

NOTICE OF PROPOSED DECISION
To Implement
Juniper Ridge Well Pipeline and Trough
Environmental Assessment
DOI-BLM-OR-B050-2010-0017-EA

A. BACKGROUND

The Juniper Ridge Well Pipeline and Trough Environmental Assessment (EA) analyzed constructing approximately 0.7-mile of buried pipeline and installing a 10-foot diameter bottomless (or two 1,500-gallon aluminum) water trough(s) within the South Pasture of Juniper Ridge Allotment. The EA also analyzed replacing the existing water troughs at Juniper Ridge Well.

B. PROPOSED DECISION

Having considered the Proposed Action and No Action Alternative and associated impacts and based on analysis in the Juniper Ridge Well Pipeline and Trough EA, it is my proposed decision to authorize implementation of the Proposed Action (Alternative B).

The Proposed Action will construct approximately 0.7-mile of buried pipeline and install a 10-foot diameter bottomless (or two 1,500-gallon aluminum) water trough(s) within the South Pasture of Juniper Ridge Allotment. The pipeline and trough will be located in T. 24 S., R. 26 E., Sections 3 and 4. The pipeline will start at the existing Juniper Ridge Well in the North Pasture of Juniper Ridge Allotment and be installed up and on top of Juniper Ridge along the northern boundary of the South Pasture.

Construction of the pipeline will consist of burying 2-inch black, plastic pipe to a depth of approximately 30 inches with a ripper tooth mounted to a dozer from the well to the base of Juniper Ridge (approximately 0.5-mile). The pipeline will then be hand laid and covered with rock to limit sunlight exposure going up and over Juniper Ridge. Plumbing of the trough will be decided during project implementation. The system used will include either a 5,000-gallon storage tank and float valve at the trough, or an overflow pipe from the trough. Installation of the pipeline and trough will take approximately 5 days to complete and will occur from August through October of 2010. The two existing troughs located at Juniper Ridge Well will also be replaced. All project design elements included in the EA will be followed during project implementation.

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

C. PUBLIC COMMENTS AND RESPONSES

A copy of the EA and unsigned FONSI were mailed to Federal, State, and County agencies and other interested public on May 19, 2010, for a 30-day public comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on May 19, 2010.

The Burns District Bureau of Land Management (BLM) received no public comments on the Juniper Ridge Well Pipeline and Trough EA.

D. RATIONALE

This selected alternative best met the Purpose and Need for the Action because it provides an additional source of reliable water for livestock to further implement the graze/defer grazing rotation called for in the 1998 Juniper Ridge Allotment Management Plan (AMP). Since the selected alternative was developed in consultation with affected grazing permittees and Harney County Government, it also meets their grazing management needs and resource management goals. The No Action Alternative was not selected because it did not meet the Purpose and Need for Action.

E. AUTHORITY

Juniper Ridge Well Pipeline and Trough EA is in conformance with the Three Rivers Resource Management Plan (RMP)/Record of Decision/Rangeland Program Summary (September 1992). The Proposed Action, although not specifically provided for, is consistent with RMP goals and objectives. Selection and construction of the Proposed Action is also in compliance with the following documents, which direct and provide the framework and official guidance for management of BLM lands within the Burns District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- Public Rangelands Improvement Act (43 U.S.C. 1901), 1978
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington, 1997
- Burns District Noxious Weed Management Program EA (OR-020-98-05), 1998
- BLM National Sage-grouse Habitat Conservation Strategy, 2004
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon, 2005
- Juniper Ridge AMP, 1998
- State, local, and Tribal laws, regulations, and land use plans

F. RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Three Rivers Resource Area Field Manager, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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

Any applicant 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 4160.3(a) and 4160.4. 15. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

This appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available at the BLM Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision (43 CFR 4.471(b)). The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

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

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

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

As noted above, the petition for stay must be filed in the office of the authorized officer.

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

Sincerely,

/signature on file/

Richard Roy
Three Rivers Resource Area Field Manager