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Dear [REDACTED]:

NOTICE OF PROPOSED DECISION RECORD

To Implement
Stonehouse Seeding #2
PIPELINE EXTENSION
Environmental Assessment
DOI-BLM-OR-B060-2009-0067-EA

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

A. BACKGROUND

The Stonehouse Seeding #2 Pipeline Extension Environmental Assessment (EA) water developments provide for better livestock distribution and use in the interior and eastern seeded portion of Stonehouse Seeding #2 Pasture. The water developments will aid in maintaining Standards for Rangeland Health and Guidelines for Livestock Grazing Management and accomplishment of land use plan objectives outlined in the Steens Mountain Cooperative Management and Protection Area (CMPA) Resource Management Plan/Record of Decision (RMP/ROD)

B. PROPOSED DECISION

Having considered a range of alternatives and associated impacts and based on analysis in the Stonehouse Seeding #2 Pipeline Extension EA DOI-BLM-OR-B060-2009-0067-EA, it is my decision to implement components of Alternative B – Proposed Action which will allow: 1) burial of the pipeline at Summit Creek without attempting an above-ground, temporary installation; 2) Barrel Spring pipeline extension and 3) Stonehouse Creek fence projects. Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action analyzed in DOI-BLM-OR-B060-2009-0067-EA did not constitute a major Federal action that would significantly impact the quality of the human

environment. Therefore, an Environmental Impact Statement (EIS) was unnecessary and will not be prepared.

The Proposed Decision is to utilize Barrel Spring and an unnamed spring near Summit Creek to supply water to three, recycled vehicle tire troughs spaced equally throughout the seeded portion of Stonehouse Seeding #2 Pasture.

One pipeline spur and two troughs will be installed centrally in the pasture using Barrel Spring as a source, and a third trough and pipeline will be installed to provide water to the southern end of the seeding using an unnamed spring near Summit Creek. To protect riparian vegetation alongside Stonehouse Creek, a 4-strand barbed-wire fence will be constructed between Stonehouse Road and Stonehouse Creek within Lower Stonehouse Wilderness Study Area (WSA). (Map - Alternative B).

To ensure a legal right to construct, maintain and operate (including ingress and egress) pipelines installed on private lands, easements will be obtained prior to construction of the Summit Springs Pipeline and for the already existing Barrel Spring Pipeline.

The pipeline spur will be installed on the existing Barrel Spring Pipeline which supplies water to the Alberson Seeding on the east side of East Steens Road. The spur will be located approximately one-eighth mile west from the roadway and will provide a water source to supply two new troughs in a north-south orientation within the seeded area of the pasture. Two troughs will be placed approximately one-eighth mile west of East Steens Road, one approximately three-fourth mile north of the spur and the second approximately one-half mile south. The troughs will be placed on level ground and the surrounding area will be armored with rock to prevent erosion. The spur and troughs installed from the Barrel Spring source will not occur within Stonehouse or Lower Stonehouse WSAs.

From the Summit Creek source, a 2-inch (approximate) pipeline will be buried from the privately-owned developed spring, cross approximately 1760 feet of Lower Stonehouse WSA and continue east approximately 1-mile to the proposed trough location approximately one-half mile west of East Steens Road and one-half mile north of the seeding boundary. The proposed pipeline route crossing the WSA will follow an existing road Right-of-Way (ROW) and where practical, meet and follow Mann Lake/Stonehouse Seeding #2 boundary fence across Lower Stonehouse WSA and into the seeded area of the pasture.

Two devices designed to reduce water pressure (pressure breaks) will be installed. The first break will be installed within the private inholding and a second east and outside the WSA. Excavation for the devices will be concurrent with the excavation necessary for the pipeline and will not be distinguishable from the disturbance necessary for pipeline installation.

Minimal equipment will be utilized. The permittee will construct and maintain the pipelines and troughs, and the Bureau of Land Management (BLM) will provide materials. This will be documented in a Cooperative Agreement for the proposed rangeland improvement.

The permittee will employ riders to achieve desired distribution and limit livestock presence near naturally occurring surface water sources. In addition, salt blocks, nutritional supplements, and other attractants will be appropriately located (distance greater than 0.25-mile from water) to augment livestock distribution further ensuring equal distribution throughout the seeding.

Livestock grazing will occur annually in Stonehouse Seeding #2 with the same number of AUMs (1,407), kind, and authorized season of use after the project has been completed. The project will be implemented when funding becomes available.

