4160 (ORB050)

CERTIFIED MAIL – 7010 1870 0002 7993 3515
RETURN RECEIPT REQUESTED

Rod Otley
Steens Mountain Ranch, Inc.
50915 Happy Valley Road
Princeton, Oregon 97721

NOTICE OF PROPOSED DECISION
To Implement
Happy Valley Allotment Management Plan
Environmental Assessment
DOI-BLM-OR-B050-2009-0053-EA

Dear Mr. Otley:

INTRODUCTION

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

A. BACKGROUND

The Happy Valley Allotment Management Plan/Environmental Assessment (AMP/EA) analyzed recommended management actions developed through an Interdisciplinary Team and the 2005 evaluation process for Happy Valley Allotment to aid in accomplishing resource objectives and achieve Standards for Rangeland Health and Guidelines for Livestock Grazing Management and land use plan objectives. The AMP/EA was also prepared to analyze the renewal/issuance of grazing permit #3602315 with new terms and conditions.

B. PROPOSED DECISION

Having considered the Proposed Action (Alternative II), No Action (Alternative I), Alternative III, Alternative IV, Alternative V, and Alternative VI with consideration of public comments, associated impacts, and based on analysis in the Happy Valley AMP/EA, it is my Proposed Decision to authorize implementation of the Proposed Action (Alternative II).

Implementing the Proposed Action will include the following elements:

1. Grazing Permit Renewal:

   Grazing Permit #3602315 will be issued for a period of 10 years beginning March 1, 2012 and expiring February 28, 2022. Mandatory terms and conditions for this grazing permit will remain as follows:

Allotment Name	Allotment Number	Livestock #	Kind	Season of Use	% Public Land	Active AUMs
Happy Valley	5309	324	Cattle	04/01-10/15	100	2,107

   All other terms and conditions on the existing permit #3602315 will remain the same and grazing management outlined under the Proposed Action in the Happy Valley AMP will be added as a term and condition on the new grazing permit.

2. Livestock Grazing Management:

   a. Livestock grazing management will be authorized to provide growing season rest for upland vegetation in each pasture every other year.

   b. Grazing management in riparian areas will limit or remove grazing to support adequate vegetation that maintains channel and bank stability in Frog Creek and Smyth Creek. The exclosure and gap fences will be maintained by the permittee as part of the South Big Hill Pasture's west boundary.

   c. Flexibility in grazing management within the permitted season of use will be authorized if necessary to change pasture rotation and time of use to achieve resource objectives.

3. Range Improvement Projects:

General Project Design Elements will be implemented as described in the AMP/EA, Pages 14 - 16.

a. Frog Creek Exclosure will be approximately 65 acres in size, and will exclude both livestock and wild horse use. Install one to two troughs and pipe water from Frog Creek that will provide adequate water for livestock and wild horses and improve or maintain livestock distribution.

b. Crested Wheatgrass Seedings, maintenance/rehabilitation and improve late season forage for mule deer winter range and livestock in West Field and North Pastures. Rehabilitate West Field Pasture by seeding 200 acres with Hycrest crested wheatgrass and forage kochia. Rehabilitate and inter-seed 450 acres in North Pasture by reseeding on toe slopes with bluebunch wheatgrass, Hycrest crested wheatgrass, and forage kochia.

c. Skidoo Spring Water Development, using overflow from an existing trough in South Pasture and run a pipe for 1-mile north to another trough. The pipe will be buried in a trench that will disturb an area 3 to 4 feet wide by 1-mile in length (approximately 0.5-acre). Trenched area will be rehabilitated with bluebunch wheatgrass, basin wildrye, crested wheatgrass, and forage kochia.

d. Smyth Creek Exclosure Gap Fence, will be constructed primarily upstream of the confluence between Frog Creek and Smyth Creek where access locations have been identified or are perceived to occur. Gaps downstream are minimal or do not occur, but gap fences will be constructed if probable access is identified.

e. Inter-seed two medusahead-infested areas, with native (bluebunch wheatgrass and basin wildrye) and nonnative (Hycrest crested wheatgrass and forage kochia) plant species in South Big Hill Pasture (130 acres) and North Big Hill Pasture (170 acres). Temporarily remove livestock and wild horses two growing seasons following seeding to allow plant establishment.

f. Treat medusahead rye infestations, in Happy Valley Allotment in the fall season using Plateau (Imazapic) at 6 oz/acre. Incorporate all pertinent Standard Operating Procedures and Mitigating Measures from the October 2010 Vegetation Treatments Using Herbicides on Bureau of Land Management (BLM) Land in Oregon Final Environmental Impact Statement/Record of Decision (FEIS/ROD) (Appendix C of the attached Happy Valley AMP/EA).

