment is conducive to maintaining the shrub and herbaceous component on the site. A mixture of native and desirable nonnative grasses, forbs, and shrub species would be seeded as needed following burning. This treatment would cover up to 3,441 acres.

Cut/Machine Pile/Burn: Juniper growing at moderate to high densities (Phase II-III) would be cut, left in place, and later machine or hand piled prior to being burned. Areas with continuous fuel concentrations or areas potentially creating hazardous conditions for future fire suppression efforts (e.g., near roads), would be piled 2 to 4 years after cutting to allow the wood time to dry. Heavy equipment (e.g., grapple-equipped excavators) would pile the cut juniper. Machine piles are typically 12 feet tall by 16 to 22 feet wide. To limit soil disturbance and reduce potential risk of soil erosion, pile construction would only occur when soil conditions are dry or the ground is frozen. Pile burning would only be conducted under conditions where there is low potential for fire to spread or impact desirable vegetation, such as when the ground is frozen or wet during late fall, winter, or spring. A mixture of primarily native grasses, forbs, and shrub species would be seeded as needed at the pile sites following burning. This would be the least used method in the project area, covering up to 2,473 acres.

Specific locations where each treatment method would be applied are illustrated on Map B. Total acres treated under each method were derived from GIS data, satellite imagery, and field verification. However, not every acre can be accounted for across the landscape, and juniper distribution and density is highly variable within some areas of the project. Minor modifications, such as adjusting project boundaries to avoid tall stands of sagebrush or pockets of presettlement juniper, will occur during layout.

Public Removal of Juniper: No public removal of cut juniper or live juniper boughs would be authorized under this decision in the project or amendment area.

Design Features of Alternative C

Cultural:

- Archaeological sites would be avoided in mechanical treatment areas, and activity-generated fuels would not be piled within boundaries of archaeological sites. District archaeologists would clear project areas prior to implementation.

Vegetation/Wildlife

- Special Status plants would be avoided within mechanical treatment units. Fire intolerant sensitive plants would be protected by constructing burn piles in locations that would not impact those species. A BLM botanist or other person designated by the BLM would identify areas where piles should not be constructed.
- No cutting of juniper with old-growth characteristics or obvious wildlife occupation (cavities or large nests).
- Cut juniper designated to be jackpot or pile-burned would be burned when soils are wet or frozen to reduce threat of soil sterilization and maintain existing shrub and herbaceous plant communities.

- The duration of rest from grazing after burning would be determined by the Field Manager and an Interdisciplinary Team based on plant community response; however, rest from livestock grazing is usually not required after pile burning due to the limited area impacted.
- Mixtures of native and desirable nonnative grass, forb, and shrub seed may be applied to designated areas by way of broadcast seeding by hand or whirlybird seed spreader. Priority will be given to native species that are likely to successfully colonize the site, and desirable nonnatives will only be used in the seed mixture in sites with high potential of erosion or low potential success of native seed. Candidate sites for seeding would be determined on a case-by-case basis as monitoring data are gathered.
- The Greater Sage-grouse Habitat Improvement Project would have both implementation and effectiveness monitoring performed throughout project implementation and following completion of the project (Appendix B, Monitoring Plan).
- No work would be completed within 2 miles of sage-grouse leks between March 1 and June 15, to minimize impacts to greater sage-grouse leks, nests, and during the early brooding period.
- Pygmy rabbit surveys would be completed prior to implementation in the project area. If juniper is found to be invading a site with pygmy rabbits, trees would be cut and scattered by hand. No machine piles would be constructed within 100 feet of pygmy rabbit burrows.
- Tall stands of big sagebrush would not be impacted by project activities and burn piles would not be constructed within 100 feet of such stands.

Visual Resource

- Stumps would be cut to within 12 inches of the ground or no higher than surrounding vegetation to maintain visual aesthetics of the open, sagebrush-steppe community.

Noxious Weeds

- Prior to treatment, noxious weed populations in the area would be inventoried. Weed populations would be treated using the most appropriate methods in accordance with the Burns District Noxious Weed Management Program EA OR-020-98-05, or current policy and NEPA documentation.

- Risk of noxious weed introduction would be minimized by ensuring all equipment (including all machinery, All-Terrain Vehicles, and pickup trucks) is cleaned prior to entry to the site, minimizing disturbance activities (such as limiting the number of piles needed to dispose of concentrations of cut juniper), and completing follow-up monitoring, for at least 3 years. Should noxious weeds be found, appropriate control treatments would be performed in conformance with the Burns District Noxious Weed Program Management EA OR-020-98-05, or current policy and NEPA documentation.

Abandoned Mine Lands

- Reclaimed areas associated with mining activity will be identified and avoided during treatments

Air Quality

- Prescribed burning would follow the Oregon State Smoke Management Plan to protect air quality and reduce health and visibility impacts on designated areas.

Travel

- As soon as practicable after completion of all project activity within a specific area, routes damaged by vehicles would be maintained or repaired to the condition they were in prior to treatment
- Rock aggregate needed for road maintenance due to project related damage on existing graveled roads would be brought in from offsite location and not from rock piles associated with the abandoned or reclaimed cinnabar mines.
- Agreements with landowner cooperators should include provisions for access across their lands to ensure efficient travel for project implementation.
- Project implementation would occur only when soils and road conditions are dry or frozen to prevent road damage and off-road impacts.

COMMENTS RECEIVED

A copy of the original EA and unsigned FONSI were mailed to interested parties. In addition, a notice was posted in the *Burns Times-Herald* newspaper on July 28, 2010. The BLM Burns District received two comment letters, and a summary and Response to Comments follows:

Comment 1: The EA should present and analyze the effects of the Proposed Action on wilderness values, including disclosing and discussing wilderness survey information Oregon Natural Desert Association (ONDA) has provided to BLM, and BLM's evaluation of that information. It is particularly important to study the cumulative impact to wilderness values here because BLM has not studied wilderness values at the land use plan level in the Three Rivers Resource Area.

Response: On Pages 10 and 11 of the EA, BLM noted no areas assessed were found to possess lands with wilderness characteristics. The section in the EA discussing Wilderness Inventory Maintenance (WIM) assessments has been expanded to provide additional detail disclosing the rationale why none of the areas assessed met the requirements for lands with wilderness characteristics (EA at 10, 11). Information submitted by ONDA for lands potentially having wilderness characteristics was evaluated and is referenced in all corresponding WIM assessments (EA at 10). Due to the varied format and quantity of information in the WIM assessments they were not inserted in their entirety in the EA, however, they are now summarized and incorporated by reference (EA at 10, 11). Completed WIM assessments are available to the public at the District Office, and summaries are mailed to interested parties at their request.

Recently, the Interior Board of Land Appeals *[ONDA, 173 IBLA 348 (2008)]* stated, "There is no NEPA requirement that BLM include a wilderness resource discussion in an EA, unless the Proposed Action will result in environmental impacts to such a resource. When BLM has complied the "hard data" in satisfaction of its FLPMA inventory obligation that supports its determination that the requisite wilderness characteristics are not found within the project area outside of existing WSAs, that "hard data" need not be repeated in the EA concluding that no impact will occur to the wilderness resource." (173 IBLA at 354). In addition, a recent 9th Circuit Court Ruling (ONDA v. McDaniel), the Court stated, "the FEIS sufficiently "discloses, discusses, and responds to" the substance of ONDA's comments because it makes clear that BLM considered the areas in question and found that they lacked the requisite wilderness characteristics." The Court concluded "BLM satisfied NEPA by taking a "hard look"" at the effect on wilderness resources even though the NEPA document did not contain the wilderness inventory.

