

**NOTICE OF PROPOSED DECISION**  
To Implement  
**Pole Spring Reconstruction**  
**Environmental Assessment**  
**DOI-BLM-OR-B050-2010-0013-EA**

**Background**

The Pole Spring Reconstruction Environmental Assessment (EA) analyzed impacts associated with reconstructing the Pole Spring development which is located within Muddy Creek Allotment No. 5506. The Proposed Action is to reconstruct the Pole Spring development and enclose approximately 4.75 acres containing riparian and cultural resources. Livestock will be excluded from the enclosure.

The need for the action arises from the following circumstances. The spring development is in disrepair. The spring source is not fenced and exposed to trampling damage from livestock, elk, and deer. Eventually trampling, frost heaving, and potential other factors may change the hydrologic conditions that create the existing spring causing it to dry up. The riparian area resulting from the spring source is not in Proper Functioning Condition (PFC). A cultural resource site is located adjacent to the spring source and is exposed to trampling damage.

**Proposed Decision**

The EA analyzed the potential impacts to the human environment from the Proposed Action, No Action Alternative, and associated impacts and based on analysis in DOI-BLM-OR-B050-2010-0013-EA, it is my proposed decision to authorize implementation of the Proposed Action (Alternative B) which includes the following:

The Proposed Action is to reconstruct the Pole Spring development and enclose approximately 4.75 acres containing the spring source, riparian area, and a cultural site. A backhoe will be used to dig up and remove the old headbox and place a new headbox in the spring area of Pole Spring. Water will be collected and piped to two new 800 to 1,200-gallon troughs, one each in Upper Muddy and Lower Muddy Pastures. Approximately 700 feet of new 2-inch plastic pipeline will be installed to route the water to the troughs approximately 225 feet and 630 feet from the spring source and away from the meadow area associated with Pole Spring. Overflow water from the troughs will be by an underground pipe back to the original channel downstream from the lower elevation trough in Lower Muddy Pasture. Pipelines will be buried about 2 feet deep using a ripper attachment on a crawler tractor.

Approximately 2,000 feet of fence will be constructed to create an enclosure area around the spring source, riparian meadow, and prehistoric cultural site area above and below Pole Spring, excluding livestock from approximately 4.75 acres. Approximately 524 feet

of the original pasture boundary fence will be removed, of which 250 feet will be relocated to accommodate livestock movement near the new trough locations.

DOI-BLM-OR-B050-2010-0013-EA showed that implementation of the Proposed Action did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was not necessary. The signed Finding of No Significant Impact (FONSI) is enclosed.

### **General Project Design Elements for Range Improvements**

Project Design Features described in the EA (Page 4) will protect resource values and minimize disturbance.

These design features include:

- a. The fences will be constructed to Bureau of Land Management (BLM) specifications for a 4-strand barbed wire fence, with 22-foot line post spacing. Wire spacing will be 16 inches, 22 inches, 30 inches, and 42 inches up from the ground surface, with a smooth bottom wire. The livestock permittee will be responsible for fence maintenance following construction, as defined in a cooperative agreement.
- b. Flagging will be placed on fences to increase visibility for sage-grouse and other animals following construction.
- c. Escape ramps or floats (to prevent accidental drowning of small animals and birds) will be included in the troughs.
- d. No blading, grading, or scalping of the fenceline will be allowed.
- e. Pipelines will be buried at a minimum of 18 inches below ground level.
- f. Soil disturbed during pipe placement and trough installation will be hand-seeded with a mixture of native and nonnative perennial grass species.
- g. If possible, the troughs will be partially buried and coarse rock will be placed to reduce soil compaction by livestock and assist in blending the site with the surrounding area.
- h. Vehicles and equipment will be cleaned prior to entry to the site for project work as well as after project completion to prevent the spread of noxious weeds.
- i. The BLM will inventory the project site for noxious weeds. Any weeds found will be treated, and the site will be monitored for new weed introductions following construction.