3. General Project Design Elements for Proposed Range Improvements:

a. Proposed rangeland improvement sites would be surveyed for cultural values prior to implementation. Where cultural sites are found, their condition and National Register eligibility would be evaluated. If determined National Register eligible and under threat of damage, mitigation measures to protect cultural materials would be determined. Mitigation plans would be developed in consultation with the State Historic Preservation Office if necessary. Mitigation measures can include protective fencing, avoidance, surface collection and mapping of artifacts, subsurface testing and complete data recovery (full-scale excavation).

b. Proposed rangeland improvement sites would be surveyed for Special Status plant species prior to implementation. Special Status plant sites would be avoided/protected for each project.

c. Protect Special Status wildlife species (fisheries and wildlife) habitat. Structures or areas with Special Status Species habitat value identified during wildlife surveys would be protected during project implementation.

d. No range improvement projects would be constructed within 7.5 miles of known sage-grouse lek sites.

e. The grazing permittees would be responsible for all fence maintenance. Proper fence maintenance would be a stipulation for turnout each year.

f. Proposed range improvement sites would be surveyed for noxious weed populations prior to implementation. Weed populations identified in or adjacent to the proposed projects would 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 and Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD October 2010 (Appendix C).

g. The risk of noxious weed introduction would 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 would be performed in conformance with the 1998 Burns District Noxious Weed Program Management EA/DR OR-020-98-05 and Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD October 2010.

h. All proposed fences would be constructed using BLM approved standards for 3- or 4-strand wire fences.

i. Reseeding may take place in areas disturbed by implementation of rangeland improvement projects including herbicide treatments. Mixtures of native and adapted grass, forb, and shrub seed may be applied to designated areas with ground-based methods. The mixture would include native and nonnative species such as crested wheatgrass and bluebunch wheatgrass. Crested wheatgrass 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.

j. Any road damaged by vehicles or equipment would be restored to its previous standard, with special attention placed on installing and improving drainage on the road.

C. COMMENTS RECEIVED AND RESPONSES

On September 25, 2010, Burns District sent a scoping letter to other agencies and interested public providing an opportunity to participate in the development of the AMP/EA. Burns District received no response during scoping. The EA and unsigned Finding of No Significant Impact (FONSI) were posted on the Burns District Web site at http://www.blm.gov/or/districts/burns/plans/index.php on July 1, 2011, and a letter of notice mailed to Federal, State and County agencies, and interested public on July 1, 2011, for a 30-day comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on July 6, 2011. On August 8, 2011, members of the BLM Interdisciplinary Team, Harney County Extension Service, and two interested publics conducted a field tour of portions of Happy Valley Allotment to discuss resource issues and management proposed in the AMP.

The Burns District BLM received one set of comments from the interested public. The comments and BLM's responses follow:

COMMENT 1:

"This plan relies heavily on crested wheatgrass to control invasive species such as cheatgrass and medusahead. We support these actions to initially control these species and provide a "spaceholder" to mitigate worse outcomes. However, we do not see any indication that BLM has plans to go beyond this action to re-establish native diversity in these treatment areas. We ask BLM to at least create one test plot or area where this is the long-term objective and plan for appropriate actions to achieve that goal. At minimum, in absence of this planning, we would ask that all crested wheatgrass seedings be mixed with some native species so that there is opportunity for increased diversity on the landscape. Because there is not strong evidence that mixing in natives would hurt the objectives of the seedings and because the cost is not prohibitive to do so, we ask that all seeding treatments include some natives. Even the most productive test plot of Medusa treatments did not include a monoculture of crested wheatgrass, so having BLM experiment with various ratios of native/non-native seed would be a beneficial outcome of this project. After that, determining what to do in a field dominated by crested wheatgrass to bring back native diversity (and consequently better yearlong forage for cattle) would be a win-win for everyone. Even with limited budgets, to not commit a fraction of grazing management funds to this question would be a disservice to the landscape and show that the agency is not committed to long-term health of the high desert ecosystem."