A temporary fence will be constructed in the area between Stonehouse Creek and Stonehouse Road. Stonehouse Creek will be monitored for the natural expansion of woody vegetation into the lower reach of the stream. It is anticipated that in 5 to 10 years, woody vegetation may be of adequate density and height to be self-sustaining under current management. If this is the case, then the fence will be removed. If woody vegetation has not migrated downstream and expanded its range from historic monitoring points within the allotted timeframe, a determination will be made as to the suitability of the lower reach of Stonehouse Creek as habitat for woody species. Specific placement of the fence will be determined at the time in which the fence is deemed necessary. Further, the fence type could be amended from the 4-wire to a buck and pole type while remaining within BLM standards listed in the Project Design Elements (below) to best meet the goals and objectives described in the Stonehouse Seeding EA.

Project Design Elements

- 1) The permittee will undertake construction during the early spring or in late summer or early fall to avoid the nesting period (April 15 to July 30) of nesting birds.
- 2) The troughs will be equipped with float valves to prevent overflow, and would include wildlife escape ramps to facilitate safe use by small mammals and birds.
- 3) Soil disturbed during pipe placement and trough installation in the non WSA portion of the pasture will be hand-seeded with a mixture of native and nonnative perennial grass species.
- 4) Soil disturbed within the WSA will be hand-seeded with native perennial grass species.
- 5) If possible, the troughs and any pipeline remaining on the surface will be partially buried and coarse rock would be placed around the trough to reduce disturbance by livestock and assist in blending the site with the surrounding area.
- 6) Solid features such as rocks and limbs will be placed moss side up and situated to represent a natural state near areas of excavation.

- 7) Vehicles and equipment will be cleaned prior to entering the site for project work to alleviate spread of noxious weeds.
- 8) Shut off valves and drain cocks will be installed by the permittee at appropriate locations to facilitate maintenance/ removal and to limit the possibility of damage during freezing weather.
- 9) Pipeline and trough location will be adjusted to avoid any discovered archaeological sites and sensitive plant populations.
- 10) The BLM will inventory the project site for noxious weeds. Any weeds found will be treated, and the site would be monitored for new weed introductions.
- 11) The permittee will build the fence to BLM specifications for a 4-strand barbed wire fence, including 22-foot line post spacing. Wire spacing will be 16 inches, 22 inches, 30 inches, and 42 inches up from the ground, with a smooth bottom wire. Anti-collision flashers will be installed in appropriate locations.
- 12) BLM will perform the final inspection, all construction trash and excess debris, including large rock, will be removed from the public lands and disposed of at a site approved by the BLM Contracting Officer.
- 13) Livestock passage will be monitored to ensure animals are not afforded the opportunity to browse outside the authorized grazing period.
- 14) Salt blocks and or nutrient tubs will be placed no closer than one-quarter mile from perennial water sources.
- 15) Troughs will be painted if practical to blend with adjacent environment.

C. PUBLIC COMMENTS AND RESPONSES

The EA and unsigned FONSI were posted on the Burns District Website at <http://www.blm.gov/or/districts/burns/plans/index.php> on July 01, 2011, and a letter of notice mailed to Federal, State and County agencies, and interested public on May 24, 2011, for a 30-day comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on June 15, 2011.

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

COMMENT 1:

The Proposed Action includes a proposal to disturb a natural spring within a private inholding surrounded by the Stonehouse WSA. This parcel, which has aspen groves and quality habitat as depicted in the satellite image in Attachment A, has high long-term ecological value for the Steens CMPA. The Proposed Action would not only impact this parcel, but also would either place or bury a pipeline across the WSA to a new water trough.

RESPONSE:

Water development was recommended in the 2005 Steens Mountain CMPA RMP/ROD to address concerns based on the Standards for Rangeland Health and Guidelines for

Livestock Grazing Management for Oregon and Washington (Standard and Guideline (S&G), August 12, 1997) (EA, Page 1).

The natural spring is on privately-owned land where BLM has no jurisdiction (EA, Page 3). The responsibility of developing the spring would lie on the permittee (EA, Page 2). BLM will execute an easement document with the private landowner to obtain a legal right to the existing Barrel Spring Pipeline and the proposed Summit Creek Pipeline on private land to ensure the ability to locate, construct, use, control, maintain, improve, relocate, and repair the existing pipeline on private property (EA, Page 50).

The privately-owned land is dominated by riparian sedge and rush communities, willow and juniper. During a site visit in Sept, 2011 BLM specialists did not observe any aspen stands, and observed juniper encroaching on the riparian area. This observation included the uplands beyond the inholding. Pipe placement will occur within the existing ROW (Refer to EA # OR-08-027-021) on both public and private lands and is not expected to result in the loss of previously undisturbed habitat.

