

USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District

FINDING OF NO SIGNIFICANT IMPACT
AND
PROPOSED DECISION
FOR
CROW'S NEST ALLOTMENT MANAGEMENT PLAN/AGREEMENT
ENVIRONMENTAL ASSESSMENT

OR-06-025-095

INTRODUCTION

This Environmental Assessment (EA) was completed to analyze the effects of implementing the Allotment Management Plan (AMP) for the Crow's Nest Allotment #5305. The Crow's Nest Allotment is located approximately 31 miles south of Burns, Oregon. This area is characterized primarily by a crested wheatgrass vegetative community type with smaller portions of a basin big sagebrush/bottlebrush squirreltail-greasewood/bottlebrush squirreltail complex. The 1999 AMP allowed a season of use from April 1 through October 15. Grazing management was designed on a 3-year rotation. At the time the AMP was developed the allotment was unallocated and managed as a forage bank allotment. It was authorized for grazing on a temporary basis to permittees who were providing rest on their permitted allotments due to cooperative prescribed burning, drought, wildfires, etc. The allotment was to be grazed early on the first year, followed by a year of growing season use, and finally on the third year either a defer or early treatment. In 2000, the Steens Mountain Cooperative Management and Protection Act authorized a land exchange which allocated the Crow's Nest Allotment to the Rex Clemens Ranch, Inc. In 2001, Rex Clemens Ranch, Inc., transferred ownership of the base property to Roaring Springs Ranch, Inc., who then in 2002 transferred ownership of the base property to Home Ranch LLC. When the base property was transferred to Home Ranch LLC, the 1999 AMP was not listed as a term and condition of the grazing permit and the permitted season of use was authorized from April 15 through July 15. This season of use did not allow for an early or deferred grazing treatment. Therefore, since 2000 the grazing management recommended from the 1999 AMP has not been followed. The 2006 Allotment Evaluation analyzed the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management (BLM) in the States of Oregon and Washington. All of the five Standards for Rangeland Health were either achieved or not applicable for this allotment (e.g., riparian areas and water quality). The evaluation found that current grazing management was not in conformance with the Guidelines for Livestock Grazing Management because periodic rest from grazing for rangeland vegetation during the critical growth periods was not being provided.

The purpose of the proposed AMP is to change the grazing management to allow for periodic rest for rangeland vegetation during critical growth periods which is typically May 1 through June 30. One pasture will be rested during the long-billed curlew nesting and early brood-rearing period providing adequate nesting cover and reduced risk of disturbance of this sensitive species. This proposed plan will achieve resource objectives and the standards for rangeland health and conform to guidelines for grazing management, and encourage an upward trend in range condition.

SUMMARY OF PROPOSED ACTION

The proposed action is to implement the recommendations from the 2006 Crow's Nest Allotment Evaluation as analyzed in the EA. There are two parts to the proposed action; grazing management actions and resource objectives.

Grazing Management Actions

The proposed action extended the permitted season of use from April 1 through October 15, which would allow for greater flexibility in grazing management. The proposed action implements grazing management that removes livestock grazing from one pasture annually during the critical growing season for key forage species and during long-billed curlew nesting and early brood-rearing season.

Changes in proposed grazing management actions resulting from consultation with the livestock permittee and comments submitted on the proposed action during the 30-day public comment period and subsequently analyzed by the BLM interdisciplinary team are as follows:

The permitted season of use dates will be changed from April 1 through October 15 to March 1 through October 15.

This extension in the early season would allow for use prior to the critical growing season for key plant species. The March 1 to October 15 dates would allow the pasture to be grazed either before the critical growing season or after seed ripe. Adaptive management would be implemented for annual authorizations of timing of use based on considerations of climatic conditions and past monitoring of grazing use.

Stipulations of adaptive management include but may not be limited to the following:

- Use prior to the critical growing season (May 1 through June 30) may occur as long as livestock are removed before the boot stage in plants and while there is still enough soil moisture to provide for regrowth after grazing.
- Grazing of one pasture early (approximately March 1 to April 30) then the second pasture during the critical growing season (approximately May 1 to June 30) will not occur 2 years in a row to ensure that full growing season (typically March 1 - 15 through June 30) rest is provided in one pasture at least every other year.

The change to March 1 from April 1 beginning of the permitted use period will achieve resource objectives and would not cause additional impacts that were not analyzed in the EA. This 1-month change in the permitted season of use will not change the essential management analyzed which is to provide one pasture annually with critical growing season rest for the biological requirements of key forage species and provide adequate cover during nesting and early brood rearing for the long-billed curlew.