Comment 2: Your discussion should include impacts to roadless areas and wilderness values within the [ONDA proposed Wilderness Study Areas (WSAs)] Sheep Mountain, Lonesome Lakes, Palomino, Buzzard Creek, and Keg Springs proposed WSAs.

Response: According to maps provided by ONDA, three of their proposed WSAs (Sheep Mountain, Lonesome Lakes, and Palomino) overlap portions of the project or amendment area. Potential impacts to lands with wilderness characteristics were not fully analyzed in the EA for these areas, because WIM assessments found that none of the areas met all the criteria for wilderness. For additional information on WIM assessments, refer to response to Comment 1.

The other two ONDA proposed WSAs (Buzzard Creek and Keg Springs) are completely outside the boundary of the project and amendment areas, and are therefore outside the scope of this EA.

Comment 3: The public has had no opportunity to comment on or critique BLM's wilderness evaluation. There also is no way for BLM to satisfy its obligation to ensure against unnecessary or undue degradation of the public lands and their resources and other values, without having engaged in this sort of open analysis. We have obtained and reviewed some of BLM's internal evaluations for the Lonesome Lakes, Sheep Mountain, and Buzzard Creek proposed WSAs. We have requested but not yet received that information for the other units.

Response: In a recent 9th Circuit Court Ruling (ONDA v. McDaniel), the Court stated, "the FEIS sufficiently "discloses, discusses, and responds to" the substance of ONDA's comments because it makes clear that BLM considered the areas in question and found that they lacked the requisite wilderness characteristics." The Court concluded "BLM satisfied NEPA by taking a "hard look"" at the effect on wilderness resources even though the NEPA document did not contain the wilderness inventory. However, even though WIM assessments are not inserted in their entirety in the EA, they are now summarized and incorporated in the EA by reference (EA at 10, 11).

Completed WIM assessments are also available to the public at the District Office, and summaries have been and are being mailed to interested parties at their request. BLM has mailed some completed WIM assessment information to ONDA (recognized in this comment) for review, including assessments for areas overlapping all proposed treatment areas (project area), and portions of the Wagontire West amendment area. BLM will continue to send WIM assessment information as it is completed.

Comment 4: . . . BLM's decision to cut juniper and possibly "restore" primitive two-track routes throughout the 309,700-acre project area will significantly degrade wilderness values.

Response: There would be no affects to lands with wilderness characteristics, as BLM determined wilderness characteristics do not exist in the project area (see Response to Comment 1).

The only ground-disturbing activity proposed is the removal of young juniper (<140 years old) on approximately 13,259 acres of the project area, where they are encroaching on open sagebrush steppe communities and degrading the quality of greater sage-grouse habitat (EA at 12, 13). No treatments or "restoration" of two-track routes are proposed in the remainder of the amendment area.

The Project Design Element in the EA concerning road maintenance has now been clarified, and states that any route damaged during treatment in the project area would be brought back to the condition it was in prior to treatment implementation. No roads will be created or restored as part of the proposed project.

Comment 5: . . . BLM determined that ONDA's Sheep Mountain proposed WSA is not contiguous because, according to BLM, a route along the southern boundary of the Rimrock Lake Unit is a "road" separating that unit from Sheep Mountain proper. This determination is wrong because BLM lacks evidence regarding the condition of this route for over 5 miles of the route. BLM can produce no evidence to contradict ONDA's documentation of primitive conditions that preclude designation as a "road."

Response: The Rimrock Lake WIM assessment is now summarized in the EA and incorporated by reference (EA at 10, 11). Completed WIM assessments, including reports, photographs, photo logs, and route analyses forms are available at the District Office.

BLM established the southern boundary of the Rimrock Lake WIM unit following 3.5 miles of Hay Lake-Deep Valley Road (7245-00), 1.4 miles of Surprise Lake Road (7246-A0), and 1.4 miles of North Sheep Mountain Road (7246-00).

Information submitted by ONDA that overlapped this portion of the amendment area was reviewed and incorporated into the WIM assessment. ONDA's proposed WSA submission provided a narrative description of what they consider to be "ways" along the southern boundary of the Rimrock Lake WIM unit and took photos (GJ20, 21, 22, 23, 26, GS 12) at four points along the southern boundary. BLM evaluated ONDA's narrative description and photos, but did not agree with ONDA's interpretation and BLM affirmed its decision to use these roads for the southern boundary of the Rimrock Lake WIM unit based on additional field verification, 12 new photographs (RR-03-3, RR-06-1, RR-06-2, RR-05-1, RR-04-1, RR-04-2, 2A, 2B, 4A, 4B, 5A, and 5B) taken at five locations along the 6.3-mile boundary, and completion of a route analysis on these roads.

Photographs provide a visual representation of the roads and help illustrate the current condition. However, photographs can only document conditions at one point along a stretch of road at that point in time, and are a supplement to the route analysis forms which disclose the process and rationale for determining whether or not the entire route is a road based on evidence of construction, presence of improvements, maintenance, and signs of regular and continuous use.

The original route analysis for the southern boundary of Rimrock Lake unit was completed in 2007 for Hay Lake-Deep Valley Road and Surprise Lake Road, and documents evidence of construction (blading and roadside berms), improvements (drainage ditches), maintenance (berms from blading), and evidence of regular and continuous use. Additional inventory and assessment completed in 2010 also documents evidence of blading along the roads, and notes that all the roads were passable (not in need of maintenance), and that maintenance would be authorized if the roads became impassable.

Comment 6: . . . BLM wrongly determined that the Rimrock Lake unit itself lacked wilderness characteristics because the unit does not have outstanding opportunities for solitude and for primitive and unconfined recreation. This determination is arbitrary because it is predicated on the erroneous separation of Sheep Mountain from the rest of the roadless area in the Rimrock Lake unit and because over 6,000 acres of land within the Rimrock Lake unit alone are more than 1-mile from any road, providing outstanding solitude and unconfined recreation.

Response: See the Response to Comment 5 regarding the rationale for selection of the southern boundary of the Rimrock Lake WIM unit. All WIM assessments are now summarized and incorporated by reference in the EA (EA at 10, 11).

Several individual values of wilderness characteristics were analyzed in the Rimrock Lake WIM assessment, and the conclusion of the assessment was that the unit lacked adequate topographic and vegetative screening to offer outstanding opportunities for solitude. Additionally, the unit contained 25 miles of nonboundary routes, which provide vehicles access to various interior locations (e.g., playas) within the WIM unit, further impacting the opportunity for solitude.

The WIM assessment also found that, although recreation opportunities were present, they were not more diverse or of higher quality (not outstanding) relative to opportunities on public lands across much of eastern Oregon in the Northern Great Basin region.

The 2008 Rimrock Lake WIM assessment affirms the 1980 Wilderness Inventory, which concluded the unit lacked adequate topographic and vegetative screening to offer outstanding opportunities for solitude.

