

Issue Grazing Permits for Happy Valley Allotment Determination of NEPA Adequacy (DNA)

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

Office: BOR050

Tracking Number (DNA #): DOI-BLM-OR-B050-2012-0023-DNA

Case File/Project Number: 3601943

Proposed Action Title/Type: Happy Valley transfer of AUMs to a New Permit

Location/Legal Description: Happy Valley Allotment #5309

A. Description of the Proposed Action and any applicable mitigation measures

The Proposed Action would authorize two, 10-year term grazing permits on Happy Valley Allotment for a total of 2,398 AUMs. The action would transfer 552 AUMs to a new grazing permit and modify Permit #3601943 by subtracting those AUMs for a new total preference of 1,846 AUMs. The total AUMs and livestock management on the allotment would be unchanged. Each grazing permit would have the same Terms and Conditions from the Happy Valley Allotment Management Plan/Environmental Assessment (AMP/EA) (DOI-BLM-OR-050-2009-0053-EA) and Decision, and would remain the same as the current permit.

Table 1: Modification to the current permit and a description of the new permit.

<i>Authorization #</i>	<i>Season of Use</i>	<i>Active (AUMs)</i>	<i>Suspended AUMs</i>	<i>Grazing Preference</i>
Current 3601943	04/01-10/15	2,107	291	2,398
Modified 3601943	04/01-10/15	1,622	224	1,846
New permit	04/01-10/15	485	67	552
TOTAL new permits	04/01-10/15	2,107	291	2,398

Below is a brief summary of the analysis results and brief discussion of mitigation measures put into place to achieve the Standards for Rangeland Health and to conform to the Guidelines for Livestock Management in Happy Valley Allotment. See Map A and B for allotment location and layout.

- In 2011, the Happy Valley AMP/EA analyzed six alternatives that included no action, proposed action, change to range improvement "e", reduction in permitted active use, shorten the season of use, and removal of livestock. Each alternative was designed to address standards and guidelines not achieved and/or standards at risk. Standards and guidelines not achieved caused by livestock were Watershed Function – Uplands and Ecological Processes in the West Field pasture. Standards and guidelines at risk caused by livestock and wild horses were Watershed Function – Uplands and Ecological Processes in South and North Big Hill pastures; Watershed Function – Riparian, Water Quality, and Locally Important Species in Frog Creek. After Communication,

Consultation, and Coordination with interested public, and finding of No Significant Impact (FONSI), a Proposed Decision (DOI-BLM-OR-050-2009-0053-EA) was signed September 12, 2011, by the authorized officer to implement mitigation measures and range improvements in the proposed action alternative to: (1) impose change to livestock grazing management by providing periodic rest or deferment during critical growth periods, (2) remove livestock and wild horse grazing from Frog Creek riparian zone, (3) treat medusahead infestations and re-vegetate with native and desirable native plant species, and (4) initiate installation of additional rangeland improvements to promote rehabilitation and resolve grazing concerns.

- Mitigated measures have been put into place in the Happy Valley Allotment to implement necessary land treatments, practices and/or changes to livestock management, by proposing to construct Frog Creek Exclosure (2012), and by providing periodic growing season rest in each pasture (2011 - present). Anticipated recovery rate will result in progress toward fulfillment of the Standards for Rangeland Health and progress toward conformance with the Guidelines for Livestock Grazing Management.

B. Land Use Plan (LUP) Conformance

Three Rivers Resource Management Plan (RMP) Date Approved: September 1992

The proposed action is in conformance with the applicable LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) GM 1.1, page 2-33.

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

- Happy Valley Allotment Management Plan/Environmental Assessment (DOI-BLM-OR-050-2009-0053-EA), June 24, 2011.
- Finding of No Significant Impact and Decision Record for Happy Valley Allotment Management Plan/Environmental Assessment (DOI-BLM-OR-050-2009-0053-EA), September 12, 2011.
- Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (1991)

D. NEPA Adequacy Criteria

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

Documentation of answer and explanation:

Yes, the effects of the new proposed action of this DNA are the same as the effects of the Proposed Action analyzed in the Happy Valley AMP/EA. The current proposed action is to split the current permit among two permittees. The Proposed Action from the Happy Valley AMP/EA analyzed continued livestock grazing from April 1 through October 15 for a total of 2,107 Active AUMs authorized under Grazing Permit #3601943 in the same analysis area and under the same terms and conditions; therefore, an analysis of the effects of the New Proposed Action would be the same as the Proposed Action analyzed in the Happy Valley AMP/EA.