Resource Objectives

Resource objectives are as follows:

1. Objective: Maintain all seeded areas in stable to upward trend in condition over the next 10 years to provide approximately 800 AUMs each year for livestock and wildlife. This will be measured by relative frequency of occurrence in crested wheatgrass as compared with total ground cover.
2. Objective: Provide rearing and nesting opportunity for long-billed curlew in either of the pastures from May 1 through June 30 each year, and provide breeding and foraging habitat for ferruginous hawk each year.
3. Objective: Manage for stable to upward trend in condition in sagebrush/bottlebrush squirreltail and greasewood/bottlebrush squirreltail range sites over the next 10 years. Monitoring to assess and determine the health and condition of these native species will include visual observations and a permanent photo point with photos taken in 10-year intervals.

FINDING OF NO SIGNIFICANT IMPACT

This proposed action is in conformance with objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan/Environmental Impact Statement (RMP/EIS). It is in conformance with the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (August 12, 1997.) Based on the analysis of potential environmental impacts contained in the EA and all other information, it was determined that the proposed action and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared.

Rationale:

This determination is based on the following: These critical elements of the human environment have been analyzed in the Three Rivers RMP/Final EIS, and are not known to be present in the project area or affected by enacting either alternative: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Prime or Unique Farmlands, Flood Plains, Hazardous Materials, Paleontology, Special Status Species – Flora, Wild and Scenic Rivers, Wilderness and Wilderness Study Areas, Wetlands, Riparian Zones, and Water Quality.

The following critical element is not discussed in the Three Rivers RMP/EIS, but is either not known to be present or affected: Environmental Justice. All potentially affected resources were analyzed in the EA specific to the proposed action. The following critical elements were analyzed in the EA: Special Status Species – Fauna; Cultural Heritage; Noxious Weeds; and Migratory Birds. Noncritical elements analyzed follow. Effects to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

CRITICAL ELEMENTS

1. Special Status Species - Fauna

Long-billed curlew (*Numenius americanus*) can generally be found using the allotment in the spring for breeding, nesting, and rearing habitat. Ferruginous hawks (*Buteo regalis*) use the allotment frequently during the spring and summer seasons. The Crow's Nest Allotment and the adjacent landscape provide ideal breeding and foraging habitat for ferruginous hawks.

The proposed action would improve and/or maintain the good range condition present in the allotment for the foreseeable future, thereby improving conditions for long-billed curlew and ferruginous hawk within this allotment.

2. Cultural Heritage

The allotment has potential to contain three types of important cultural heritage sites. It is not certain at this time whether or not cultural heritage would be affected by the proposed action due to the lack of allotmentwide cultural surveys and site assessments. Trampling damage could be occurring currently and could continue under the proposed alternative if sites do exist on this allotment. However, these potential effects will remain unknown until additional surveys are conducted in the allotment.

3. Noxious Weeds

There are currently no recorded noxious weeds in the Crow's Nest Allotment. There are a number of small, roadside Canada thistle sites in close proximity to the allotment. The allotment borders the Malheur National Wildlife Refuge and its canal system due west of the allotment, which contains perennial pepperweed sites. The proposed action would promote a healthy, noxious weed resistant plant community and would, therefore, be beneficial for noxious weed management.

4. Migratory Birds

While no formal monitoring for migratory birds has been conducted on this allotment, it is known that migratory birds use the allotment for nesting, rearing of young, and foraging. The proposed action would reduce impacts to migratory bird species that use habitat in the allotment. Many species of migratory birds produce two broods per year.

Migratory birds that begin producing a second brood in a pasture receiving deferred use may be impacted by livestock but it would have less effect with the proposed grazing management than with the current management.

NONCRITICAL ELEMENTS

1. Grazing Management

The current permitted season of use is from April 15 to July 15. Actual livestock use dates have been inconsistent however, use has typically occurred at least partially outside of the permitted use dates. The permitted season of use limits the timing of livestock grazing making it difficult to provide grazing management which meets the Guidelines for Livestock Grazing Management and achieve resource objectives. The proposed action would allow for periodic rest during the critical growth periods for rangeland vegetation and would allow for more flexibility in management to accomplish proper management of multiple resources.

2. Vegetation

The vegetative community type of this allotment is crested wheatgrass and a basin big sagebrush/bottlebrush squirreltail–greasewood/bottlebrush squirreltail complex. The proposed action that conforms to guidelines for grazing management has taken into consideration the health and life cycle requirements of rangeland vegetation. The proposed action would result in increased vigor, reproduction, and productivity of most plant species.

3. Wildlife

No formal wildlife monitoring has been conducted; however, antelope and deer are seen regularly within the Crow's Nest Allotment. Other wildlife species known to occur, or suspected to use the allotment, include coyote, badger, jackrabbit, numerous small mammals and songbirds associated with grassland and sagebrush habitats. Under the proposed action a pasture receiving deferred use would provide suitable cover for nesting curlews and migratory birds, as well as suitable cover in surrounding areas. Curlew chicks would most likely be mobile when cows enter the deferred pasture. The proposed action would result in maintained or improved habitat for most wildlife species.

4. Recreation

No formal recreation monitoring has occurred. Recreation in the area includes big game hunting for mule deer and antelope, and some for upland game birds. Allowing pastures to grow to seed-set and reducing the impacts of growing season use under current management would improve game habitat and allow for improved big game hunting.