Comment 7: We [ONDA] provided these additional analyses and maps [ONDA's proposal for several WSAs] to you in 2009 and incorporate them by reference here. We are aware of no further analysis by BLM; certainly, none appears in the EA.

Response: BLM has completed WIM assessments on over 200,100 acres (74 percent) of the amendment area (EA at 11), including the entire project (juniper treatment) area (EA at 10). None of the WIM units in the amendment area (and project area) assessed to date met all the individual criteria for lands with wilderness characteristics; therefore potential impacts to wilderness value were not analyzed in full detail (for additional information refer to Response to Comment 1). The section in the EA discussing WIM assessments has been expanded (EA at 10, 11) to provide additional detail disclosing the rationale for why none of the areas met the requirements for lands with wilderness characteristics and all WIM assessments are now incorporated by reference. Also see Response to Comment 5.

Comment 8: BLM claimed there are no opportunities for solitude present in the 24,962-acre Rimrock Lake unit area due to a lack of "topographic screening." However, even considering only the Rimrock Lake unit, it is difficult to imagine not being able to find solitude in a 24,962-acre roadless area. As we have demonstrated in maps and analyses provided to you last year, 6,952 acres of the Rimrock Lake unit are more than 1-mile from any road. A person or vehicle more than a mile away will not be noticeable on even the most vegetation-free terrain.

Response: Please see Response to Comment 6.

Comment 9: We are aware of a BLM review of an 8,400-acre portion of ONDA's 196,000-acre Lonesome Lakes proposed WSA. We evaluated the information we were able to obtain from BLM's documentation for that unit, which the agency calls the Tired Horse Butte unit, as part of our comments on the agency's Tired Horse Butte Fence proposal last year. We are not aware whether BLM has conducted further evaluations of the Lonesome Lakes proposed WSA.

Response: [*Pages 6 and 7 of ONDA's comments under the "Lonesome Lakes Proposed WSA" heading relate to the issue of BLM's analysis of lands with wilderness characteristics, including the determination of boundaries. These comments are all addressed in this response.*]

Approximately 62,600 acres of the proposed Lonesome Lakes WSA overlap the amendment area, and five WIM assessments (including Tired Horse Butte) have been completed across this portion of the amendment area. All five WIM assessments include route analysis and photographic documentation along roads selected as WIM unit boundaries. Approximately 58,000 acres (93 percent) of ONDA's proposed Lonesome Lakes WSA that overlaps the amendment area have been assessed by the BLM. A summary of the findings of WIM assessments is now included in the EA, and all WIM assessments are now incorporated by reference (EA at 10, 11).

The remaining unassessed portions (4,500 acres) of the Wagontire West amendment area (overlapping the remaining 7 percent of ONDA's proposed Lonesome Lakes WSA on Burns District) occur in a narrow band between the Hay Lake-Deep Valley Road (7245-00) and the fenceline separating the Lakeview District BLM from the Burns District BLM. The WIM on this unassessed portion of the amendment area will be coordinated with the Lakeview District BLM.

All completed WIM assessments are available at the District Office, and some have been mailed to interested parties as they were completed.

Comment 10: The evaluation claims there are no opportunities for solitude present in this [Tired Horse Butte WIM unit] 8,400-acre area due to a lack of "topographic screening." It is difficult to imagine not being able to find solitude in an 8,400-acre roadless area. It is also important to remember that topographic screening is but one of several factors that contribute to an area's solitude. Others include the size and configuration of the area, vegetative screening, the ability of a user to find a secluded spot, and the presence or absence of outside sights and sounds. Again, simply because an area is flat or unvegetated, does not mean it automatically lacks an outstanding opportunity for solitude. BLM must consider the interrelationship between the various factors that contribute to solitude. Here, it appears BLM has hung its hat on the absence of a single one of these factors, without discussion of the others. Please include a more thorough analysis of this wilderness characteristic.

Response: The Tired Horse Butte WIM assessment considered the interrelationship between size, available topographic screening, and available vegetative screening. The assessment states that the terrain is a mix of gently rolling hills and flat lands, with Tired Horse Butte serving as the highest point near the center of the unit. Vegetation is primarily sagebrush steppe with scattered juniper along the west side of the unit. The unit fails to provide an outstanding opportunity for solitude based on the limited topographic relief across the unit and the low vegetation dominating the area which makes it difficult for a visitor to find a secluded location within the unit. Additionally, there are over 4 miles of nonboundary (interior) routes providing vehicle access within the unit, further impacting any opportunities for solitude. All WIM assessments are now summarized and incorporated by reference in the EA (EA at 10, 11).

Comment 11: [EA does not address Buzzard Creek WSA (ONDA proposed WSA)]

Response: ONDA's Buzzard Creek proposed WSA does not overlap any portion of the project or amendment area, therefore, it is outside the scope of this EA. Also, see response to Comment 2.

Comment 12: The EA explains that after BLM completes all project activity in a particular area, the agency will then "maintain" all routes damaged by vehicles, bringing them "at least" back to their "previous standard." EA at 13, 51. The EA does not explain whether "previous standard" means a route's actual, pre-project condition, or whether it means a one-size-fits-all approach based on the route's land use plan-assigned maintenance level.

Response: The EA is now changed (EA at 16, 48) to clarify that routes damaged as part of project implementation would be repaired to the condition they were prior to treatments.

Comment 13: Our first question is why there are no maps showing lek and habitat areas? It is difficult to evaluate the impacts of a project without mapping these key habitat areas against proposed treatment actions…there is a map showing where the different types of treatments would be applied, but the EA doesn't then take the next step by overlaying that information against sage grouse lek and habitat areas. The EA describes some of these important habitat areas—for example, the four active lek sites within 3 miles of the project area, or areas rich in forbs that are critical to late brood-rearing—but does not show where those areas are relative to the trees proposed to be cut down and roads proposed to be improved (EA at 23).

Response: ODFW is the administrator of lek location data, and they request the BLM not provide this information unnecessarily as it could encourage disturbance to leks during the sensitive breeding period. The proposed treatment includes a Project Design Element that would eliminate potential impacts to grouse at lek areas by incorporating spatial and temporal buffers around leks (EA at 15). This Project Design Element precludes the need for lek location information beyond the general proximity and number of leks provided in the EA in relation to the treatment area (EA at 25).

Mapping seasonally important habitat was deemed unnecessary since almost the entire (90 percent) project area is dominated by sagebrush and is considered yearlong (EA at 23) or potential yearlong sage-grouse habitat, indicating overlapping seasonal importance (e.g., breeding may overlap winter, nesting, early brood rearing, etc.). Juniper is encroaching upon and degrading the quality of sage-grouse habitat on up to 80 percent (EA at 7) of the project area; therefore, the proposed juniper treatment would improve all sage-grouse habitat regardless whether it is late brood rearing, early brood rearing, nesting, wintering, or a combination of these.

Additionally, several characteristics influence seasonal importance for sage-grouse, including understory vegetation (e.g., residual grass cover, forb abundance) and insect prey abundance. The characteristics of these features often change seasonally based on several causes, including unpredictable factors such as timing and amount of precipitation. Thus these areas are not static, and delineating them on a map may under or over represent their importance in the project area each year.

BLM does not propose to improve any roads; however, roads damaged by vehicles during project implementation would be maintained or repaired to the condition they were in prior to treatment (EA at 16).