COMMENT 2:

This action is completely unnecessary given the fact that a water trough can already be provided in the same location from an already impacted spring as detailed by BLM in Alternative C.

RESPONSE:

During a recent review of our files, BLM found that in 1984, Barrel Springs was evaluated for potential for development. The determination was made that there was adequate flow for only two troughs in order to sustain the allowed use of the Alberson pasture on the east side of the East Steens Road. Since this determination, Alternative C has been withdrawn as a viable option as there would not be enough water to supply three troughs. To properly manage the output limitations, the two new troughs will be isolated both from each other and from the existing troughs using valves installed in each direction of the pipeline spur in order to direct water to areas where utilization is desired. Since AUMs will not change, the overall amount of water use is not expected to change measurably.

COMMENT 3:

BLM proposes to place this pipeline along an existing road ROW, there currently is no road existing at this location and any pipeline addition will only add impacts to the ground that will disturb wilderness character. Attachment B shows a satellite image of the area where BLM proposes to install the pipeline between the existing Mann Lake/Stonehouse Seeding #2 boundary fence and the private inholding along the ROW. As you can see, there is no existing road here and we cannot find anything more than the hint of a former two-track route. This ROW is not in use and any pipeline will be new disturbance that is not permissible in the WSA.

RESPONSE:

BLM granted the ROW on October 1, 2008 and had large boulders removed in July 2009. BLM is unsure of the date of the image provided in attachment B, but 2005 and 2009 National Agriculture Imagery Program (NAIP) images located in BLM's Geographic Information System data files shows a road leading to the WSA boundary. Further, specialists making site visits had no trouble following the road leading to the ROW and project area. A map using BLM NAIP imagery dated 2009 has been added to the EA (page 65) showing tracks resulting from use of the ROW.

Given the recent granting, observed construction and use of the ROW, BLM is certain of ongoing access by the landowner/permittee into the private inholding via the approved ROW.

COMMENT 4:

Congress expressly directed the Secretary to manage the Steens CMPA pursuant to FLPMA and other applicable provisions of law. 16 U.S.C. § 460nnn-21(a). This includes BLM's requirement to manage the public lands for **multiple use and sustained yield, to "prevent unnecessary or undue degradation"** of the public lands, and to prevent "permanent impairment" of the public lands. 43 U.S.C. §§ 1702(c), 1732(a), (b).

RESPONSE:

The Proposed Decision is in compliance with all applicable laws including Federal Land Policy and Management Act (of 1976) and will not result in undue degradation. In this case, livestock are being provided a resource (water) in an area that is under-used and has experienced repeated disturbance while at the same time being attracted away from an area that has been designated a WSA (EA, pages 5 and 6). The goal of this project is to disperse livestock across the entire pasture. Thus, the presence of livestock in the WSA portions of the pasture is expected to be reduced, and the presence of livestock in the interior and eastern portions of the pasture is expected to increase. BLM expects that utilization from the livestock that remain in the uplands will aid in maintaining a healthy system of native vegetation, facilitate native seed movement eastward into the seeded portion, and prevent plant decadence in the seeded portion of the pasture.

COMMENT 5:

The pipeline is a man-made structure and burying a pipeline will cause ground disturbance, which is not allowed in a WSA. BLM must also positively state in this EA that this unnecessary proposed pipeline would never become an excuse to construct and maintain this non-existing road.

RESPONSE:

A ROW granted on October 1, 2008 states that: "Under this alternative, no construction or mechanical maintenance or improvements to the portion of the way within the WSA would be authorized unless needed to provide for resource protection or safe use. To provide safe access, the extension of the way has several places where large rocks may

need to be moved with large equipment followed by filling any holes with natural soil material. This would be the only improvement allowed with equipment". Large boulders were removed from the ROW in July 2009 disturbing soils within the ROW.

Authorization for the installation of the Summit Creek pipeline is not being sought under the authority of the 2008 ROW. Authorization is being granted via the Stonehouse Seeding #2 Pipeline EA. The reasoning for discussion regarding the ROW was only to provide a boundary for the installation of the pipeline where ground disturbance has already occurred. Within the ROW, it is expected that the burying of the pipeline will not result in any additional long-term disturbances.

COMMENT 6:

[a]fter the activity ends, "the wilderness values must not have been degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness." *Id.* The non-impairment test is not an "either/or" test; rather, a proposed activity must satisfy *both* criteria in order to be permitted to take place. The water development projects BLM proposes here will violate these criteria. These projects are not "temporary," they will cause surface disturbance, and this man-made structure could hinder the ability of Congress to protect this area.

