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Dear Interested Party:

SOUTH STEENS WATER DEVELOPMENT
PUBLIC COMMENTS REQUESTED

The Andrews Resource Area, Burns District, is gathering information for preparation of an Environmental Assessment (EA) to analyze effects to grazing, wild horses, and Wilderness Study Area (WSA) management in Tombstone and Steens Pastures of South Steens Allotment (#6002) from implementing Section 113 (e) (2) and Section 202 (d) (2) of the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000. These sections apply to the establishment of the No Livestock Grazing Area which encompasses approximately 97,229 acres within the designated Cooperative Management and Protection Area (CMPA). The enclosed map depicts the CMPA and the locations of the No Livestock Grazing Area and South Steens Allotment Pastures.

The EA will be prepared with participation of an interdisciplinary team of Bureau of Land Management (BLM) resource specialists. Described below is information about how you can participate, a summary of why the BLM is preparing an EA, and potentially affected resources.

How will your comments help BLM in developing the EA?

At this time BLM would like your initial comments on any key information, concerns, or ideas you think would be important in helping to shape the development of alternatives and environmental effects analysis for the EA. To assist us in completing the EA in a timely manner, we encourage you to submit your initial comments[a] by January 26, 2007. You will also have an opportunity to review and comment on the EA before a decision is made.

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[1]Comments, including names and street addresses of respondents, will be available for public review at the Burns District Office during regular business hours (7:30 a.m. to 4:00 p.m.), Monday through Friday, except holidays, and may be published as part of an environmental analysis document or related correspondence. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Why is the BLM developing an EA?

Background/Issues

The South Steens Allotment is located 65 miles south of Burns, Oregon, east of Highway 205 and west of Donner und Blitzen Wild and Scenic River (WSR). In 1995, when the South Steens Allotment Management Plan (AMP)/EA was written, the allotment included portions of the Donner und Blitzen WSR (designated in 1988) and the Blitzen River and South Fork Donner und Blitzen WSAs. The AMP allowed for livestock grazing and watering along the Donner und Blitzen WSR and within the WSAs. A District Court final judgment which recognized a time limited settlement agreement and passage of the Steens Act would later preclude grazing within the WSR corridor. Both of these actions indirectly prevented most of the historic livestock access to necessary water sources. Limited livestock water access remains due to incomplete fencing, and has been treated as unauthorized use. Analysis of a project proposal for development of water to replace that no longer available from the WSR is the subject of this proposed EA.

Prior to the Steens Act, the BLM prepared the Donner und Blitzen National WSR Management Plan EA (May 1993) allowing livestock grazing within the Donner und Blitzen WSR corridor. The Decision was appealed (ONDA v. Green) and in 1997 a Final Judgment from District Court Judge Haggarty recognized a settlement agreement that barred BLM from authorizing grazing in the river corridor, from building parking lots and improving roads, and from constructing any water diversions in the river corridor until a new river plan and Environmental Impact Statement (EIS) were prepared. The judgment also required BLM to construct the "Blitzen protection fence," analyzed in the South Steens AMP/EA, and within 3 years remove an equal amount of obsolete fence from WSAs. (The Steens Act permanently established the No Livestock Grazing Area along the river area in October 2000, prior to completion of an EIS and river plan. The Steens Mountain Wilderness and WSRs Management Plan was completed in July 2005, and includes recognition of the No Livestock Grazing Area.) Neither Judge Haggarty's Order in ONDA v. Green nor the Steens Act directly precludes livestock from accessing water in the WSR corridor; however, the Steens Act does prohibit grazing in this area.

The Blitzen protection fence was built in fiscal year 1998 excluding livestock use on the southeastern side of Steens Pasture. Roaring Springs Ranch, Inc., retained access to the river from a private land parcel located in T.34S., R.32¾E., Section 20, S½ and Section 29, N½. The remainder of the Donner und Blitzen WSR was not fenced as it was believed at the time the topography would prohibit livestock from watering on the river.