Comment 14: Attached to these comments ("Attachment 2"), we provide a map showing lek sites and core habitat areas using the most recent information from ODFW. This is the type of information that should be presented analyzed in the EA.

Response: See Response to Comment 13 regarding illustration of sage-grouse lek locations and habitat.

The ODFW Core Area Habitat Categorization (Core Area) map was not used for this analysis because it is still in draft, and is being developed to provide supporting rationale to guide ODFW habitat mitigation recommendations associated with impacts to sage-grouse habitat from energy development, its associated infrastructure, or other industrial-commercial development. Energy development is not applicable to the Proposed Action (restore and improve sage-grouse habitat, with no proposed development or infrastructure). The EA already identifies the project area as important to greater sage-grouse, a determination which is further validated by the Oregon Sage-grouse Strategy (Hagen 2011) and by the current draft of the ODFW Core Area map.

Comment 15: What is the percent density throughout the project area? It appears BLM has this data, based on the other maps it has provided, but has not produced a map to show this important spatial element.

Response: The locations and methods proposed for juniper treatment (EA at Map D) are based on an interpretation of juniper density and distribution derived from a combination of GIS data, satellite imagery, and field verification (EA at 12), rather than detailed juniper density data.

Field observations verify that juniper is distributed across the entire project area at highly variable densities, with the majority in the early stages of encroachment (Phase I ($\leq$10 percent juniper cover) and Phase II (10 to 30 percent juniper cover, EA at 5, 6). BLM did not create a separate juniper density map, because juniper would be treated across the entire project area regardless of density since sage-grouse appear to avoid juniper even at levels as low as 5 percent cover (EA at 6).

Comment 16: ODFW recently released its draft 2010 update to that strategy and, given this project's express purpose of restoring and improving sage grouse habitat, including habitat connectivity in the project area, BLM should evaluate its proposal against this latest set of information and guidelines.

Response: The *Greater Sage-grouse Conservation Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Populations and Habitat* (Hagen 2011) was referenced during the development of this project (EA at 4, 7, 8, and 9). The Proposed Actions would be in conformance with the guidelines and recommendations in the 2011 Strategy, and would improve habitat for sage-grouse.

Comment 17: Given the importance the ODFW plan ascribes to a mosaic of sagebrush habitats, the EA should include a map to help understand impacts with respect to this issue. *See* EA at 34 (describing the different sagebrush types present in the project area, as well as other habitats important to sage grouse such as herbaceous species and forbs). BLM should have this type of vegetation information readily available for GIS mapping and analysis; however, it could also be created based on existing soil maps.

Response: The 2011 ODFW plan recognizes the variety of sagebrush communities required to meet the needs of sage-grouse, but also states that "The primary objective [of the plan] is to maintain large expanses of intact sagebrush habitat for the benefit of sage-grouse and other sagebrush associated species…Protecting large expanses of sagebrush communities from fragmentation and habitat degradation should ensure sustainable populations into the future (Hagen 2011, Page 141)." Sagebrush communities (including understory herbaceous vegetation) are generally variable over large areas; therefore, maintaining large expanses of intact sagebrush habitat would best protect a variety of habitat types and meet the life-history needs of sage-grouse.

Juniper encroachment is a threat to all sage-grouse habitat. The proposal is to remove juniper encroachment to restore and maintain large expanses of open sagebrush habitat, irrespective of whether sage-grouse use the area for nesting, brood rearing, wintering, or a combination of these. Project Design Elements would minimize impacts to sage-grouse in breeding, nesting, and early brood-rearing habitat (EA at 15). Potential impacts outside this period would be temporary displacement of birds into adjacent habitat (EA at 27, 28). Therefore, producing maps illustrating the different types of sagebrush in the project area is not necessary for analysis.

Comment 18: . . . Finally, the known "pockets" of old-growth juniper trees, as well as areas with only a few trees per acre, should be mapped—again also showing their relation to existing leks and other sage grouse habitat areas (EA at 35, 39).

Response: Locations of the small "pockets" of presettlement juniper are unavailable at the scale necessary to provide a practical map for analysis; however, these areas would be accounted for during project layout (EA at 13). Presettlement trees would be excluded from treatment, and therefore there would be no affect to sage-grouse in these areas.

Areas with a few trees per acre would be treated with the lop and scatter method (EA at 12, 13). Map D in the EA illustrates the best estimate of these areas. Sage-grouse present in these areas during treatment would be temporarily displaced into adjacent habitat, but grouse habitat would be improved immediately following completion of the treatment (EA at 27).

Also see Response to Comment 13.

Comment 19: The EA refers a couple times to "build[ing] on recent treatments in the area" including "a 500-acre juniper cutting project around a lek and brush-beating projects in the surrounding area." *E.g.*, EA at 26, 27, 37. If BLM already has completed a related juniper treatment and/or sagebrush habitat project, then the agency should provide project data and results to help inform the analysis here.

Response: These projects are documented in the EA with general locations, acreages/percentages, and effects (EA at 19, 26, 27). These past projects were designed and implemented to improve and protect sage-grouse habitat, and were fully analyzed under separate NEPA analysis and were considered in the cumulative effects of this EA. The information provided in this EA is a brief summary of those projects to provide information on possible cumulative effects with the proposed treatments (e.g., how much vegetation/habitat was impacted in the area). Additional information beyond the general location and quantification of treatment acres would be extraneous and not provide substantial additional information relevant to inform the analysis.

Comment 20: The EA should address this issue [seeding] more specifically, prioritizing use of a native seed mix that includes sagebrush seed, including nonnative crested wheatgrass only when and where necessary, and limiting the use of crested wheatgrass per ODFW's recommendation.

Response: BLM has now changed the EA to provide additional clarification on priority of seed in mix, including sagebrush (EA at 15).

Comment 21: Why has BLM not produced a map showing big sagebrush and/or deep soils distribution? This would help in terms of evaluating potential impacts to pygmy rabbits. Simply saying that the species "has been documented" but that surveys remain to be done, *e.g.*, EA at 27, doesn't take full advantage of information already is available to BLM. Again, if the purpose of this project is geared at habitat restoration and improvement, BLM should do as much analysis as possible on the front end in order to provide for informed decision-making and meaningful public participation—particularly with a sensitive, imperiled species that stands to be directly impacted by the project.

Response: The available GIS data on vegetation and soils is at too coarse of a scale to accurately reflect sites (especially microsites, such as mima mounds) often used by pygmy rabbits, and would be missed during mapping efforts. What may appear in GIS as low potential habitat may contain suitable inclusions of deep soils and taller sagebrush. A more accurate field assessment would be completed during project layout (EA at 15), where these areas would be better accounted for and avoided thus reducing or eliminating potential impacts to pygmy rabbits. Pygmy rabbits would benefit from the overall reduction of juniper encroachment across the project area (EA at 27, 28).

Comment 22: . . . please provide your source(s) for these statements concerning bat habitat and foraging behavior and needs.

Response: The source is Verts and Carraway 1998 – Land Mammals of Oregon, and is cited in the EA at 24.

Comment 23: Second, given that the project will reduce juniper in the area by up to 95 percent, it seems impossible—at least, based on the information provided—that bats will "not likely be impacted" by the project.