RESPONSE 1:

Creating a test plot or plots is outside the purpose and need for this EA (EA, Pages 3 and 4). Range improvement projects designed to restore plant communities from invasive annual grass infestations depicted in the Proposed Action (Alternative II) along with Alternatives III, IV, V, and VI include native plant species such as bluebunch wheatgrass (*Psuedoroegnaria spicata*) and Great Basin wildrye (*Leymus cinereus*) both identified as long lived native perennial grasses (EA, Pages 11-21). The only Range improvement projects that do not include native species are the Crested Seedings maintenance in West Field Pasture part of Barton Lake Seeding established in 1962 and approximately one-half acre of disturbed ground for the Skidoo Spring Water Development. Reestablishing native herbaceous plants into established crested seedings is outside the purpose and need, and would be best addressed in a designed project associated with research specific to establishing natives within herbaceous monocultures of crested wheatgrass. Attempting to establish native perennial species by inter-seeding amongst established crested wheatgrass and cheatgrass such as in the West Field Pasture without disturbing the site using herbicide or disking has been shown to be unsuccessful (Fansler and Mangold 2011; Hulet et al. 2010). Past attempts to rehabilitate disturbed sites in Wyomingensis sagebrush steppe using native species whether within crested wheatgrass seedings or declined native range by management and research have shown poor

success even in scenarios where crested wheatgrass had been successfully reduced (Hulet et al. 2010; James et al. 2011; Davies et al. in press). The added cost in adding native seed such as bluebunch wheatgrass and reducing the amount of crested seed by half would increase the seed cost by approximately $1,000 and the lack of success in this situation, when attempting to rehabilitate declined densities of crested converted to cheatgrass, would have a low probability. As for the Skidoo Spring Water Development using the same seed mix proposed for the other vegetative treatments would be used instead to include both natives and desirable nonnatives with low cost and risk.

COMMENT 2:

"Because ODFW currently excludes all crested wheatgrass seeding areas from their core area and low density maps (and therefore long-term protections), we encourage BLM to avoid using this tool in new areas where there are healthy populations of sage grouse.

RESPONSE 2:

Personal Contact Christian Hagen, Sage-grouse Conservation Coordinator, Oregon Department of Fish and Wildlife, August 22, 2011: The important distinction to make is that where crested wheatgrass is used for restoration (such as an area recently burned) the intent is to keep those areas mapped as currently designated, since they are anticipated to recover. In areas where crested wheatgrass is used for restoration and soil stabilization the intent is to bring those back to something beneficial to wildlife. It is difficult to calculate exactly, but there are thousands of acres of crested wheatgrass that are included in Core and Low Density areas.

BLM's intent with the seeding proposed in this project is to manage medusahead rye and cheatgrass by adding two species, crested wheatgrass and forage kochia, which have proven able to establish and persist in the presence of invasive annual grasses. Furthermore, land management practices no longer eliminate all other plants such as sagebrush to establish monocultures of crested wheatgrass stands as in the 1960s and into the early 1980s for livestock forage.

COMMENT 3:

We also do not think mowing sagebrush is appropriate unless practically all the sagebrush in the area is dead and the understory is covered in heavy cheatgrass or medusahead."

RESPONSE 3:

As part of the Proposed Decision, sagebrush will not be mowed to improve the perennial herbaceous understory and establishment of seedlings to prevent invasion or spread of exotic annual grasses due to high sagebrush mortality caused by past and current Aroga moth outbreaks in the area.