In 2000 Congress enacted the Steens Act creating a 97,071-acre (current acreage is 97,229) No Livestock Grazing Area. The Steens Act states, upon cancellation of grazing permits "…*future grazing use in that designated area is prohibited. The Secretary shall be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area*" (Section 113).

The western boundary of the No Livestock Grazing Area is formed by the Donner und Blitzen WSR corridor which is also the western boundary of the largest portion of Steens Mountain Wilderness. The Tombstone and Steens Pastures of South Steens Allotment within the Blitzen River and South Fork Donner und Blitzen WSAs lie directly west of the No Livestock Grazing Area. The western portions of the Tombstone and Steens Pastures have numerous water developments constructed in the 1950s and 1960s, while the eastern portions relied on the Donner und Blitzen River for water. In summary, Roaring Springs Ranch, Inc., had complete access to livestock grazing and water from the Donner und Blitzen River from as early as the turn-of-the-century until the time of Judge Haggerty's Final Order in ONDA v. Green and implementation of livestock exclusion fencing following the passage of the subsequent Steens Act.

In 2001 BLM completed an EA [*Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000*, EA OR-027-01-27 (Implementation EA)] analyzing environmental effects of installing range improvements to implement the Steens Act including projects to exclude livestock from the No Livestock Grazing Area. The purpose and need of these prior actions was to "implement the 'no livestock grazing area,' install and maintain fencing required for resource protection within this area, provide replacement forage within and outside the CMPA, and construct fencing and water systems to allow for viable livestock operations and sustainable livestock grazing which promotes the long-term ecological integrity within the CMPA and meets the Standards for Rangeland Health and the Guidelines for Livestock Management."

The Decision Record for the Implementation EA approved the construction of four water gap fences (two at Bradeen Crossing and two at Burnt Car) and a waterhole west of Bradeen Crossing within Steens Pastures to exclude livestock from the No Livestock Grazing Area. Topography of the area along Donner und Blitzen River was believed to be steep enough that livestock would not water at the river, so no additional fencing along the river was needed. The No Livestock Grazing Area boundary would be monitored for cattle intrusions.

Two years of monitoring showed cattle were accessing the No Livestock Grazing Area on the west side of the river. Although documentation is limited, two to six reports each year were provided to the Andrews Resource Area Field Manager indicating 4 to 30 head of cattle were in the area. In 2006, BLM amended the Decision Record for the Implementation EA to construct a 2.5-mile fence (previously analyzed in the 2001 Implementation EA but not immediately selected) between Tabor Cabin and just south of Bradeen Crossing located in T.34S., R.32¾E., Sections 7, 17, 18, and 20 to prevent cattle from entering the No Livestock Grazing Area for water. Roaring Springs Ranch, Inc., appealed the decision to the Interior Board of Land Appeals. The BLM and Roaring Springs Ranch, Inc., entered into a joint motion to stay the decision and proceedings for one year. The BLM and Roaring Springs Ranch, Inc., also entered into a Cooperative Range Improvement Agreement. The agreement states, "*BLM write an Environmental Assessment to develop waterholes and reservoirs within the South Fork Donner und Blitzen and the Blitzen River WSAs to provide water for livestock, wildlife and wild horses. When alternative water is developed, BLM will construct 2.5 miles of fence between Bradeen Crossing and Tabor Cabin."*

The Steens Act (Title VI) also provided for five land exchanges including a land exchange with Roaring Springs Ranch, Inc. Through this exchange, BLM acquired the private Roaring Springs parcel located in T.34S., R.32¾E., Section 20, S½ and Section 29, N½ along the Donner und Blitzen WSR. However, Roaring Springs Ranch, Inc., reserved a "nonexclusive easement" to use and maintain the water gap in the Tabor Cabin area within the Donner und Blitzen River "…for livestock, wild horse and wildlife watering purposes." This water gap easement is recognized as a viable use of this portion of the WSR.