Response: The project treatments would target post-settlement juniper (typically smaller trees), and not directly affect sensitive species of bats or bat roosting habitat (EA at 28). Foraging habitat would be affected through the reduction of juniper cover and distribution (EA at 28); however, the treatments would not measurably affect bat populations because they forage in a wide variety of habitats, and are not dependent on post-settlement juniper or other singular habitat types (EA at 28). Additionally, presettlement juniper, juniper with obvious signs of wildlife use (including cavities for bat roosting), and juniper in the mine reclamation area would be retained as part of the project design, retaining foraging and potential roosting habitat for sensitive species of bats in the project area.

Comment 24: If 90 to 95 percent of the juniper in the project area is to be cut, it seems almost inevitable that special status plant species will be disturbed. Map D, which gives an idea of the overall spatial distribution of project, certainly suggests as much. The EA does not, however, contain a map showing the known or projected distributions of special status plant species (EA at 12).

Response: Project design measures included as part of the proposed treatments would avoid potential impacts to Special Status Species (SSS) (EA at 15). No SSS of plants were found during botanical surveys of the project area; therefore no maps were produced. If SSS of plants are found in the project area in the future, mechanical treatments and pile burning would be avoided in these areas (EA at 15).

Comment 25: Even if the spread of native Western juniper within an evolving native ecosystem does increase the risk of weed establishment and spread, how does that compare to the same risk as a result of the juniper cutting, burning, motorized travel and road maintenance actions that would occur under the other alternatives?

Response: Noxious weeds may establish and spread under both the No Action and the Action Alternatives; however, the proposed project design elements (EA at 15), including monitoring the project area for 3 years following treatment, cleaning seeds off vehicles/equipment used during treatments, and aggressively treating new noxious weed sites would reduce the potential negative impact. Overall, the proposed treatments would result in healthier sagebrush communities, which would be more resistant to noxious weed introduction and spread than declining plant communities being invaded by young juniper (EA at 30).

Comment 26: The EA describes the problems associated with cheatgrass (EA at 48). It explains that the project area has no large patches of cheatgrass-dominated communities, although existing Wyoming big sagebrush communities have "a strong component" of cheatgrass (EA at 48). If an area burns, "the post-fire plant community could be dominated by cheatgrass" (EA at 48). The EA does not then address (including by showing on a map) the 10,000 acres burned in 2007. Has the vegetation recovered yet in that area? Has cheatgrass invaded? Was there any reseeding? These questions are not addressed here.

Response: The 10,000-acre fire is addressed in the EA by acknowledging that, although cheatgrass is a strong component in some areas, there are no large patches of cheatgrass-dominated communities (which includes the 10,000-acre wildfire that burned in 2007) (EA at 46). Most recent fires (within the past 5 years) now have herbaceous cover within the natural range of site potential because of rehabilitation (e.g., seeding) efforts and natural plant recovery (EA at 33).

Comment 27: There is no mention of the value of roadless areas and wilderness areas to the public and to the local economy (EA at 45). BLM should include [this] analysis for wilderness- and roadless area-related quiet recreation.

Response: There were no wilderness characteristics or roadless areas found in the project area; therefore there is no economic/social analysis of potential impacts to these attributes.

Comment 28: . . . the EA does not provide any description of the affected environment, only a general explanation of what biological soil crusts are (EA at 52). The EA cannot purport to examine the environmental consequences of the proposed action to biological soil crusts without describing the affected environment with respect to crusts. The EA's statement that crusts "may benefit" from juniper cutting is speculation in the absence of this information.

Response: Complete information on the distribution and coverage of Biological Soil Crusts (BSCs) is not available for the project area or amendment areas; however, the morphological groupings likely present in the area and their frequency of occurrence relative to each other is listed in the EA (EA at 48). Due to the difficulty in field identification of individual morphological groupings, the EA evaluates the impacts of each alternative on BSCs as a group. The analysis is based on the level of ground disturbance for each treatment (e.g., piling slash with heavy equipment and burning slash) and the environmental conditions expected following treatments regardless of which type of BSC is present (EA at 49).

Comment 29: The EA does not acknowledge the scientific literature that has demonstrated that crusts may take 200 years or more to recover when disturbed. This is important information relative to a project that involves cutting up to 95 percent of the juniper trees across more than 300,000 acres, using large track and wheeled machines to cut and pile brush and trees, burning trees and soils and conducting road work—all of which are actions that may damage fragile soil crusts.

Response: The EA acknowledges that areas proposed for treatment (cutting trees and pile burning) as well as areas occupied by dense stands of juniper would impact BSCs. Natural recovery in treated areas, primarily directly under burn piles, would be slow (EA at 50); however, treatments that allow more light and moisture to reach the surface would benefit BSCs not disturbed by treatments and allow for more rapid recolonization. Continued juniper encroachment would lead to a decline in BSC across a larger area than the proposed treatment area, and natural recovery would not even begin until some disturbance removes the juniper (EA at 49). The only proposed treatments would occur on 13,259 acres of the project area, and proposed pile burning treatments would occur on less than 6,000 of these acres.

Cut trees would be gathered across the treatment area and condensed into piles for burning, and the greatest impact would be limited to areas directly under burned piles. Road work would be limited to repairs of any damage to existing roads during project implementation. No treatments are proposed in the amendment area, and all future treatments would be analyzed under a new NEPA process.

Comment 30: BLM fails to study or consider grazing rest before, during or after treatment (EA at 41). This is important because grazing in a disturbed site increases the threat of weed establishment and spread, trampling and erosion of soils, and so forth.

Response: Rest is generally only prescribed following broadcast burn treatments or in treated sites with a degraded perennial bunchgrass component (Miller et al. 2005). However, the EA included rest as one of the Project Design elements (EA at 15), and the Field Manager and an Interdisciplinary Team would assess the need for rest following treatment and expected plant community response.

Additionally, periods of rest and deferment are already incorporated as part of the regularly scheduled rotations within allotments overlapping the project area. The North Pasture (3,364 acres) is completely rested every other year (EA at 39,40). Grazing is also deferred until June 1 each year in the Rimrock Pasture, which provides additional rest during the growing season on 22,456 acres of the project and adjacent amendment.

Comment 31: In its 2010 sage grouse plan, ODFW recommends 1 to 3 years or more of rest from grazing following juniper treatment.

Response: ODFW recommendations in the 2011 (Hagen 2010 draft was finalized in 2011) sage-grouse plan vary from less than one to more than 3 years depending on understory composition at time of treatment and response of desirable vegetation following treatment (Hagen 2011, Page 107). The EA is in conformance with the 2011 ODFW sage-grouse plan recommendations on rest from livestock grazing.

Comment 32: Reducing cattle numbers or AUMs, temporarily adjusting the rest-rotation cycle on affected pastures, or using riders to more aggressively herd livestock all would be other reasonable courses of action that would help BLM to achieve a successful juniper-based sagebrush habitat restoration project. Why are these issues not considered or discussed in the EA? ONDA asks BLM to study these important management options.

Response: Evaluations of livestock grazing in Rimrock Lake and Roundtop Allotments indicate these allotments are currently meeting the Rangeland Health Standards (EA at 17), and as such they are compatible with sage-grouse habitat needs (Hagen 2005). Changes to livestock grazing were considered in the EA, but not fully analyzed because the current grazing strategy is compatible with sage-grouse (EA at 5, 17), and any changes to grazing would not meet the need of reducing encroaching juniper (EA at 17).