COMMENT 4:

"The scientific reviews provided to us did not provide sufficient assurances that Forage Kochia is an appropriate plant to begin using widely across the landscape for treatments. Although it does not spread or burn easily, is effective against cheatgrass, and provides forage for cattle and other wildlife, it is made clear in the scientific review that more research is needed on the interaction of Kochia and sagebrush. In the long-term, do we want this non-native species occupying available niches for sagebrush and sagebrush-dependent species like sage grouse? Certainly we do not. It is not clear that Kochia is easy to remove once established, although one communication indicated that 2, 4-D herbicide can control it. Until BLM has a plan for what to do with these non-native stands once they have done their job controlling the spread of other non-natives, we do not think that it would be wise to introduce another non-native species to Oregon's high desert in anything other than a test case. This test case should be examined for Kochia's interactions with native plants and then removed once it has controlled the target invasive and replaced with native plants."

RESPONSE 4:

Results using forage kochia in scientific research and rangeland restoration projects within the past 44 years in Utah, Nevada, Idaho, and Oregon have shown positive results in suppressing annual invasive species and promoting establishment and coexistence of native species such as Wyoming big sagebrush and native perennial bunch grasses (Clements et al. 1997; Harrison et al. 2000) (EA, Pages 37-38). As for completely eliminating invasive exotic annual grasses such as cheatgrass or medusahead from the system has yet to be proven possible. In most cases these invasive species reestablish in disturbed sites and fill niches of Wyomingensis sagebrush steppe species within 3 years following failed rehabilitation efforts when using only native plants species (Hulet et al. 2010). This is the reason for using desirable nonnative species such as forage kochia and crested wheatgrass to aid in vegetative restoration, diversification, wildlife habitat, and long-term suppression of these invasive species in Wyoming big sagebrush ecological sites currently in a degraded state (Monaco et al. 2003; Clements et al. 1997; Davies et al. in press).

References:

Clements, C.D., K.J. Gray and J.A. Young. 1997. Forage Kochia: To Seed or Not To Seed. *Rangelands 19(4).*

Davies, Kirk W., Chad S. Boyd, Jeffery L. Beck, John D. Bates, Tony J. Svejcar, and Michael A. Gregg. 2011. Saving the sagebrush sea: An ecosystem conservation plan for big sagebrush plant communities. *Biological Conservation In Press*.

Fansler, Valerie A. and Jane M. Mangold. 2011. Restoring Native Plants to Crested Wheatgrass Stands. *Restoration Ecology Vol. 19, No. 101, pp. 16-23.*

Harrison, R.D., N.J. Chatterton, B.L. Waldron, B.W. Davenport, A.J. Palazzo, W.H. Horton, and K.H. Asay. 2000. Forage Kochia - Its compatibility and potential aggressiveness on Intermountain rangelands. Utah Ag. Exp. Sta. Res. Rpt. 162. Utah State Univ., Logan, UT 84322-4820. pp. 66. (Available online at http://ars.usda.gov/Main/docs.htm?docid=3826 under Products & Services>Research Reports).

Hulet, April, Bruce A. Roundy, and Brad Jessop. 2010. Crested Wheatgrass Control and Native Plant Establishment. *Rangeland Ecology and Management 63(4).*

James, Jeremy J., Tony J. Svejcar, and Matthew J. Rinella. 2011. Demographic processes limiting seedling recruitment in arid grassland restoration. *Journal of Applied Ecology 48, 961-969.*

Monaco, T.A., B.L. Waldron, R.L. Newhall and W.H. Horton. 2003. Re-establishing Perennial Vegetation in Cheatgrass Monocultures. *Rangelands 25(2):26-29.*

D. RATIONALE

The selected alternative best meets the Purpose and Need for the Action because it 1) implements livestock grazing management and rehabilitates seedings which will make significant progress toward achieving the Watershed Function-Uplands and Ecological Processes standards not currently met in West Field Pasture, 2) implements range improvement projects and noxious weed treatments to continue to achieve standards at risk of achievement due to noxious weed infestations and concentrated wild horse grazing, and 3) responds to an external request to issue a new grazing permit on Happy Valley Allotment consistent with applicable regulations. In addition, the selected alternative improves livestock and wild horse distribution and utilization patterns, wildlife habitat, riparian conditions, upland plant community diversity and resistance to exotic annual grass invasion, and will reduce medusahead rye within the Happy Valley Allotment.