Goals and Objectives to be Achieved

Roaring Springs Ranch, Inc., has requested the BLM to analyze development of additional water sources in South Steens Allotment to provide water for livestock, wildlife, and wild horses. The additional water sources would replace water historically (over 100 years) used from the Donner und Blitzen River by Roaring Springs Ranch, Inc., and help provide a similar manner and degree of grazing occurring prior to exclusion of the river. The additional water sources would help distribute wild horses and cattle throughout the two pastures in South Steens Allotment to promote ecological integrity, as stated in the Steens Act [Section 102 (a)], while providing for viable and sustainable grazing [Steens Act, Section 1 (b)(11)] and healthy wild horse populations. The BLM has agreed to analyze development of additional water sources prior to completing a fence that would more completely protect the WSR corridor and No Livestock Grazing Area from livestock grazing (Amended Decision Record, February 3, 2006, EA OR-027-01-27). As proposed, design features to prevent impairment of wilderness suitability or to enhance wilderness values would be used to assure conformance with Section 204(b) of the Steens Act , Section 603(c) of the Federal Land Policy and Management Act of 1976, and the Interim Management Policy for Lands Under Wilderness Review.

What alternatives will be considered in developing the EA?

Several alternatives could be analyzed including a range of water developments from no further water developments to several developments including springs or small water impoundments. Additional fencing, water gaps, continued limited use of the Donner und Blitzen WSR, change in season of use and other livestock removal scenarios, or a combination of options could also be considered. Any new water developments would be constructed to be substantially unnoticeable by the average viewer. They would be constructed at existing springs and allowed to revegetate, or they would be constructed within the confines of streambeds screened by vegetation or rimrocks. Water gap locations would be considered at locations where the least amount of impacts would occur or near historically used areas. Fences would be built according to BLM standards with consideration of visual effects. (See enclosed map for potential water development sites.)

What resources may potentially be affected?

The following critical elements of the human environment are not known to be affected by the proposal: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Environmental Justice, Flood Plains, Hazardous Materials, Paleontology, and Prime or Unique Farmlands.

The following elements are present and may be affected by all or some of the alternatives:

1. Biological Soil Crusts

   Biological soil crusts are known to exist in the proposed project area and will be analyzed in detail in the National Environmental Policy Act process.

2. Cultural

   Only a portion of the proposed project area has been inventoried for cultural resources. Because reservoir construction and post-construction livestock trampling can destroy cultural sites, a cultural resource inventory is required prior to reservoir construction. Certain fence locations such as adjacent to riparian areas (rivers, streams, and springs) would be inventoried for cultural sites because livestock trailing and trampling impacts are more likely to occur at these locations. Effects on sites located near (within 100 yards) or within proposed reservoir locations can be mitigated through various means such as avoidance, surface collection, mapping, test and/or full scale excavation.

3. Grazing Management

   In 1995 the South Steens Allotment (#6002) consisted of 10 pastures totaling 332,400 private and public acres. Livestock use was permitted for 21,197 Animal Unit Months (AUMs) on public land and followed an adaptive rotational grazing system. In 2002, following the Roaring Springs Ranch, Inc., legislated land exchange outlined in the Steens Act, AUMs were reduced to 19,133 during the Steens Act implementation period. The current grazing permit is for 9,577 AUMs within four pastures totaling 90,900 private and public acres. Only two pastures (Steens and Tombstone) are within the proposed project area (71,440 acres). An adaptive rotational grazing system still exists whereby for 2 years livestock grazing starts at the north end of the allotment in May, the cattle move south through Tombstone Pasture, and are removed from Steens Pasture on or before October 1. The following 2 years, cattle start on the south end of the allotment (Home Creek) on July 1, move north through Steens and Tombstone Pastures, and are finally removed from Hollywood Pasture in October. The adaptive rotational grazing system was designed to provide for rest during the growing season for native plants. This grazing system does not always occur as planned due to lack of reliable water.