RESPONSE:

The only permanent visible structures would be either on privately-owned land, or on public land outside of the WSA excluding the temporary fence. The intent of burying the pipe in the WSA portion of the project is to maintain the wilderness characteristic within the project area by disturbing a recently disturbed area. In the Project Design Elements and elsewhere in the document there is discussion regarding rehabilitation and cleanup of the project area both on and off of the WSA portion of the seeding. The fence will be visible looking north from Stonehouse Road, but will be in compliance with the Interim Management Policy (IMP) as it will be only a temporary fence.

Compliance with the IMP is further discussed on page 11 of this document.

COMMENT 7:

BLM chose not to include reduced stocking rates (also using riders) in this proposal because there would still be uneven distribution of livestock, but they do acknowledge there would be "moderate improvements" to the riparian areas through this action.

RESPONSE:

The purpose of the action is to: 1) modify current livestock distribution in Stonehouse Pasture to address uneven livestock utilization of forage; 2) continue to achieve Standards for Rangeland Health; 3) accelerate the rate of recovery and recruitment of riparian vegetation and productivity along the lower reach of Stonehouse Creek; and 4) obtain an easement from the private landowner for maintenance and installation of pipeline (EA, page 5). There is no intent by the BLM to exclude livestock presence in the uplands. The

intent stated in the Purpose and Need statement above is to improve distribution across the entire pasture and increase utilization in the pasture interior and eastern portions where utilization is low. A desired by-product of this action is reduction of the number of livestock in the western uplands where perennial water is present through the dry months.

The objective here is to encourage livestock into the seeded portion of the pasture by tapping into those upland perennial sources thus providing water to the pasture interior throughout the period of authorized grazing. Installed troughs would be over 4,000 feet away from any perennial sources (the Barrel Spring source is within an enclosure). Under the Proposed Action, there would be abundant water and forage in the lowlands and given the long distance from the troughs back into the perennial water sources in the western portion of the pasture, livestock are likely to remain in the interior of the pasture. Hart et al (1989) reported that in a larger 512 acre pasture, utilization rate dropped from 60 percent in the zone nearest to the water source to less than 30 percent when the cattle traveled 3 miles distance. However, it is likely that later in the season as forage supply nearer the water source becomes more limiting, the animals will in fact travel greater distances to satisfy dietary needs.

COMMENT 8:

Alternative C is also less resource-damaging than the Proposed Action. Using a spring that has already been developed to create a water source in the same location as the Proposed Action, but without any damage to the WSA, is certainly a preferable action that BLM should consider as a superior alternative.

RESPONSE:

Under the Proposed Action, Barrel Springs would only be supplying water to two troughs at any given time, either to the pasture on the east side of the East Steens Road or on the west side into Stonehouse Seeding. Considering the increased need for water for a third trough, the determination was made, based on records, that Barrels Springs does not provide an adequate amount of water to supply a third trough. By using the Summit Creek spring to supply water to the southern end of the pasture, distribution across the pasture will include the southern portion of Stonehouse Seeding (EA, Page 10).

COMMENT 9:

The proposed riparian fence passes through the WSA and it would be preferred to use a range rider to manage the livestock. Any fences that are built for the project should be placed to minimize impacts to sage-grouse and other wildlife, and include flagging.

RESPONSE:

The riparian fence that is proposed to be installed along Stonehouse Creek is temporary to allow for the growth of woody riparian species without livestock disturbance and is in compliance with the IMP. Anti-collision flashers have been incorporated into the project

design elements. Riders may also be employed to encourage livestock distribution throughout the interior and eastern portion of the pasture. (ROD Conformance with IMP, page. 11), (EA, Page 15)

COMMENT 10:

West Nile virus (WNV) is a threat to sage-grouse as recognized in the Fish and Wildlife Service's 12-month Findings of the for Petitions to List the Greater Sage-Grouse as Threatened or Endangered (50 CFR Part 17 - [FWS-R6-ES-2010-0018]). "Livestock management also can involve water developments that can degrade important brood-rearing habitat and or facilitate the spread of WNV." *Id.* The dominant vector of WNV in this area is the mosquito *Culex tarsalis*, and individuals can disperse as much as 11.2 miles to colonize newly available surface water (Walker and Naugle 2009).

RESPONSE:

WNV has been added as an issue to the EA (Pages 8 and 9).

COMMENT 11:

[t]he cumulative effects of this project assessed in conjunction with the proposed Echanis wind project. The agency simply lists that the BLM is considering the effects of the proposed Echanis transmission line in a separate EIS.