The No Action Alternative was not selected because it would fail to implement management to meet the Purpose and Need for the Action particularly the requirement to make significant progress in achieving rangeland health standards. Alternative III was not selected because analysis in the EA indicated treating larger areas of annual grass infestations under Alternative II would better achieve rangeland health standards in the future. Alternative IV was not selected because it did not adequately adjust the timing of livestock grazing to make significant progress toward achieving all rangeland health standards. Alternatives V and IV were not selected because the selected alternative implements livestock grazing management and range improvement projects which better meet the Purpose and Need for Action, rangeland health Standards and Guidelines, and allotment resource objectives, while authorizing livestock grazing as a multiple-use consistent with applicable regulations.

E. AUTHORITY

The Proposed Action is in conformance with the Three Rivers Resource Management Plan (RMP)/ROD (September 1992) and the Steens Mountain Cooperative Management and Protection Area RMP/ROD (August 2005). The Proposed Action, although not specifically provided for, is consistent with RMP goals and objectives (EA, Page 5) and has been designed to conform to the following regulations and guidance which direct and provide framework for management of BLM lands within Burns District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- National Environmental Policy Act (42 U.S.C. 4321-4347), 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
- 2007 Steens Mountain Travel Management Plan (EA OR-05-027-021)
- State, local, and Tribal laws, regulations, and land use plans
- Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States ROD 2007
- Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD 2010

F. RIGHT OF PROTEST/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 Richard Roy, Three Rivers Resource Area Field Manager, 28910 Hwy 20 West, Hines, Oregon 97738.

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. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and person(s) named [43 CFR 4.421(h)] in the *Copies sent to:* section of this decision.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), 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; and
(4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

Sincerely,

Signature on file

Richard Roy
Three Rivers Resource Area Field Manager

1 Enclosure
1 – FONSI

cc: Rod Klus, Oregon Department of Fish and Wildlife, Hines, Oregon
CERTIFIED MAIL - 7010 1870 0002 7993 3522 - RETURN RECEIPT REQUESTED
Diane Teeman, Council, Burns Paiute Tribe, Burns, Oregon
CERTIFIED MAIL - 7010 1870 0002 7993 3539 - RETURN RECEIPT REQUESTED
The Honorable Steven E. Grasty, Harney County Courthouse, Burns, Oregon
CERTIFIED MAIL - 7010 1870 0002 7993 3546 - RETURN RECEIPT REQUESTED
Matt Little, Conservation Director, Oregon Natural Desert Association, Bend, Oregon
CERTIFIED MAIL - 7010 1870 0002 7993 3553 - RETURN RECEIPT REQUESTED
Peter M. Lacy, Senior Attorney, Oregon Natural Desert Association, Portland, Oregon
CERTIFIED MAIL - 7010 1870 0002 7993 3560 - RETURN RECEIPT REQUESTED

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

June 24, 2011
Environmental Assessment
DOI-BLM-OR-050-2009-0053-EA

INTRODUCTION

Three Rivers Resource Area, Burns District Bureau of Land Management (BLM), has prepared an Environmental Assessment (EA) to analyze the potential effects of the issuance of the Term Grazing Permit, to make progress toward achieving standards and guidelines not met, and proposed range improvement projects within Happy Valley Allotment #5309.

Happy Valley Allotment is located 50 miles southeast of Burns, Oregon. Happy Valley Allotment consists of ten pastures and two exclosures: Tank, West Field, Fisher Field, North, North Big Hill, South Big Hill, Government Field, Deep Creek, Hay Meadow, and Smyth Creek and Riddle Creek Exclosures. There are 16,785 acres of BLM-managed land plus 2,577 acres of private land within the allotment for a total of 19,362 acres. The allotment is part of the Kiger Wild Horse Herd Management Area (HMA), Kiger Mustang Area of Critical Environmental Concern (ACEC), and the Steens Mountain Cooperative Management and Protection Area (CMPA).