4. Migratory Birds

Approximately 70 species of migratory birds are known to inhabit different parts of the proposed project area. Neotropical migratory birds utilize all habitats in the project area; some are habitat specific while others use a variety of habitats. Grassland species include vesper sparrow and horned lark. Sagebrush species include Brewer's sparrow, white-crowned sparrow, green-tailed towhee, sage thrasher, and sage sparrow. Woodland species include gray flycatcher, dusky flycatcher, dark-eyed junco, bushtit, Cassin's finch, pine siskin, western wood-peewee, and chipping sparrow. Species that may be found in two or more habitats include American robin, brown-headed cowbird, Lincoln's sparrow, lark sparrow, and western meadowlark. Most of these birds are only present from April through August each year but some species such as robins may be present during fall and winter months.

5. Noxious Weeds

The proposed project area is quite susceptible to the introduction and spread of noxious weeds, in particular, Scotch thistle. Many waterholes in the area already have infestations of Scotch thistle. Depending on climatic conditions in any given year, weed infestations range from slightly, to extremely, problematic.

Once Scotch thistle establishes in an area, the seed can be viable on site for 25+ years. Seeds are windborne and can travel considerable distances.

6. Recreation

Recreation activities in the general vicinity of the project area include hunting, hiking, camping, horseback riding, fishing and off-highway vehicle use (designated routes only). Most use occurs from mid-May to mid-November, with the majority of use being associated with hunting in the uplands and fishing in the rivers.

7. Social and Economic Values

Primary economic activities in Harney County are ranching, manufacturing, and tourism. Federal, State, County, and local governments and livestock and hay sales are major contributors to the Harney County economy. A 1994 study found that tourism associated with Malheur National Wildlife Refuge generated $4.4 million in Harney County over a 1-year period. Unemployment in Harney County has been among the highest in the State. May 2005 unemployment rates were 6.5 percent for Oregon and 8.6 percent for Harney County.

8. Soils

The bulk of the soils in the proposed project area are of the Ninemile soil series, which are characterized by having textures ranging from cobbly clays to silt loams. These soils are generally shallow, well-drained, and are rated low in both wind and water erosion potential.

9. Special Status Species – Flora

Special Status plants known to be in the general area of the proposed project are diverse-leaved pondweed (*Potamogeton diversifolius*) and Back's sedge (*Carex cordillerana*). Both plant species are Bureau Assessment species, which could be subject to mitigation actions if they occur within areas of potential ground-disturbing activities.

10. Special Status Species – Fauna

Special Status Species occurring within this project area include Greater sage-grouse, Swainson's hawk, Preble's shrew, several species of bats, and sage sparrow. Mountain quail, which were recently reintroduced on Steens Mountain are known to occupy some of the proposed project area. Greater sage-grouse use the proposed project area yearlong with several leks being present in the project area.

11. Vegetation

Vegetation in the proposed project area is a combination of low sagebrush/grassland and western juniper/low sagebrush/grassland on shallow soils with smaller inclusions of western juniper/big sagebrush/grassland on deeper soils. The grassland component is mostly Sandberg's bluegrass with some areas of Idaho fescue and bottlebrush squirreltail. The area is a mixture of mid and late seral ecological status.

12. Visual Resources

All lands within the proposed project area are classified as Visual Resource Management (VRM) Class I. The Class I VRM objective is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

13. Water Quality and Fisheries

The normal runoff pattern on Steens Mountain and the Catlow Rim area is characterized by high spring flow with low flows during the remainder of the year. Water quality in the area varies greatly depending on topography, elevation, proximity to spring sources, climate, and other factors such as depth of snowpack. With the exception of Donner und Blitzen River, streams within the project area are ephemeral or intermittent. Donner und Blitzen River has been placed on the 303(d) list (2004) by the Oregon Department of Environmental Quality for exceeding temperature parameters for cold-water fish (redband trout). Redband trout and Malheur mottled sculpin are found in almost all of the main stem Donner und Blitzen River below headwaters.