Comment 33: Level of NEPA analysis is not adequate – should be EIS because substantial questions exist as to whether or not the project will have "significant" impacts to the environment.

Response: The effects analysis presented in the EA did not find significant impacts to the environment because the project design elements, such as timing of treatments and avoidance of cultural areas during project layout, would eliminate or reduce potential impacts to resources present. Potential impacts to archaeological sites, Special Status plants, and pygmy rabbits would be avoided by making spatial adjustments to treatments during field layout. Temporal buffers are also part of the project design, and would reduce or eliminate potential impacts to soils and BSCs, sage-grouse, air quality, and roads. There are no threatened or endangered species, Wild and Scenic Rivers, Wilderness, WSAs, flood plains, prime or unique farmlands, and no wild horses in the proposed treatment area. Additionally, no lands with wilderness characteristics have been found in the project area during recent WIM assessments (EA at 15-50). No significant impacts were identified during analysis; therefore, an EIS is not warranted.

Comment 34: This project seems to be too focused on a single structural aspect of the ecosystem. This approach deals with the effects but not the causes of the juniper encroachment. A better approach would be to restore the processes that maintained healthy sagebrush grasslands in the past. BLM should do more to reduce the effects of grazing and reintroduce fire. BLM says that current grazing is meeting objectives, which may be true, but the objectives are established at a level that tolerates significant degradation from livestock. Sage-grouse habitat would be improved if there was less grazing.

Response: Evaluations of livestock grazing in Rimrock Lake and Roundtop Allotments indicate these allotments are currently meeting the Rangeland Health Standards (EA at 17), and as such they are compatible with sage-grouse habitat needs (Hagen 2011). Changes to livestock grazing were not fully analyzed because the current grazing strategy is compatible with sage-grouse (EA at 5, 17), and any changes to grazing would not meet the need of reducing encroaching juniper (EA at 17). An alternative using prescribed fire to reduce juniper encroachment was also considered, but eliminated from detailed analysis because it would set back the still functioning sagebrush community to an early seral grassland stage for several decades and substantially decrease sage-grouse habitat in the area (EA at 16).

Comment 35: Please retain more juniper onsite to retain nutrients.

Response: The project would not cut old, presettlement trees, trees in rocky or difficult areas to access, trees with obvious signs of wildlife use (raptor nests, cavities), or trees in much of the mine reclamation area. Additionally, treated juniper that is proposed for lop and scatter (7,345 acres or 55 percent of the treatment area) would remain onsite following cutting for nutrient retention.

Under selection of Alternative C, BLM would not be authorized to issue permits for public removal of downed wood or woodland byproducts in the project or amendment area.

Comment 36: Avoid soil impacts from removing juniper. Do not allow vehicles to travel off-road to retrieve cut juniper.

Response: Soils in the project and amendment areas are in "stable" to "slight" Erosion Condition Classes (EA at 32), and are a low to moderate risk for erosion. Public removal of downed trees is not permitted with selection of Alternative C.

Comment 37: . . . USGS says, "This woodland expansion is largely a result of a combination of fire suppression and overgrazing. These factors lead to a decline of browse and grass species that competitively exclude juniper and provide the fuels to carry fires that restrict junipers to rocky sites (Burkhardt and Tisdale 1976)."

Response: In the past, unregulated grazing removed fine fuels necessary to sustain large wildfires. However, under more recent grazing management, two large wildfires burned across portions of the project area over the past 22 years. Current grazing management does not appear to be a required mechanism to promote juniper expansion on arid western rangelands (Soule' and Knapp 1999). Grazing is light (30 percent utilization) across half the project area, and nearly one-fifth of the area is completely rested every other year (EA at 39). Grazing management is not considered a causal factor in juniper expansion across the allotment, and the cessation of such activities would not reduce encroached juniper.

Although large wildfires are still common, fire suppression activities still limit the number and extent of most wildfires, which facilitates juniper encroachment into sagebrush. Due to the increase in the wildland urban interface and potential long-term (decades) loss of low elevation sagebrush communities, wildfires will likely continue to be suppressed in most areas. Juniper encroachment into shrinking sagebrush steppe habitat will have to be managed through other safer methods, such as cutting and burning that maintain adequate habitat to support native wildlife populations, including greater sage-grouse.

Comment 38: This project is dealing with the symptoms instead of the cause of juniper expansion. Livestock grazing and fire suppression must not only be included in the NEPA description, but should be changed in the NEPA decision.

Response: Livestock grazing was considered during the initial steps of the analysis, but eliminated from full analysis (EA at 16, 17, and see Response to Comment 37). Monitoring indicates livestock grazing is meeting Standards for Rangeland Health (EA at 17) and does not need to be changed.

Fire suppression is driven by many factors outside the scope of this EA, and was not analyzed. However, the use of fire to manage juniper was considered during the development of the project. Broadcast burning as a surrogate for wildfire was reviewed in the NEPA document, but eliminated from detailed analysis due to the subsequent long-term (several decades) loss of sage-grouse habitat (EA at 17).

Comment 39: Juniper will take care of itself after you remove livestock and reintroduce fire.

Response: Refer to Responses to Comments 37 and 38. Prescribed fire was considered during the initial steps of the project development, but eliminated from detailed analysis (EA at 16, 17).

Comment 40: . . . while the expansion of juniper might alter species composition and decrease herbaceous biomass in grasslands and shrublands, they have few detrimental effects on streamflow, aquatic organisms, soil properties, or wildlife habitat. . . .

Response: The change of species composition and decrease in herbaceous biomass in grasslands and shrublands is degrading the quality of greater sage-grouse habitat, a species warranted for Federal listing under the Endangered Species Act. The goal of the project is to restore and maintain the open sagebrush steppe habitat to conditions suitable for greater sage-grouse and other sagebrush dependent wildlife present prior to juniper encroachment.

Juniper removal would have no measurable effect on streamflow or aquatic organisms, due to the distance between treatments and streams, and absence of perennial water sources that support aquatic organisms in the treatment area (EA at 18,19). The proposed treatments would expose soils, leaving them more susceptible to erosion; however, the treatments would be temporary and the risk of erosion would decrease as herbaceous vegetation recovers (EA at 33). Juniper does provide suitable habitat for some wildlife species, but it is generally detrimental to sagebrush dependent species, such as greater sage-grouse (*Centrocercus urophasianus*) and sage thrasher (*Oreoscoptes montanus*), that rely on large areas of open sagebrush and move away from even low densities of tree encroachment. Additionally, as juniper expands and becomes increasingly dense, it degrades and displaces the understory vegetative community, and eventually provides habitat for fewer wildlife species (EA at 38).

RATIONALE

The Proposed Action (Alternative B) and Alternative C both addressed the purpose of the project, which is to remove juniper expansion to restore, maintain, and improve greater sage-grouse habitat and reestablish travel corridors that once existed between Glass Butte and Rye Grass leks. However, the Proposed Action also analyzed an amendment to the Three Rivers RMP. Since inventories for lands with wilderness characteristics are incomplete for the entire amendment area, I have selected Alternative C (no amendment). Therefore, the BLM will not issue permits for public harvest of cut juniper or live juniper boughs within the proposed amendment area. A separate Proposed Decision could be issued in the future for the plan amendment upon completion of WIM assessments for the unassessed portion (26 percent) of the amendment area.