### **Rationale**

I have selected the Proposed Action (Alternative B) as implementation will restore and enhance the free-flowing nature and wet meadow characteristics of the riparian meadows associated with Pole Spring so hydrologic function can support the potential natural community, including plant species important to greater sage-grouse, and reliable clean drinking water for livestock during the authorized season of use. Implementation will increase diversity, vigor, and extent of the riparian plant community supported by hydric soils such that the wet meadows can achieve their natural plant community. Construction of the enclosure fence will also protect an important cultural site from livestock impacts. In addition, I selected the Proposed Action based on the following Decision Factors:

Decision Factors:

- a. Would the alternative be effective in achieving project objectives?

Yes, the spring development will be maintained bringing it up to a functional status once again. The objective of the project is to maintain an existing spring development to a standard that will protect valuable riparian and cultural resources while providing water to livestock and wildlife.

- b. Does the alternative achieve project objectives in a reasonable timeframe (10 to 15 years)?

Yes, riparian and meadow characteristics are expected to improve within a reasonable amount of time through exclusion of livestock from the wet meadow area. By excluding livestock from the enclosure area, cultural resources will be protected from livestock impacts immediately following construction. Water for both livestock and wildlife will be immediately available following construction.

Implementation of the Proposed Action will provide measurable progress toward reaching PFC on the wet meadow area associated with the spring source. The improvement of the meadow area is expected to help make significant progress toward fulfilling the fundamentals of rangeland health.

I did not select the No Action Alternative (Alternative A) because the continuation of the current unprotected riparian meadow and associated cultural site puts these resources and values in jeopardy. Additionally, in order for the project to function properly, continue to produce water, and provide habitat for greater sage-grouse and other wildlife species into the future, the source of water must be protected from degradation. Management under the No Action Alternative will not (1) restore the free flowing nature of the spring and protect riparian and cultural resources and (2) address the Purpose and Need.

### **Comments Received and Responses**

A copy of the original EA and unsigned FONSI were mailed to the grazing permittee authorized to graze livestock within the Muddy Creek Allotment, Federal, State and County Agencies and other interested public on May 20, 2010. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on May 26, 2010, and was posted on the Burns District Web site for public comment from May 24, 2010 to June 22, 2010.

The Burns District BLM did not receive any public comments on the Pole Spring Reconstruction EA during the 30-day comment period.

### **Authority**

The Proposed Action is in conformance with the Three Rivers Resource Management Plan (RMP), September 1992, even though not specifically provided for, because it is clearly consistent with the goals and objectives on Pages 72, 73 and 2-152 of the RMP and as stated in the EA on Pages 2 and 3.

The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Taylor Grazing Act (43 U.S.C 315 - 1934)
- 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 Bureau of Land Management in the States of Oregon and Washington (1997)
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM - 2000)
- Bureau of Land Management National Sage-grouse Habitat Conservation Strategy (2004)
- Noxious Weed Management Program EA (1998)
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon (ODFW - August 2005)
- Antiquities Act of 1906
- Archaeological Resources Protection Act of 1979
- National Historic Preservation Act of 1966

### **Protest and 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 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 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.

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

Enclosure

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

**Finding of No Significant Impact**

**For**

**Pole Spring Reconstruction Environmental Assessment  
DOI-BLM-OR-B050-2010-0013-EA**

**INTRODUCTION**

The Three Rivers Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze impacts associated with reconstructing the Pole Spring development which is located within Muddy Creek Allotment. Pole Spring is a developed spring that supplies water to livestock and wildlife within Muddy Creek Allotment. This spring was originally developed in 1981, and supplies water to both Upper Muddy and Lower Muddy Pastures. At the time the spring was originally constructed, there was no enclosure built to protect the wet meadow area. The associated riparian meadows have potential to provide yearlong greater sage-grouse habitat and Muddy Creek Allotment resource concerns include "Special Status Species: Greater sage-grouse." Given the importance of natural meadow areas to water quality and the associated wildlife species which use them, we are proposing to reconstruct the project to make it both functional and to protect important riparian and cultural resources.