5. Social and Economic Values

Those engaged in ranching and forage production make up a strong component of the fabric of local society. Applying the proposed action would result in meeting the objectives of this AMP, helping to meet the Standards for Rangeland Health, and conforming to the Guidelines for Livestock Grazing Management. This would result in a continued and viable ranching livelihood for the livestock operators and enhancement of the economy of Harney County.

6. Soils

The 1992 Ecological Site Inventory data, found the major soils in this area to be Raz-Brace Anawalt and Pougade-Ausmus-Swalesilver. The proposed grazing management allows a growing season of rest from grazing which should keep the perennial forage species vigorous and healthy. A healthy perennial grass cover would prevent or limit the loss of soil by wind or water erosion.

DECISION

Having considered a no action alternative and a proposed action alternative and their associated impacts within the analysis of the Crow's Nest AMP/EA OR-06-025-095, it is my proposed decision to implement the proposed action and modifications to the proposed action resulting from comments received during the 30-day public comment period and subsequent analysis by the BLM interdisciplinary team, which implements the following grazing management actions described as follows:

1. Grazing management that removes livestock grazing from one pasture annually during the critical growing season for key forage species and during long-billed curlew nesting and brood-rearing seasons (typically May 1 through June 30).
2. Implement a permitted season of use of March 1 through October 15:

This season will allow for use prior to the critical growing season for key plant species. The March 1 to October 15 dates will allow the pasture to be grazed either before the critical growing season or after seed ripe. Adaptive management will be implemented for annual authorizations of timing of use based on considerations of climatic conditions and past monitoring of grazing use.

Stipulations of adaptive management include but are not limited to the following:

- Use prior to the critical growing season (May 1 through June 30) may occur as long as livestock are removed before the boot stage in plants and while there is still enough soil moisture to provide for regrowth after grazing.

- Grazing of one pasture early (approximately March 1 to April 30) then the second pasture during the critical growing season (approximately May 1 to June 30) will not occur 2 years in a row to ensure that full growing season (typically March 1 - 15 through June 30) rest is provided in one pasture at least every other year.

The change to March 1 from April 1 beginning of the permitted use period will achieve resource objectives and would not cause additional impacts that were not analyzed in the EA. This 1-month change in the permitted season of use, will not change the essential management analyzed which is to provide one pasture annually with critical growing season rest for the biological requirements of key forage species and provide adequate cover during nesting and early brood rearing for the long-billed curlew.

Rationale for Decision: I have selected this proposed action for the following reasons:

The proposed action provides for the most flexibility while at the same time controlling the timing, duration, and intensity of grazing and provides for periodic rest.

The proposed action allows for adaptive management that lends consideration to the past year's monitoring results while incorporating past and current climatic conditions.

The proposed action improves overall landscape diversity by maintaining the stable to upward trend in condition of this allotment.

The proposed action is in conformance with objectives and land use plan allocations in the 1992 Three Rivers RMP/EIS.

The proposed action is in conformance with the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (August 12, 1997).

The proposed action is in compliance with Federal laws that mandate the management of public land resources (Taylor Grazing Act, Federal Land Policy and Management Act of 1976, and Public Rangeland Improvement Act of 1978).

Public involvement consisted of the EA and a proposed Finding of No Significant Impact (FONSI) being posted for public viewing on the Burns District Web site during the 30-day comment period. A notice of availability of the EA and draft FONSI with a description of the proposed action and alternatives was posted in the local newspaper for a 1-week period. Copies of the EA and proposed FONSI were mailed to the grazing permittee, Harney County Court, and identified interested publics for the Crow's Nest Allotment. There was one comment from the permittee received by this agency during the EA/FONSI review period.

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered the following alternatives to the proposed action:

1. No Action Alternative: Under this alternative no grazing management changes would occur in the allotment. The no action alternative would maintain the critical growing season and long-billed curlew nesting/brood-rearing season grazing use periods in both pastures that have generally been followed for the past 6 years. Growing season rest to crested wheatgrass and native vegetative communities would not occur under this alternative. The permitted season of use would continue from April 15 to July 15. Permitted use would remain at 800 AUMs of active preference.

This alternative was not selected because it does not provide periodic growing season rest for key forage species and, therefore, does not conform to the BLM's Guidelines for Livestock Grazing Management. Furthermore it fails to provide adequate cover during the nesting and early brood-rearing season for the long-billed curlew, a bureau sensitive species.

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under Sections 43 CFR 4160.1 and 4160.2, in person or in writing to Joan M. Suther, Three Rivers Resource Area Field Manager, within 15 days from receipt of this proposed decision at the following address:

Bureau of Land Management
Burns District Office
28910 Hwy 20 West
Hines, Oregon 97738

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 shall become my final decision 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 4160.3 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.

The 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.

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.

/Signature on file/

Joan M. Suther
Three Rivers Resource Area Field Manager

January 19, 2007

Date