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

Documentation of answer and explanation:

Yes, the 2011 Happy Valley AMP/ EA analyzed six alternatives that included no action, proposed action, change to range improvement "e", reduction in permitted active use, shorten the season of use, and removal of livestock. The Proposed Action Alternative analyzed management actions necessary to achieve Standards for Rangeland Health and meet resource objectives, season of use changes and project developments designed to address each Standard for Rangeland Health not achieved or at risk

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

Documentation of answer and explanation:

Yes, the analysis of the Proposed Action in the 2011 Happy Valley AMP/EA remains valid. No new threatened or endangered plant or animal species or environmental concerns have been identified in Happy Valley Allotment, since the 2011 Happy Valley AMP/EA and the signed FONSI/ Decision (September 12, 2011). The new proposed action to split the existing grazing permit into two would impose no change in analysis of the Happy Valley Allotment, because an analysis of the effects of the New Proposed Action would be equivalent to the effects of the Proposed Action that was analyzed in the Happy Valley AMP/EA, June 24, 2011.

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

Documentation of answer and explanation:

Yes, the Proposed Action from the Happy Valley AMP/EA analyzed livestock grazing for the same amount of AUMs and grazing dates as proposed in this decision to split the permit into two, and the Happy Valley AMP/EA would be the Term and Condition of the new Grazing Permit. Therefore, the direct, indirect, and cumulative effects of the action proposed in this

DNA would be equivalent to those effects analyzed for the Proposed Action in the Happy Valley AMP/EA.

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

Documentation of answer and explanation:

Yes, because the Proposed Action from the Happy Valley AMP/EA and the action proposed in this DNA are within the same analysis area (Happy Valley Allotment), and the new proposed action would have the same environmental effects. Public involvement that included six groups of interest (see sec. F. Other Consulted) and interagency review associated with the Happy Valley AMP/EA adequately covers the New Proposed Action.

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

Specialist Signature and Date: Jason Brewer 2-13-12
Jason Brewer, Wildlife Biologist

Specialist Signature and Date: Scott Thomas 2-3-2012
Scott Thomas, District Archaeologist

Specialist Signature and Date: Lindsay Davies/Lisa Grant 2-2-2012
Lindsay Davies/Lisa Grant, Fisheries Biologist

Specialist Signature and Date: Caryn Meinicke 2-3-2012
Caryn Meinicke, Botanist

Specialist Signature and Date: John Bethea 2-3-2012
John Bethea, Recreation Planner

Specialist Signature and Date: Eric Haakenson 2-10-2012
Eric Haakenson, Wilderness Specialist

Specialist Signature and Date: Travis Miller 2/2/2012
Travis Miller, Rangeland Management Specialist

Specialist Signature and Date: Lesley Richman 2/3/2012
Lesley Richman, District Weed Coordinator

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

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

Rod Otley, Authorized Representative, Steens Mountain Ranch Inc.

Leeann Teeman, Tribal Council Secretary/Treasure, Burns Paiute Tribe

Kim Kellogg, KMA Liaison, Kiger Mesteno Association

Matt Little, Conservation Director, Oregon Natural Desert Association

Peter M. Lacy, Senior Attorney, Oregon Natural Desert Association

Rod Klus, Oregon Department of Fish and Wildlife

The Honorable Steven E. Grasty, Harney County Courthouse

Conclusion (If you found that one or more of these criteria is not met, you will not be able to check this box.)

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

Project Lead: Travis Miller, Range Management Specialist

Travis Miller 2/13/2012

NEPA Coordinator: Rhonda Karges, District Planning and Environmental Coordinator

Rhonda Karges 2/13/2012

Responsible Official: Richard Roy, Three Rivers Resource Area Field Manager *acting*

Richard Roy

Date: *2/13/2012*

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

(Only include the following language if a lease, permit or other authorization is not issued or other program-specific regulations do not apply)

Decision: It is my Proposed Decision to implement the Proposed Action as described above.

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 the Three Rivers Resource Area, 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, 28910 Hwy 20 West, Hines, Oregon 97738.

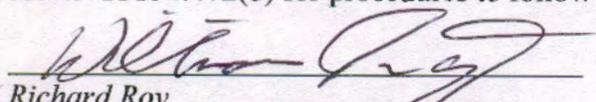
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 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.