RESPONSE:

Since the release of the EA for public comment and prior to this Proposed Decision, an ROD for the North Steens 230-kV Transmission Line Project was signed in December 2011. This transmission line will carry power generated from the Echanis wind energy project to the electrical grid. The BLM addressed the Echanis Project, however, as a reasonably foreseeable future action (RFFA) for consideration under cumulative effects analysis throughout Chapter III of the EA by resource. For example, beginning on page 39 of the EA, affects to visual resources were addressed and additional information has been added to state, "In the Final EIS, two (44 and 45) Key Observation Points (KOP) were located adjacent to Stonehouse Seeding Pasture along East Steens Road. The sensitivity level from both KOPs would be moderate, but the effect was determined to be low. Both KOPs were in Visual Resource Management Class III (Table 3.9-2, Final EIS, page 3.9-11)." Pages 45 and 46 state, "Another RFFA is the Echanis Project. Wind turbines from the Echanis Project on private lands would be visible from Stonehouse WSA to the south and Lower Stonehouse WSA, which abuts the eastern boundary of the Echanis site. An EIS was prepared to analyze effects of the transmission line and alternatives on the human environment. The Final EIS states naturalness would be maintained; noise levels would not exceed ambient levels but the turbines would be visible within 3.4 percent of the WSA; opportunities for primitive and unconfined recreation would not be affected; and supplemental values (e.g., scenic qualities) would be affected by west facing views of the turbines from Stonehouse WSA. For Lower Stonehouse WSA, naturalness would be maintained; solitude would be diminished by excessive noise and visibility of the wind turbines within 62.4 percent of the WSA;

primitive and unconfined recreation would be affected by noise during project operation; and supplemental values (e.g., scenic qualities) would be affected by close proximity of the wind turbines (Final North Steens 230-kV Transmission Line Project EIS, pages. 3.13-13-15, 2011).” Also see pages 30, 36, 39, 45, 52, and 56 for specific affects from the Echanis Project.

COMMENT 12:

BLM did not consider the fact that there is a Golden Eagle Nest Site within the Proposed Action area in the sections on Special Status Species

RESPONSE:

Golden Eagles were considered but not analyzed in detail because this project would not impact Golden Eagles because the nest site is at least one mile from the nearest proposed project and approximately 2000+ feet in elevation difference above any of the projects. The work on this project will be completed outside of the breeding/nesting season. There will be no disturbance to eagles from the work even if completed during the nesting season. There will be no impacts to Golden Eagle prey from this project since it is not increasing grazing use on the pasture and should not affect the quantity of small mammals which the eagles feed on in this area.

COMMENT 13:

This proposal must take into account these impacts to Golden Eagles and whether the additional development and increased livestock management directly around this Golden Eagle nest will be acceptable.

RESPONSE:

See above response to comment #12.

COMMENT 14:

“[i]t is neither the purpose nor the intent of this document to increase the number of livestock or the amount of use within the project area,” we would like a more positive statement that says that these developments will not be used as a reason to do so in the future. Any future increase in livestock will impact wilderness values and be counter-productive to the intent of this project.

RESPONSE:

To change the number of AUMs would require an Allotment Management Plan prepared with a form of National Environmental Policy Act (NEPA) compliance. In this EA, the purpose of the Proposed Action is to: 1) modify current livestock distribution in Stonehouse Pasture to address uneven livestock utilization of forage; 2) continue to achieve Standards for Rangeland Health; 3) accelerate the rate of recovery and recruitment of riparian vegetation and productivity along the lower reach of Stonehouse Creek; and 4) obtain an easement from the private landowner for maintenance and installation of pipeline.

D. LITERATURE CITED:

Hart, R.H., M.J. Samuel, J.W. Waggoner, and M.A. Smith. 1989. *J. Soil Water Cons.*

Knick, S. T. and J. W. Connelly, editors. 2011. Greater sage-grouse: Ecology and conservation of a landscape species and its habitats. *Studies in Avian Biology No. 38*: 127-142. University of California Press, Berkeley, USA.

Walker, B.L., and D.E. Naugle. 2011. West Nile Virus ecology in sagebrush habitats and impacts on greater sage-grouse populations.

E. AUTHORITY

The Stonehouse Seeding #2 Pipeline Extension EA is tiered to the Andrews Management Unit/Steens Mountain CMPA Proposed RMP and FEIS (August 2004).