**SUMMARY OF THE PROPOSED ACTION**

The Proposed Action is to reconstruct the Pole Spring development and enclose approximately 4.75 acres containing riparian and cultural resources. A backhoe would be used to remove the old headbox and place a new one in the spring area. Water would be collected and piped to two new troughs, one each in Upper Muddy and Lower Muddy Pastures. Plastic pipeline would be installed to route the water to the troughs away from the meadow area. Overflow water from the troughs would be directed to the original channel downstream from the lower elevation trough. Pipelines would be buried using a ripper attachment on a crawler tractor.

A fence would be constructed to create an enclosure area around the spring source, riparian meadow, and prehistoric cultural site area associated with Pole Spring, excluding livestock from approximately 4.75 acres. A portion of the original pasture boundary fence would be removed, of which 250 feet would be relocated to accommodate livestock movement near the new trough locations.

The project is planned for completion in 2010. All work would be conducted by Bureau of Land Management (BLM) staff or contractors.

## **Project Design Features**

1. The fences would be constructed to BLM specifications for a 4-strand barbed wire fence, including 22-foot line post spacing. Wire spacing would be 16 inches, 22 inches, 30 inches, and 42 inches up from the ground surface, with a smooth bottom wire. The livestock permittee would be responsible for fence maintenance, as defined in a cooperative agreement.
2. Flagging would be placed on fences to increase visibility for sage-grouse and other animals following construction.
3. Escape ramps or floats (to prevent accidental drowning of small animals and birds) would be included in the troughs.
4. No blading, grading, or scalping of the fenceline would be allowed.
5. Pipelines would be buried at a minimum of 18 inches below ground level.
6. Soil disturbed during pipe placement and trough installation would be hand-seeded with a mixture of native and nonnative perennial grass species.
7. If possible, the troughs would be partially buried and coarse rock would be placed to reduce soil compaction by livestock and assist in blending the site with the surrounding area.
8. Vehicles and equipment would be cleaned prior to entry to the site for project work as well as after project completion to prevent the spread of noxious weeds.
9. The BLM would inventory the project site for noxious weeds. Any weeds found would be treated, and the site would be monitored for new weed introductions following construction.

## **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 Muddy Creek Allotment and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Three Rivers Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS). There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS. The actions described represent anticipated program adjustments complying with the Three Rivers RMP/Record of Decision (ROD), and implementing range management programs within the scope and context of this document.

## Intensity

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

1. *Impacts that may be both beneficial and adverse.*

The EA considered potential beneficial and adverse effects. Project Design Features were incorporated into the project design to reduce impacts. None of the effects are beyond the range of effects analyzed in the Three Rivers Proposed RMP/FEIS, to which the EA is tiered.

## Cultural Resources

By creating an enclosure around the spring source and nearby cultural site, the site would be protected from damaging effects of livestock congregation. The protection fence would be the most cost efficient way to protect the site.

The isolated site located to the north of Pole Spring outside of the spring enclosure would continue to be lightly impacted by livestock and wildlife trampling as they move to and from the water trough.

## Noxious Weeds

Excluding livestock grazing from the riparian area is expected to allow development of denser and possibly a more diverse plant community, which would increase competition against whitetop, helping to control infestation. The enclosure would reduce trampling at the spring, facilitating the ponded, meadow characteristics of the site, making it less favorable to whitetop while favoring plants better adapted to the increasing soil moisture.

Spring development and enclosure construction may spread whitetop or allow establishment of additional weed species at the site. However, this risk would be minimized by cleaning the vehicles before and after construction and by monitoring the site.