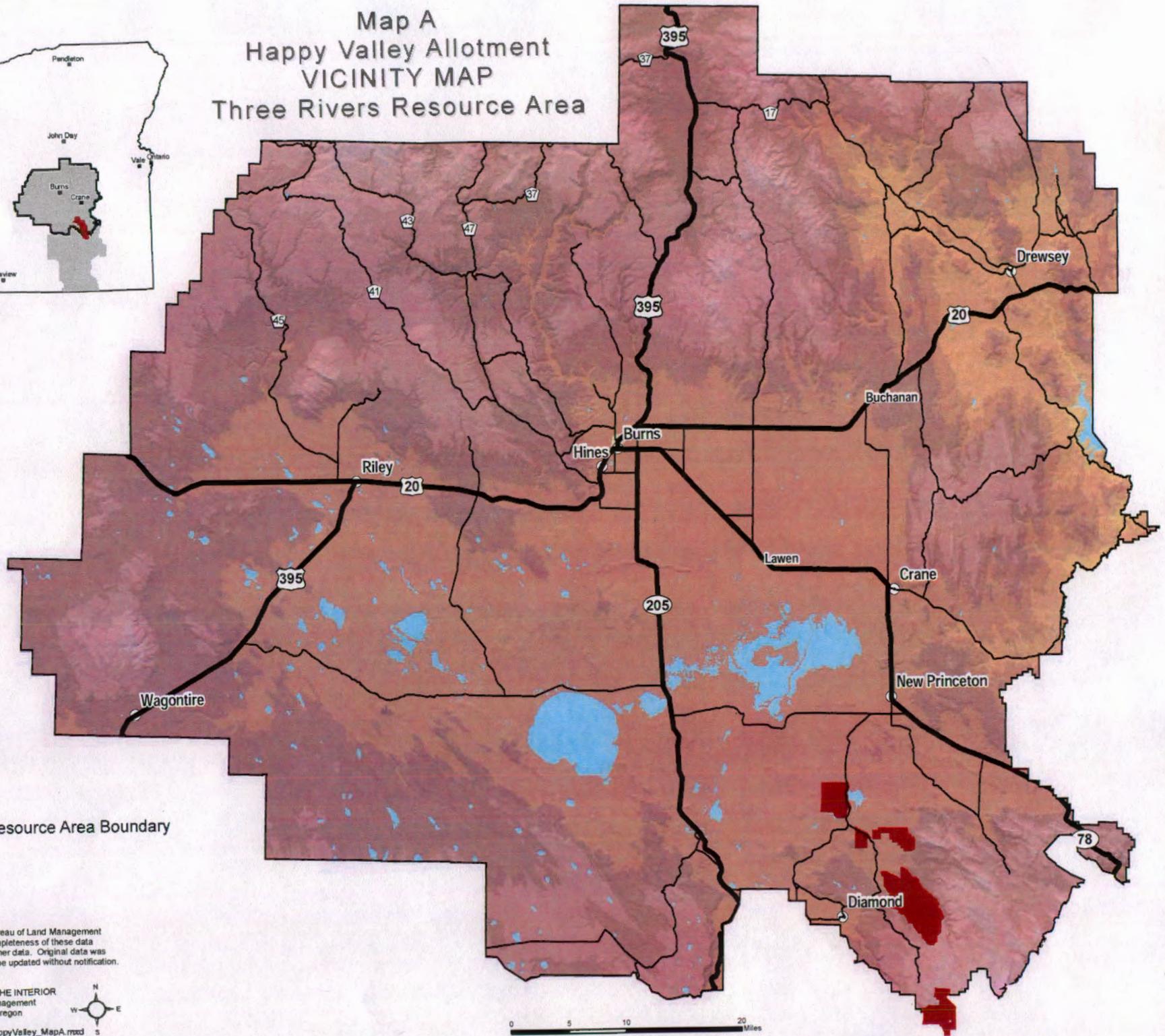
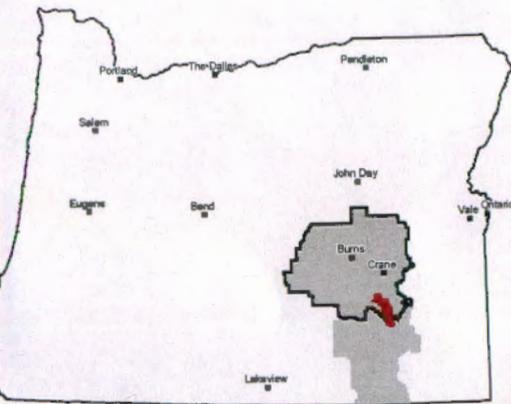
Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.