SUMMARY OF THE PROPOSED ACTION

The Proposed Action would include the issuance of grazing permit #3602315 for 2,107 active AUMs of livestock grazing on public land from April 1 to October 15 with new terms and conditions, and range improvement projects to make measurable progress toward achieving Standards for Rangeland Health.

A. Proposed Management

To achieve Standards for Rangeland Health, achieve resource objectives and continue to conform to Guidelines of Livestock Grazing Management proposed management includes:

1. Livestock Grazing Management:

a. Livestock grazing management would be authorized to provide periodic growing season rest for upland vegetation in each pasture every other year.

b. Grazing management in riparian areas would be designed to limit or remove grazing to support adequate vegetation that maintains channel and bank stability in Frog Creek.

c. Current permitted season of use would remain April 1 to October 15.

d. Flexibility in grazing management within the permitted season of use would be authorized if necessary to change pasture rotation and time of use to achieve resource objectives.

2. Range Improvement Projects: General Project Design Elements would be implemented as described in the Allotment Management Plan (AMP)/EA.

a. Frog Creek, build a 4-strand, barbed-wire exclosure fence located in South Big Hill Pasture (T. 29 S., R. 34 E., Sections 33 and 34; T. 30 S., R. 34 E., Section 4). Exclosure would be approximately 65 acres in size, and would exclude both livestock and wild horse use. Install troughs and pipe water from Frog Creek that would provide adequate water for livestock and wild horses and improve or maintain livestock distribution.

b. Crested Wheatgrass Seedings, maintenance/rehabilitation and improve late season forage for mule deer winter range and livestock in West Field and North Pastures. Rehabilitate 940 acres in West Field Pasture (T. 28 S., R. 33 E., Sections 6, 7, 8, 9, 17, and 18) by reducing sagebrush with a brush mower and seeding 200 acres with Hycrest crested wheatgrass and forage kochia. Rehabilitate and inter-seed 450 acres in North Pasture (T. 28 S., R. 33 E., Section 24; T. 28 S., R. 34 E., Section 19, SW¼, Section 30, NW¼ and SW¼SE¼ and NE¼S½) by reseeding on toe slopes with bluebunch wheatgrass, Hycrest crested wheatgrass, and forage kochia.

c. Skidoo Spring Water Development, using overflow from an existing trough in South Pasture and run a pipe for 1-mile north to another trough. The pipe would be buried in a trench that would disturb an area 3 to 4 feet wide by 1-mile in length. Trenched area would be rehabilitated with crested wheatgrass and forage kochia, which is approximately one-half acre in size.

d. Smyth Creek Exclosure Gap Fence, would be constructed primarily upstream of the confluence between Frog Creek and Smyth Creek where access locations have been identified or are perceived to occur. Gaps downstream are minimal or do not occur, but gap fences would be constructed if probable access is identified.

e. Inter-seed two medusahead-infested areas, with native (bluebunch wheatgrass and basin wildrye) and nonnative (Hycrest crested wheatgrass and forage kochia) plant species in South Big Hill Pasture (130 acres) and North Big Hill Pasture (170 acres). Temporarily remove livestock and wild horses two growing seasons following seeding to allow plant establishment.

f. Treat medusahead rye infestations, in Happy Valley Allotment in the fall season using Plateau (Imazapic) at 6 oz/acre. Incorporate all pertinent Standard Operating Procedures and Mitigating Measures from the October 2010 Vegetation Treatments Using Herbicides on BLM Land in Oregon Final Environmental Impact Statement/Record of Decision (FEIS/ROD) (Appendix 2 of the attached Happy Valley AMP/EA).

B. 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 Happy Valley 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 Resource Management Plan (PRMP)/FEIS), 1991, and the Andrews Management Unit (AMU)/CMPA PRMP/FEIS, 2004. There would be no substantial broad societal or regional impacts not previously considered in the PRMPs/FEISs. The actions described represent anticipated program adjustments complying with the Three Rivers RMP/ROD and CMPA ROD/RMP, and implementing a change in livestock grazing management and range improvements is within the scope and context of these documents.

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. None of the effects are beyond the range of effects analyzed in the Three Rivers PRMP/FEIS and CMPA ROD/RMP, to which the EA is tiered.