## Migratory Birds

Fencing the meadow would increase the structural diversity of the spring area and provide additional elevated perches for some migratory birds during territorial and courtship displays. However, the additional perches may also be used by raptors and other predators. The enclosure would result in increased herbaceous cover and foliage height in the spring area, which would result in greater nesting success and lower nest parasitism by cowbirds. The increased vegetation would also result in increased forage potential.

### Special Status Species – Fauna

The enclosure would protect riparian vegetation, improving sage-grouse brood-rearing habitat. The increase in riparian vegetation and density would increase insect populations, enhancing forage opportunities for bats. The enclosure fence may increase the risk of mortality to sage-grouse and foraging bats which could collide with it. However, project design features would minimize this risk.

### Wetlands, Riparian Zones, Water Quality

Excluding livestock from the spring and surrounding riparian area would end hoof-shearing, allowing hydrologic flow patterns in the riparian meadow to heal. Late seral densely rooted hydric herbaceous vegetation would increase in cover and composition. This increased vegetation would result in the increased capture of sediment and debris, and detention and detoxification of pollutants, improving water quality.

### Upland Soils, Vegetation, and Biological Soil Crusts

Livestock would concentrate on upland soils near the new water trough. Annual freeze-thaw cycles and new vegetation growth would likely reduce soil compaction on previously hardened areas within the protected riparian area. Livestock may create new trails along the new fenceline after construction; however, soil surface characteristics are likely to buffer these effects.

Disturbance caused by construction would be short (over 1-month or less), resulting in temporary soil compaction, and a reduction of plant productivity or recruitment due to crushing. Any damaged vegetation would naturally recover in two or three growing seasons. Areas disturbed by installation of pipeline and troughs would be seeded after construction activities.

### Visual Resources

There would be a small amount (<2 acres) of ground and vegetation disturbance associated with spring development construction. The ground and vegetation disturbance associated with construction would become less evident within 1 to 2 years as seeded grasses and native recover.

Visual contrasts resulting from changes to landform features, vegetation, and structures would not be easily noticed, given minimal earthwork is needed, the small size of disturbed vegetation, and the proposed troughs would be partially buried, and the pipeline would be completely buried. The dark green metal posts and wire for the fencing would add short green vertical lines and long horizontal lines to the immediate area; however, they would blend in more as the wet meadow recovered. The project would generally become less visible to unobservable when over one-quarter-mile from the new fence.

## Wildlife

Constructing enclosure fences and repositioning the existing pasture boundary fence within the project area could affect movement of larger animals such as deer and elk. However, the BLM's design specifications would be used to accommodate passage of animals, and reduce potential impacts to wildlife. Forage and cover opportunities for wildlife species within the enclosures would increase as the wet meadow increases in productivity and improves in function.

2. *Degree to which the Proposed Action affects public health and safety.*

No aspect of the Proposed Action or alternative would have an effect on 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.*

Other than the cultural resources described above, there are no unique characteristics within or around the Pole Spring Reconstruction project area.

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 alternative.

5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS to which this proposal is tiered.

6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.*

This project neither establishes a precedent nor represents a decision in principle about future actions. No long-term commitment of resources causing significant impacts was noted in the EA or RMP.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the Three Rivers PRMP/FEIS which encompasses Muddy Creek Allotment and Pole Spring project area. 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, and recreation activities including hunting are known Reasonably Foreseeable Future Actions. Reasonably Foreseeable Future Actions were also addressed under Chapter III of the EA by resource.

8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.*

There are no features within the project area listed or eligible for listing in the National Register of Historic Places.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.*

There are no known threatened or endangered species or their habitat affected by the Proposed Action or alternative.

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 alternative do not threaten to violate any law. The Proposed Action is in compliance with the Three Rivers RMP, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

1. The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (September 1991);
2. The Proposed Action and alternatives are in conformance with the Three Rivers RMP/ROD;
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/*  
Richard Roy  
Three Rivers Resource Area Field Manager

*July 9, 2010*  
Date