Richard Roy

Three Rivers Resource Area Field Manager

12/13/2012
Date

Map A Happy Valley Allotment VICINITY MAP Three Rivers Resource Area



Legend

- Allotment
- Three Rivers Resource Area Boundary

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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Burns District, Oregon

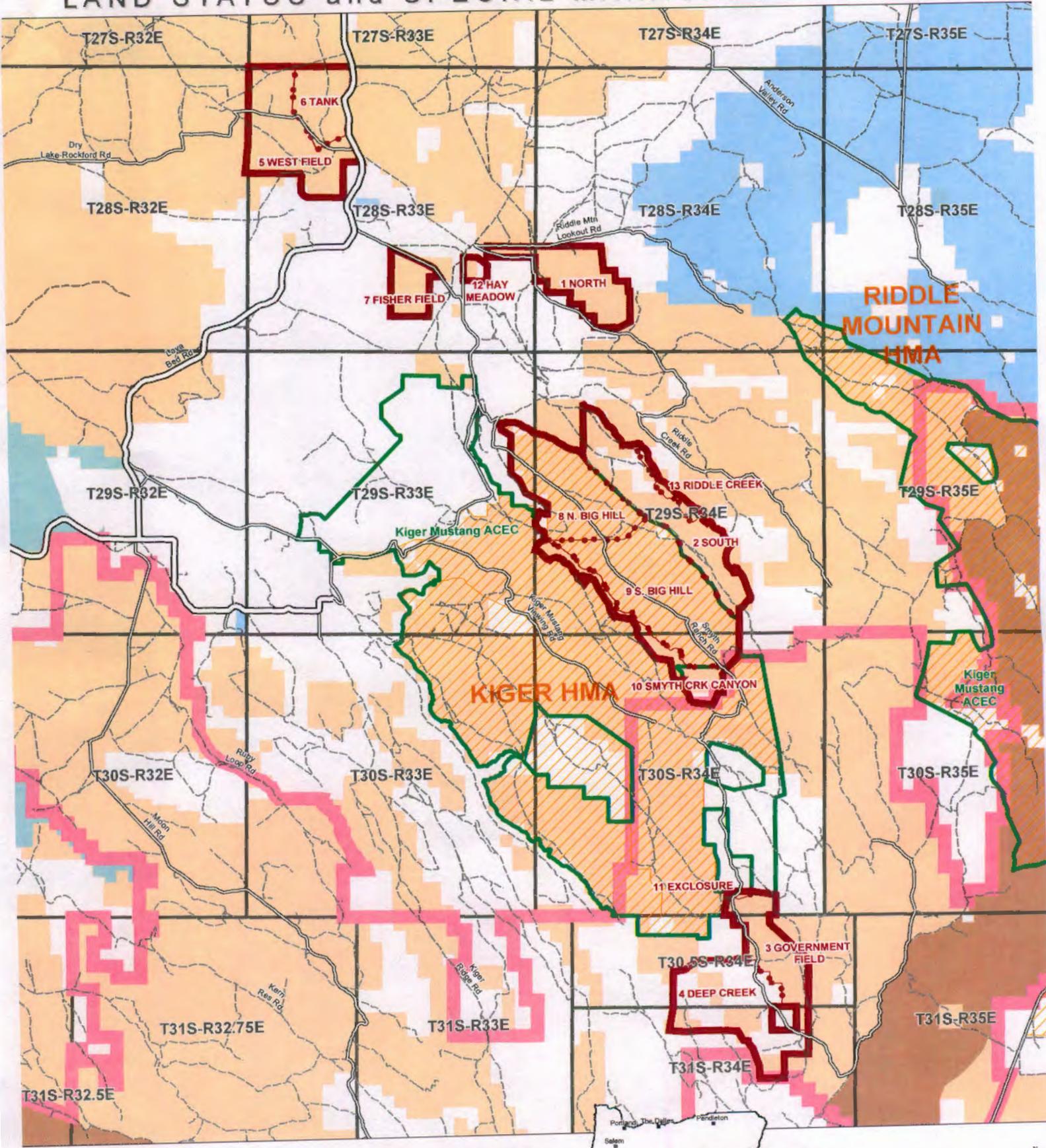


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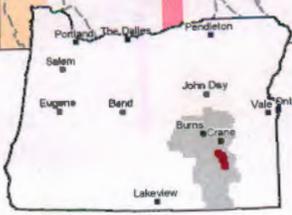


Happy Valley Allotment LAND STATUS and SPECIAL MANAGEMENT AREAS

Map B



- Area of Critical Environmental Concern (ACEC)
- Herd Management Areas
- Steens Mountain Cooperative Management and Protection Area
- Allotment Boundary
- BLM Wilderness Study Area
- Bureau of Land Management
- U.S. Fish and Wildlife Service
- Private/Unknown
- State



3 Miles

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Burns District, Oregon

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