Soils and Biological Soil Crusts (BSCs): The new grazing rotation would provide key forage plants the opportunity to grow, store carbohydrates, and reseed in each pasture. This would decrease the risk of wind and water erosion by maintaining a healthy vegetative component to the allotment leading to more stable soils and BSCs. The overall objectives of the proposed range improvements would lead to more stable soils and BSCs within the allotment.

Upland Vegetation: The Proposed Grazing Management Schedule would provide a graze, defer, and rest rotation for upland vegetation within Happy Valley Allotment. The new grazing rotation would provide key forage plants the opportunity to grow, store carbohydrates, and reseed in each pasture. This would result in an increased upland and ecological trend for this allotment and for areas that did not meet standards or that are at risk. Proposed range improvements would increase perennial vegetative diversity and ground cover for both native and nonnative communities. Healthier perennial plant communities are more resistant to the invasion of annual exotic grasses such as medusahead.

Wetlands, Riparian Zones, Water Quality, and Fisheries: All public streams within the allotment are either currently excluded from livestock and wild horses, or are proposed for exclusion under the Proposed Action. Therefore, proposed livestock management would have no affect to riparian vegetative communities, fisheries or water quality. Removal of livestock and wild horses in Frog Creek would allow deep rooted, hydric herbaceous riparian vegetation to establish and greater bank stability, increased shading and water storage/retention would be expected.

Noxious Weeds and Invasive Nonnative Plant Species: Periodic growing season rest from livestock grazing would help maintain functioning, vigorous, occupied plant communities' resistance to noxious weed introduction and spread. Range improvement projects designed to moderate livestock and wild horse congregation and help spread animals on the landscape would reduce disturbance and, therefore, reduce opportunities for noxious weed introduction and spread. Range improvements would also help spread horse use across the landscape, reducing concentrations and impacts from horses, contribute to enhancing desirable plant communities, and thus lessen opportunities for weed introduction and spread. Herbicide treatments using Plateau at 6 oz/acre in the fall would have low risk to non-target vegetation.

Wildlife: The proposed grazing strategy would continue to allow for maximum potential growth of herbaceous vegetation on 40 to 50 percent of the allotment each year by deferment or rest. Proposed range improvement projects would increase wildlife habitat by improving riparian systems and upland vegetative communities, and reducing medusahead. Proposed range improvement project "b" (brush mowing treatments) would reduce sagebrush cover important for wildlife habitat, but would be offset by the subsequent follow-up seeding with a mixture of bluebunch wheatgrass, crested wheatgrass, and forage kochia.

This seed mixture would provide a more stable fire resistant and resilient plant community from converting to an annual grassland.

Migratory Birds: The proposed grazing strategy would continue to allow for maximum potential growth of herbaceous vegetation on 40 to 50 percent of the allotment each year by deferment or rest. Turnout in the lower elevation pastures would typically be delayed about 2 weeks compared to the current grazing schedule, which would be beneficial to ground nesting species by reducing trampling and loss of screening cover around nests during early season use. Proposed range improvement projects would improve migratory bird habitat within riparian systems and upland vegetative communities, and reduce medusahead. Proposed range improvement project "b" (brush mowing treatments) would reduce sagebrush cover. This effect would be offset by the subsequent follow-up seeding with a mixture of bluebunch wheatgrass, crested wheatgrass, and forage kochia. This seed mixture would provide a more stable fire resistant and resilient plant community from converting to an annual grassland.

Special Status Species (SSS): The allotment provides habitat for greater sage-grouse, an SSS, and effects from the proposed grazing strategy would allow for maximum potential growth of herbaceous vegetation especially in Government and Deep Creek Pastures that support nesting near and around the Dollar Lake lek. Livestock grazing would occur after the critical nesting and early brood-rearing period for sage-grouse in these two pastures. There would be no effects from proposed range improvement projects to sage-grouse because there are no projects in or near the Dollar Lake lek and projects are designed to improve vegetative communities beneficial to sage-grouse.