I did not select the No Action Alternative (Alternative A), because it fails to address the threat of juniper expansion into greater sage-grouse habitat in the project area. If no action is taken, the purpose and need for sage-grouse habitat restoration and maintenance will not be met. Selection of the No Action Alternative would allow juniper to continue to expand and threaten the presence of grouse in the project area, especially breeding birds associated with the Glass Butte and Rye Grass leks.

Selection of Alternative C is based on the following:

1. Project Area – Juniper Control:

   The proposed juniper control treatment will quickly and effectively control the threat of post-settlement juniper expansion in the 19,700-acre project area while maintaining the existing sagebrush communities around the Glass Butte and Rye Grass leks. Proposed treatments will immediately improve and restore habitat for greater sage-grouse. Treatment layout will preserve older (>140 years) juniper, juniper with obvious signs of wildlife use (i.e., cavities, large nests), juniper in sensitive mining reclamation areas, juniper in inaccessible, fire-protected rock outcrops, and some younger replacement trees near older clusters of juniper, creating conditions more representative of the potential natural vegetation community expected at the site.

   The cut juniper trees will be managed to minimize the risk of weed establishment and spread and reduce the risk of large, catastrophic fires. Juniper cut in areas of low density will remain onsite, but will be scattered to reduce hazardous fuels build-up. Removal of heavier concentrations of cut juniper will be achieved by burning individual piles at times of the year where there is low risk of fire spread (e.g., wet/frozen ground). Piles will be created by crews of workers or heavy machinery when the ground is dry or frozen to minimize impacts to vegetation and soils.

Recent information regarding greater sage-grouse:

Three recently published documents were reviewed and incorporated into the planning and analysis of the Greater Sage-grouse Habitat Improvement Project EA. The USFWS published a 12-Month Finding on the Petitions to List the Greater Sage-grouse as Threatened or Endangered in March of 2010, which was based in part on the Studies in Avian Biology Monograph #38 titled Greater Sage-grouse: Ecology and Conservation of a Landscape Species and Its Habitats (Knick and Connelly eds. 2011). The Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2005) was also recently updated in 2011 to reflect the most recent scientific information on sage-grouse, including information in the greater sage-grouse monograph. All three documents identified juniper encroachment as a major threat to greater sage-grouse due to loss and fragmentation of habitat, and the proposed treatments would help address this issue in the project area while retaining and restoring existing habitat.

The Decision Record and EA for the Greater Sage-grouse Habitat Improvement Project explain the need for restoring greater sage-grouse habitat, and the project's design provides for meeting greater sage-grouse habitat needs over both the long and short term throughout the duration of the project.

The monograph presents new and additional information to support analysis of potential effects of numerous threats to greater sage-grouse, including effects at various spatial scales. Several of the activities that potentially impact sage-grouse over a large spatial scale are related to the loss or fragmentation of habitat due to energy development and other anthropogenic disturbances often associated with development, invasion of exotic plants, and the amount of wildfires occurring in the area. The proposed juniper treatments in the project area would result in minimal (<0.5 percent), short-term (few years) loss of sagebrush habitat where juniper slash from individual trees or machine-piled trees is proposed to be burned (EA at 29). The selective nature of the proposed treatments retains the majority of the sagebrush-bunchgrass understory intact and undisturbed, improving suitable habitat for sage-grouse across the entire project area. Due to the timing (outside breeding/nesting season) of the project treatments and the limited amount of suitable sage-grouse habitat affected, potential effects to sage-grouse would not extend far beyond the boundary of treatments. Therefore, the spatial and temporal scale of the cumulative effects area described in the EA is appropriate to the scope of the project.

Decision Factors – Proposed Treatments (does not include Amendment)

Decision Factor: Would the alternative…..	**Alternative A - No Action**	**-**	**Alternative C**
reduce western juniper from sage-grouse habitat where it has or is currently replacing desirable plant communities?	No reduction; allows continued expansion	Approximately 90 percent reduction	Approximately 90 percent reduction
maintain existing, healthy sagebrush and understory vegetation?	No immediate loss, but allows continued degradation as juniper expands	Maintains all, except directly under burned piles	Slightly more loss of sagebrush than Alternative B due to more juniper slash left onsite to pile and burn (more piles)
improve connectivity for sage-grouse between Glass Butte and Rye Grass leks by restoring open sagebrush habitat?	No improvement or restoration	Improvement and restoration of all habitat between the two lek complexes	Improvement and restoration of all habitat between the two lek complexes
meet the direction of the Three Rivers RMP and address recommendations of the Greater Sage-grouse Conservation Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Populations and Habitat (Strategy) (Hagen 2011)?	Allows continued movement away from direction and recommendations in both documents; fails to treat juniper encroachment specifically identified as a threat within the Burns District (Hagen 2011, Page 59, 120)	Meets direction and recommendations of both documents; eliminates juniper encroachment between two lek complexes on the Burns District and restores habitat quality and improves connectivity of habitat between Burns and Prineville	Meets direction and recommendations of both documents; eliminates juniper encroachment between two lek complexes on the Burns District and restores habitat quality and improves connectivity of habitat between Burns and Prineville

ADMINISTRATIVE REMEDIES:

APPEAL PROCEDURES

The decision on the proposed treatments in the project area may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Three Rivers Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