The Proposed Decision is in conformance with the CMPA RMP/ROD, August 2005, even though it is not specifically provided for, because it is clearly consistent with the following RMP decision:

- Provide for sustained level of livestock grazing in the CMPA while meeting resource objectives and requirements for the S&Gs (Grazing Management, CMPA RMP p. 53).
- Implement administrative solutions and rangeland projects to provide improved management of livestock grazing while meeting resource objectives and requirements for S&Gs (Grazing Management, CMPA RMP p. 53).
- Maintain or restore native vegetative communities through sound landscape management (Rangelands, CMPA RMP p. 30).
- Manage desirable nonnative seedings to meet resource objectives (Rangelands, CMPA RMP p. 30).
- Achieve or maintain a rating of PFC for perennial and intermittent flowing and standing water bodies relative to site capability, site potential, and BLM management jurisdictions (Riparian and Wetlands, CMPA RMP p. 24).
- Maintain, restore, or improve riparian/wetland vegetation communities relative to ecological status, site potential and capability, or site-specific management objectives Transportation Plans (Riparian and Wetlands, CMPA RMP p. 24).
- Utilize adaptive management practices to allow for adjustment of plan maintenance to better meet long-term project goals and objectives (Adaptive Management, CMPA RMP p. 16).
- Acquire legal administrative access when a need exists, such as providing water to public land (Lands and Realty, CMPA RMP p. 58).

In addition, the decision has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within the Burns District:

- Taylor Grazing Act (43 U.S.C 315 - 1934)
- NEPA (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)
- 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)
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM - 2000)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Local Integrated Noxious Weed Control Plan (2004)
- IMP for Lands Under Wilderness Review (H-8550-1) 1995
- Code of Federal Regulations, Acquisitions (43 CFR 2100)

F. COMPLIANCE WITH THE INTERIM MANAGEMENT POLICY for LANDS UNDER WILDERNESS REVIEW (H-8550-1)

IMP Test:

The primary test is whether the proposed activity would impair the suitability of the WSA for preservation *as* wilderness. In other words, would the presence of the activity or structures have resulted in BLM determining that all or a portion of the current WSA did not meet the Wilderness Act criteria. This evaluation is aided by the following, specific test for new, permanent range developments: New, *permanent* range developments must specifically meet a 3-part test as identified in the *IMP* (Chapter III.D.3.c and 4.c & d):

- a. They truly enhance wilderness values
- b. The developments are substantially unnoticeable
- c. The developments must not require motorized access if the area were designated as Wilderness

Two components of the decision affect two WSAs present in the project area, the Stonehouse Creek temporary fence and the Summit Creek pipeline. The Barrel Spring pipeline does not affect any WSA.

Stonehouse Creek Fence:

The fence to be installed between Stonehouse Creek and Stonehouse Road within Lower Stonehouse WSA is temporary and can be removed when the determination is made that the Stonehouse Creek riparian area is at or nearing the point of its potential for woody vegetation. Stonehouse Creek is one of the more prominent drainages within the WSA (Wilderness Study Report, 1991). The IMP states, “The use, facility, or activity must be temporary. This means a temporary use that does not create surface disturbance or involve permanent placement of facilities may be allowed if such use can easily and immediately be terminated upon wilderness designation.” Temporary, as defined by the IMP, states that “[t]he use or facility may continue until the date of wilderness

designation, at which time the use must cease and/or the facility must be removed. 'Surface disturbance' is any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation." (IMP, page 9).

Removal of the fence will cause only minimal surface disturbance (6-8 in²) in 22 ft. spans, and will not require reclamation, and can be easily and immediately terminated upon wilderness designation. To that end, the Stonehouse Creek fence meets the nonimpairment criteria as defined in the IMP and will not constrain Congress's ability to designate the area as wilderness; therefore, such use is allowed.

Construction and removal of the fence will be accomplished using non-motorized means.

Summit Creek Pipeline:

Permanent installation of the pipeline across the WSA by burial within an existing disturbed ROW would:

1. Enhance Wilderness Values
Because cattle will be distributed in areas of the pasture other than the Lower Stonehouse WSA, the amount of overall trampling will decrease as distribution is spread into the non-WSA portion of the pasture interior allowing riparian vegetation in and near the springs and Summit Creek to meet their potential.

The native vegetation in the WSA portion of the pasture has been observed through monitoring as migrating downhill into the seeding. In general, crested wheatgrass will not compete well against native species. Cattle movement across the pasture will distribute native seeds into the pasture interior and ultimately displace the non-native species. It is also believed that livestock presence influences riparian areas in the uplands. In achieving equal distribution across the pasture it is expected that there will be a net increase in the ecological integrity of riparian health as well as the return of native riparian species into the pasture. As a result Wilderness values are expected to be enhanced.