Redband trout, an SSS, are present in Smyth and Frog Creeks. Proposed grazing management and range improvements exclude livestock and wild horses in Smyth Creek and around Frog Creek improving fish habitat by increasing hydric herbaceous riparian vegetation, bank stability, shading and water storage/retention, and instream structure.

Livestock Grazing Management: There would be no changes in the proposed livestock grazing management to livestock numbers and permitted use dates. Active preference would remain the same. Proposed range improvements would have effects to livestock that include water developments would increase distribution, restoring vegetative communities to desirable native and nonnative species would increase forage quantity and quality, and treating medusahead-invaded sites would reduce the risk of conversion to homogenous invasive annual grassland. Temporary removal of livestock for two growing seasons during the implementation of range improvement project "e" would be a short-term effect while treated sites are rehabilitated and rested. However, following the period of rest livestock would be authorized to use these pastures with improved forage and reduced medusahead.

American Indian Traditional Practices: None of the alternatives advocated increased grazing in the allotment. Proposed range developments are site-specific and may be within areas of importance to the Burns Paiute Tribe. Consultation with the Tribal Council concerning these specific projects and areas surrounding them would occur prior to project implementation.

Cultural Resources: Under the Proposed Action Alternative, impacts to cultural resources would be negligible by grazing management and range improvement projects except in existing and potential new congregation areas that might arise near proposed range developments. All range improvement projects would be inventoried prior to construction or implementation, and the best method to minimize or eliminate effects to nearby cultural resources would be implemented.

Kiger Mustang ACEC and HMAs: Proposed livestock grazing management would rest either North Big Hill or South Big Hill Pastures every other year in a graze/defer/rest rotation. This would provide periods of complete rest from livestock use, and reduce potential competitive relations such as dietary and/or behavioral overlap between cattle and wild horses. Temporary removal of wild horses for two growing seasons during the implementation of range improvement project "e" would be a short-term effect while treated sites are rehabilitated and rested. However, following the period of rest wild horses would be returned to each pasture with improved habitat and reduced medusahead.

Recreation and Visual Resources: No changes to the types of recreation opportunities present in the project area would occur. Visual resources could be temporarily altered during herbicide treatments of medusahead infestations. However, methods would have low risk to established desirable vegetation that would enhance visual resources following treatments.

Social and Economic Values: Providing for sustainable grazing management that improves habitat conditions for wildlife would, in turn, increase economic opportunities and foster more desirable social opportunities such as hunting, wildlife and wild horse viewing, and other outdoor recreational practices.

2. *The degree to which the Proposed Action affects public health or 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 of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, or wild and scenic rivers. The one exception is the allotment is part of the National Landscape Conservation System identified as the CMPA and is considered an ecologically critical area. There are no proposed range improvement projects or changes to the permit's terms and conditions of the Happy Valley Allotment that is within the CMPA.

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 and AMU/CMPA 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 as livestock grazing and rangeland improvement projects are ongoing and routine management actions.

7. W*hether 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 and AMU/CMPA PRMP/FEIS which encompasses Happy Valley 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, recreation activities including fishing and hunting, Five Creeks Rangeland Restoration Project EA (OR-06-027-022), and North Steens Ecosystem Restoration Project ROD 2007 are known Reasonably Foreseeable Future Actions. Five Creeks Rangeland Restoration Project has and will continue to utilize various methods of prescribed fire and mechanical treatments to reduce western juniper densities in two dominant vegetative communities: low sagebrush flats, mountain big sagebrush-bunchgrasses, and riparian communities. Mountain mahogany communities are identified and treated separately to preserve the existing population.

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 a threatened or endangered species or its habitat.* There are no known threatened or endangered 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 imposed for the protection of the environment. The Proposed Action is in compliance with the Three Rivers RMP and CMPA RMP, which provide 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*) and AMU/CMPA PRMP/FEIS (*2004*);

2. The Proposed Action and alternatives are in conformance with the Three Rivers RMP/ROD and CMPA RMP/ROD;

3. There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and

4. The environmental effects against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Therefore, an EIS is not necessary and will not be prepared.

Signature on file *September 12, 2011*
Richard Roy Date
Three Rivers Resource Area Field Manager