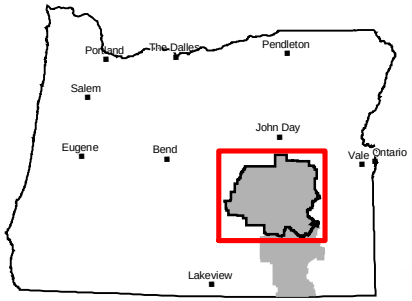
Request for Stay

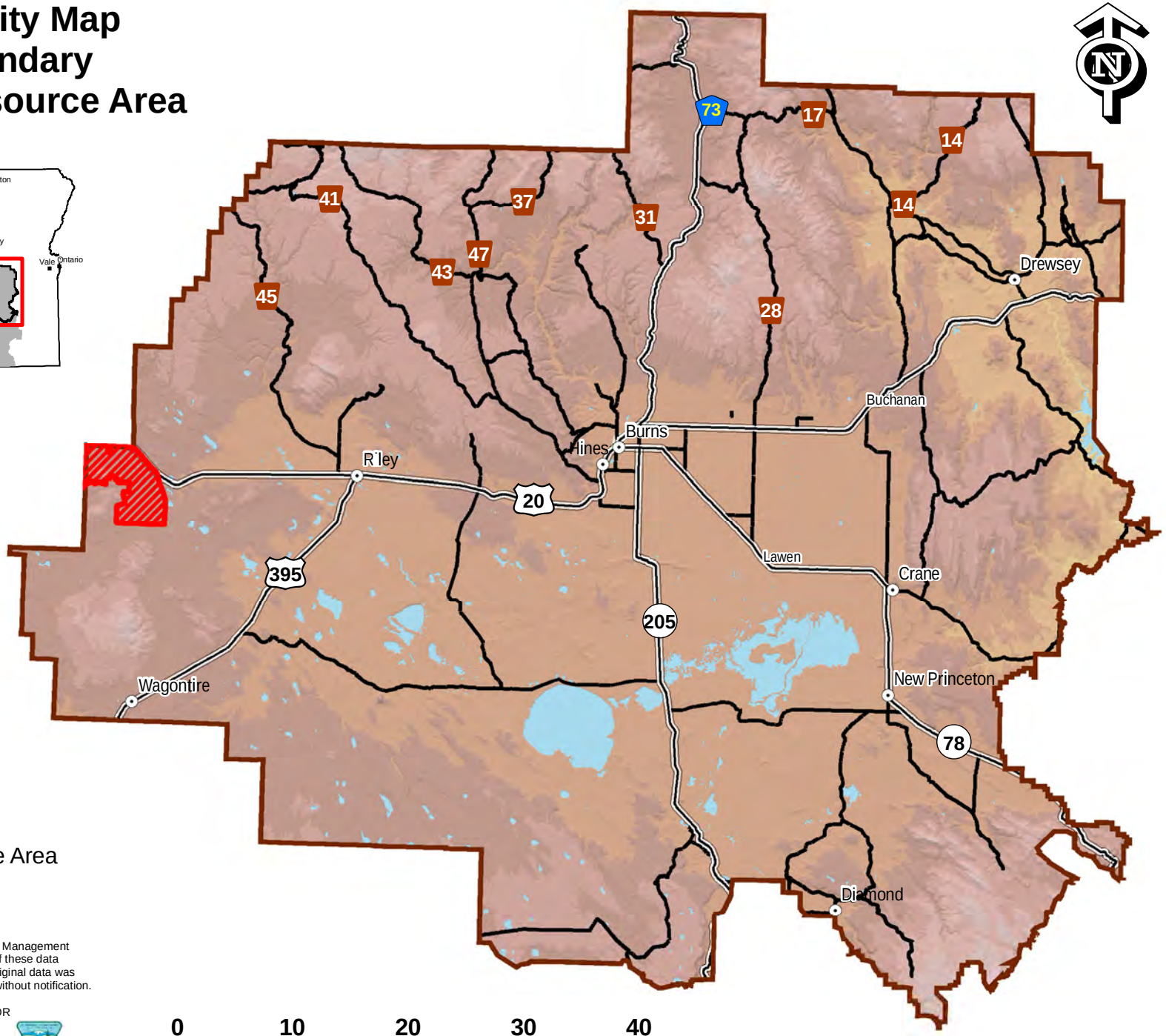
Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

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

/signature on file/ *July 5, 2011*
Richard Roy Date
Three Rivers Resource Area Field Manager

Map A - Vicinity Map
Project Boundary
Three Rivers Resource Area





Major Roads

3 Rivers Resource Area

Project Area

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

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/workarea/Jdbrewer.BLM
March 4, 2011

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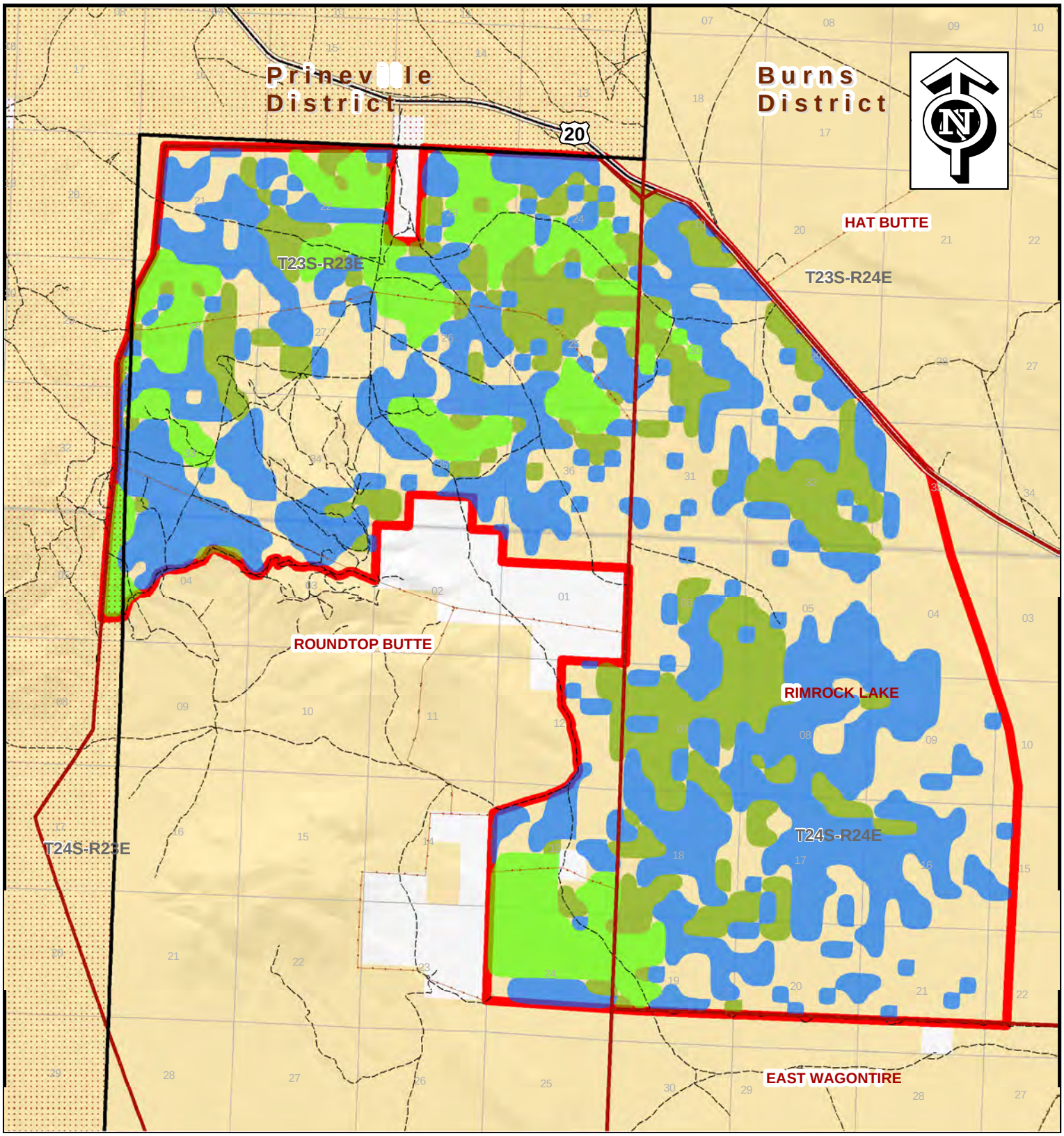
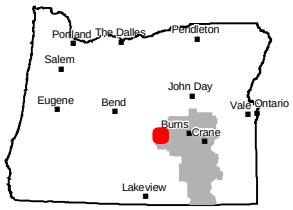


Map B - Treatments Areas in the Greater Sage-grouse Habitat Improvement Project Area - Three Rivers Resource Area

Treatments after Cutting

- Lop-Scatter
- Limb-Jackpot Burn
- Machine Pile-Burn
- Project Area

- Prineville District
- Pasture Boundary
- BLM Allotments
- Bureau of Land Management
- Private/Unknown



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