2. Be Substantially Unnoticeable
Since the pipe will be buried within an ROW that is on previously disturbed ground, it will not be visible, nor will the traces of the installation after 1-3 growing seasons to the average visitor. Where the ROW exists within WSA, occasional surface disturbance is expected to be ongoing as the permittee accesses his private inholding. This will make disturbance associated with burial of the pipeline blend with an existing and authorized source of disturbance.

Burial of the pipeline will be a one-time event occurring on previously disturbed ground, and will not require regular (weekly) inspection as would be necessary with the pipe placed above ground. There will be no new, recurring linear feature caused by the pipeline as the area where the pipeline is buried lies in the same

path as the ROW. The pipeline will be well protected from disturbance and not have any maintenance points within the WSA. The Pipeline will be permanent, but not visible within the WSA, as all controls and visible components of the system will be either on privately-owned ground or east of Lower Stonehouse WSA.

3. Not Require Motorized Access

The landowner was granted a ROW in 2008 giving him a valid existing right for motorized access to his private inholding within Lower Stonehouse WSA. With the pipeline buried under the WSA portion of the ROW, the probability of maintenance of the pipeline is very low as the pipeline will be drained following use and would be insulated from surface disturbance. As the pipeline will be buried within the confines of the ROW there will be no conflict with motorized access during construction or to perform maintenance should any be required.

The combination of both projects will work toward even distribution of livestock across the pasture and remove the current livestock preference of grazing and watering in the non-seeded WSA portion of the pasture. The natural ecological communities are expected to improve, in particular the re-emergence of native vegetative species in the interior and eastern portion of the pasture. To that end, the Lower Stonehouse WSA pipeline burial and fence construction elements of the Proposed Action meets the nonimpairment criteria of truly enhancing wilderness values; it is substantially unnoticeable; and the pipeline within the Lower Stonehouse WSA will not require motorized access outside the ROW if the area is designated as wilderness as defined in the IMP. Therefore, such use may be permitted.

G. RATIONALE

This Proposed Decision best meets the Purpose and Need for the action because it:

1) modifies the current livestock distribution in Stonehouse Pasture to address uneven livestock utilization of forage; 2) continues to achieve Standards for Rangeland Health; 3) enhances the opportunity for riparian vegetation vigor and productivity along the lower reach of Stonehouse Creek; and 4) provides an opportunity to obtain an easement from the private landowner for maintenance and installation of a pipeline.

Implementation of the Proposed Decision will disperse livestock across the entire pasture. Thus, the presence of livestock in the WSA portions of the pasture is expected to be reduced, and the presence of livestock in the interior and eastern portions of the pasture is expected to increase. Under the Proposed Decision, vegetative health is expected to improve throughout the pasture. Decadent plants in the eastern portion and interior of the pasture will benefit from increased utilization. The western portion will see reduced utilization, thereby increasing expansion of native species downslope eastward into the seeded portion of the pasture aiding in maintaining a healthy system of native vegetation in its present boundary, facilitate native seed movement eastward into the seeded portion

as has been noted, and prevent plant decadence in the seeded portion of the pasture. Vigor and productivity of crested wheatgrass plants could improve as plants in previously lightly-used or unused portions of the pasture are grazed more frequently, and old culms are removed regularly.

The improved distribution and increased utilization in the pasture interior and eastern portions where utilization is low is also necessary for the continuation of achieving Rangeland Health Standards and Guidelines in the future.

This Proposed Decision will also provide reliable water sources that will facilitate flexibility in the permittees ability to carry out livestock grazing throughout the period of authorized grazing based on environmental conditions which will better protect the upland and riparian resources.

Vegetation along Stonehouse Creek is expected to improve with the installation of a protective fence as cattle browsing young willows will be limited. Currently, livestock utilize areas where water is nearby. These watering areas are naturally occurring and not well protected against trampling. By providing watering areas well removed from springs and streams, the associated riparian areas will benefit from reduced trampling and as a consequence, overall riparian health will improve. This would benefit the stream and allow for enhanced opportunities for the stream to maintain a rating of PFC. The increased shade and riparian vegetation will also enhance water quality.