14. Wetlands and Riparian Zones

Riparian vegetation communities occur along some intermittent and all perennial streams and springs. Common riparian species include aspen, willow, alder, red osier dogwood, chokecherry, sedges, rushes, and grasses. All of the Donner und Blitzen River on public land was assessed prior to the Steens Act and most was determined to be in Proper Functioning Condition. The reach between the confluences with Mud Creek and Deep Creek was determined to be Functioning At-Risk with an Upward Trend.

15. Wild and Scenic Rivers

Donner und Blitzen River and South Fork Donner und Blitzen River segments of the Donner und Blitzen WSR system have a "Wild" management classification. Outstandingly Remarkable Values identified for the Donner und Blitzen River and its tributaries include Scenic, Geologic, Recreational, Fisheries, Wildlife, Vegetation and Cultural (Historic).

16. Wild Horses

South Steens Herd Management Area (HMA) encompasses the proposed project area. The HMA contains 126,732 acres within Andrews Management Unit and the CMPA. The appropriate management level is 159 to 304 animals allocated 3,648 AUMs.

17. Wilderness

Portions of Steens Mountain Wilderness include lands west of Donner und Blitzen and South Fork Donner und Blitzen Rivers. Wilderness characteristics to be analyzed would include naturalness, solitude, and primitive and unconfined recreation. Special features enhancing the area's wilderness values include geology, vegetation, wildlife, and scenic qualities.

18. Wilderness Study Areas

Two WSAs exist within the proposed project area, Blitzen River and South Fork Donner und Blitzen River WSAs. Wilderness characteristics to be analyzed include naturalness, solitude, and primitive and unconfined recreation. Special features enhancing each WSA's wilderness values include scenery (ridges and rocky outcroppings) and wildlife (Greater sage-grouse and mule deer and their habitat) for Blitzen River WSA and wildlife (Greater sage-grouse and habitat) for South Fork Donner und Blitzen River WSA.

19. Wildlife

Wildlife other than migratory birds and Special Status Species include mule deer, elk, pronghorn antelope, badger, black-tailed jackrabbit, cottontails, magpies, ground squirrels, pocket gophers, deer mouse, cougar, bobcat, coyote, ducks, geese, swans, chukar, California quail, yellow-bellied marmot, wood rats, voles, reptiles, and amphibians.

Mule deer, elk and pronghorn use the area most of the year. Deep snows may force big game animals, upland birds, and some small animals to lower elevations of the project area. Other small mammals are not as mobile and may remain underground or stay active near the surface of the ground throughout winter.

Again, all interested parties are encouraged to submit comments to the Burns District Office by January 26, 2007, so they can be considered in preparation of the EA. Comments may be mailed to:

Rhonda Karges
Bureau of Land Management
28910 Hwy 20 West
Hines, OR 97738

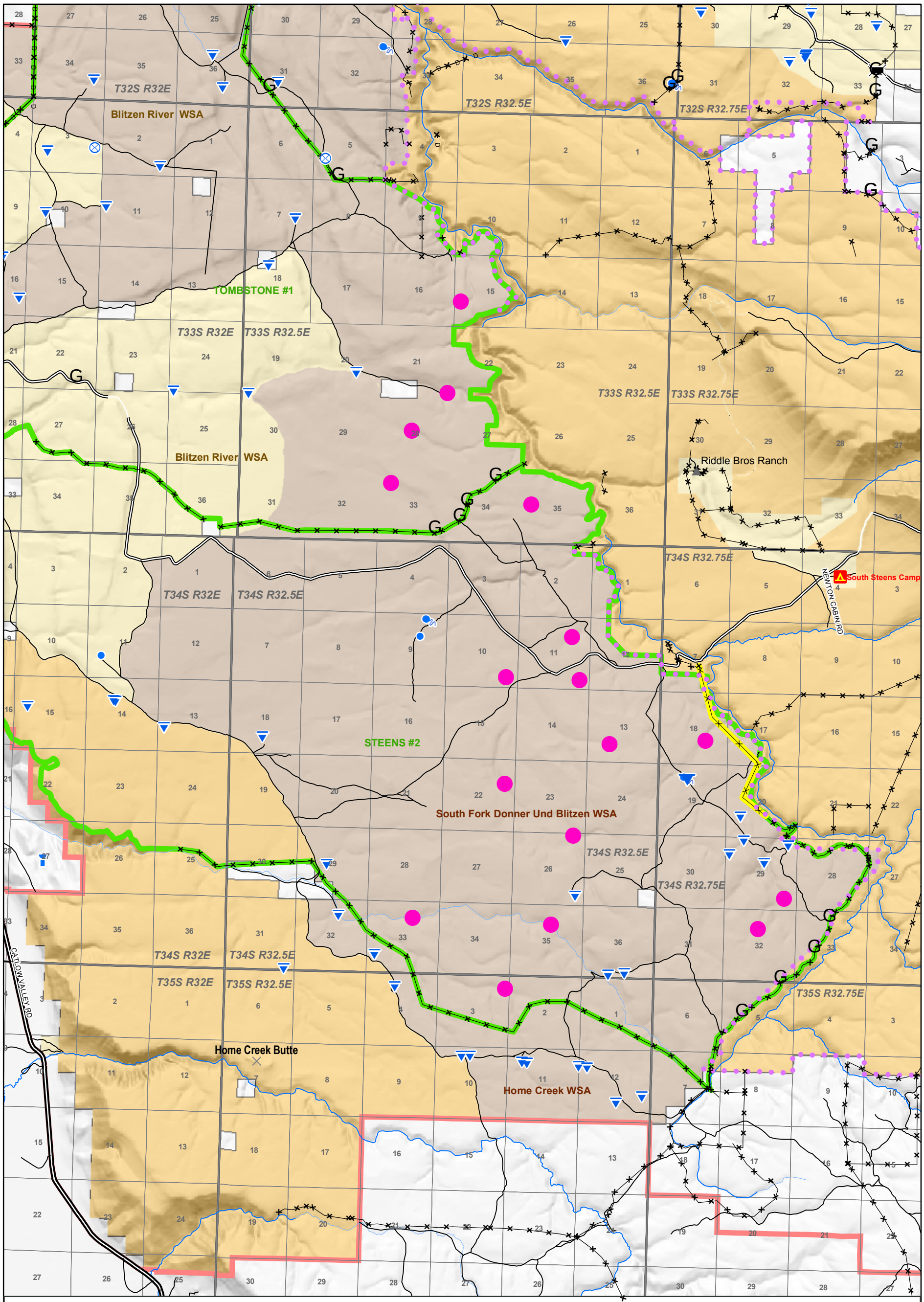
You may also comment by e-mail to rhonda_karges@blm.gov or call Rhonda at (541) 573-4433 with any questions. If you would like to receive a copy of the EA when it becomes available, please let us know. If you provide scoping comments, you will automatically receive a copy of the EA. The EA will also be available for review on the BLM Web site at www.blm.gov/or/districts/burns.

Sincerely,

Dana R. Shuford
District Manager

Enclosures

RKARGES:doris 12/22/06:STEENS



SOUTH STEENS RESERVOIRS

Potential Water Development Location
Potential Fence
Tombstone & Steens Pasture
No Livestock Grazing Area
Bureau of Land Management
Wilderness Study Area
Wilderness
Private

Existing Range Improvements
CATTLE GRD
DUGOUT
GATE
GUZZLER
RESERVOIR
SPRING
WATERHOLE

Drift Fence
Fence
Paved Road
Non-Paved Improved Road
Primitive/Unknown Rd Condition
Perennial Stream
Intermittent Stream
Coop. Mgmt. & Protection Area

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. Ownership boundaries are accurate to within plus or minus 200 feet. Make local inquiry of road conditions in remote areas. Some roads are impassable following severe weather. Roads shown may not show all existing roads. Always seek private landowner permission before using or crossing their lands.

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon
Andrews Resource Area

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December 20, 2006 For Rhonda Karges

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