Rationale for burying the pipeline within the ROW includes:

- 1) Annual installation, maintenance and removal of a temporary pipeline could damage vegetative cover leaving visible signs of its presence beyond the period of actual use. Moreover, repeated (annual) placement of the pipeline may result in multiple linear vegetative deviations (over or under vegetated) within the existing ROW.
- 2) The exposed pipeline may be disturbed by livestock movement throughout the grazing period. This may lead to crushing or dragging of the pipeline and result in increased surface disturbance including surface scrubbing or erosion should the pipe develop a leak.
- 3) The project area is subject to harsh and unpredictable environmental conditions. Freezing temperatures or very hot days can quickly degrade plastics commonly used to manufacture pipe. Further, environmental conditions can contribute to deterioration when combined with other disturbance such as a heat-softened pipe may collapse more easily, or a cold pipe more easily break when trampled. Deterioration of the pipeline could cause water loss and/or erosion within the project area and may increase the maintenance needs of the pipeline.

In addition to the rationale provided above, the Steens Mountain Advisory Council (SMAC) supported the Proposed Action. The SMAC received the Stonehouse Seeding #2 EA during the June 9 and 10, 2011 SMAC meeting. A motion to recommend the implementation of Alternative B received seven votes in favor with three abstentions. A follow up conference call was held on July 5, 2011. All council members were invited and four participated. The purpose of the call was to provide the opportunity for SMAC members to ask questions about the Proposed Action and to collect the votes of the abstaining members. Questions were answered about the adaptive management plan for the burial of the pipeline across the 0.35 miles within the Lower Stonehouse WSA and burial was recommended by the participants. Two members voted in favor and one again abstained. The required nine votes to pass the recommendation were received and the voting closed standing in support of the Proposed Action.

I have also selected the Proposed Decision for the reason it best meets the decision factors among all alternatives. I did not select the No Action alternative for reasons described in the following table.

Decision Factor	No Action	Proposed Action
<p>Would the alternative:</p> <p>1. Provide rangeland resources to grazing permittees and other users of the public lands?</p>	<p>Resources would continue to be provided to permittees. However, utilization would continue to be lacking in areas where forage is abundant making the No Action Alternative a less effective option. Other public land users could still continue to enjoy the area.</p>	<p>The Proposed Action includes elements that allow equal livestock distribution throughout the pasture by providing drinking water for livestock in the seeded portion of the pasture interior. In doing so, livestock presence will be reduced in the areas designated as WSAs thus enhancing wilderness characteristics.</p>
<p>2. Employ adaptive management strategies in order to assure success in achieving project objectives?</p>	<p>There would be no change in management.</p>	<p>Adaptive Management was considered at length for this project. Given the distance and terrain, the decision was made to not employ adaptive management as the potential for surface damage caused by environmental conditions. Further the elevation change of the project causes concern as unchecked the water pressure in this system could near 150 psi. If a pipe were to burst during use, surface erosion would occur. By burying the pipe, surface disturbance by livestock, vehicles, etc. would not be a factor in the stability of the system.</p>
<p>3. Promote cost effectiveness?</p>	<p>There would be no cost to the public or BLM as no range improvements would be constructed.</p>	<p>The cost to the landowner includes the construction of the pipelines, troughs, and fence. The benefit of this arrangement is the close proximity of the landowner to the project area and the construction resources available to him. BLM would be responsible for supplying materials for the pipelines, troughs and fence.</p>

H. PROTEST/APPEAL PROCEDURES

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 Andrews/Steens 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 Joan M. Suther, Andrews/Steens Resource Area 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.


Joan/M. Suther
Andrews/Steens Resource Area Field Manager

March 9, 2012
Date

2 Enclosures

- 1 - EA
- 2 - FONSI

Cc:

Rod Klus -
Oregon Department of Fish and Wildlife
P.O. Box 8
Hines, Oregon 97738
CERTIFIED MAIL - 7010 1870 0002 7993 4277
RETURN RECEIPT REQUESTED

The Honorable Steven E. Grasty -
Harney County Courthouse
450 N. Buena Vista Avenue #5
Burns, Oregon 97720
CERTIFIED MAIL - 7010 1870 0002 7993 4284
RETURN RECEIPT REQUESTED

Matt Little-Conservation Director -
Oregon Natural Desert Association
50 SW Bond, Suite 4
Bend, Oregon 97702
CERTIFIED MAIL - 7010 1870 0002 7993 4260
RETURN RECEIPT REQUESTED

Peter M. Lacy-Staff Attorney -
Oregon Natural Desert Association
917 SW Oak Street, Suite 408
Portland, Oregon 97205
CERTIFIED MAIL - 7010 1870 0002 7993 4291
RETURN RECEIPT REQUESTED

Emailed to Steens Mountain Advisory Council

David Bilyeu

Paul Bradley

Pamela Hardy

Daniel Haak

RJ Jenkins, Jr.

Hoyt F. Wilson

Fred Otley

William R. Renwick II

Tom Davis

Richard L. Angstrom, Jr.