

H-9101-1 (OR-027) P

## NOTICE OF FIELD MANAGER PROPOSED DECISION

Dear Interested Party:

### INTRODUCTION/BACKGROUND

On October 30, 2000, the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000 (Public Law 106-399) was signed into law, designating the Steens Mountain Cooperative Management and Protection Area (CMPA). The Steens Act also designated the 172,911-acre Steens Mountain Wilderness which closed a number of dirt roads to public motorized and mechanized uses and mandates the Bureau of Land Management (BLM) to manage for wilderness characteristics. The Steens Act excluded approximately 97,229 acres of wilderness from livestock grazing, however, about 75,682 acres remain open for livestock use.

The Steens Act also directed the BLM to develop a Transportation Plan (TP) to provide guidance on maintenance, improvement, use and accessibility of roads and trails within the CMPA. The TP was developed as part of the CMPA Resource Management Plan (RMP) (August 2005) describing road/route inventory information, management goals, objectives, maintenance levels, route categories, and Best Management Practices for road/route management. The TP (Appendix M of the RMP) also identifies the need to conduct specific on-the-ground route inventories and incorporate this information into the TP. The information from the route inventories is included in the Steens Mountain Travel Management Plan (TMP) Environmental Assessment (EA) which is the analysis from which this decision is rendered.

## FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis in EA OR-05-027-021, the grazing related decision elements contained in the EA likely to affect grazing permits are 1) the prohibition of helicopter landings within Steens Wilderness and 2) the authorization and limitation of grazing permittee motor vehicle travel within Steens Wilderness. Based on the analysis of potential environmental effects discussed in the EA, and all other available information, we have determined that enacting this decision does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary and will not be prepared. Rationales for a conclusion of no significant impact include:

### Wilderness

Steens Mountain Wilderness will continue to be managed for preservation of wilderness values, including opportunities for solitude and primitive and unconfined recreation, and for naturalness. Motorized travel in wilderness will be confined to that of grazing permittees on a limited, BLM-monitored basis.

### Grazing Management

Grazing management travel activities outside wilderness will continue as currently conducted. Within wilderness, limits to grazing management travel will be implemented. While limitation of travel in wilderness could be more expensive for some grazing operators, all operations will continue and the hardship should not be significant.

### Social and Economic Values

As indicated above, there should be no significant effect on grazing operations.

## PROPOSED DECISION

Grazing permittees can use Permit Routes in wilderness for specific activities. Refer to enclosed CMPA TMP Decision Map or Map TP-6 for route locations. Use of motorized vehicles within Steens Mountain Wilderness will only be authorized when there is no practical alternative for managing livestock using nonmotorized or nonmechanized forms of travel. Motorized vehicle use by grazing permittees is allowed on Permit Routes in wilderness for activities such as distribution of large quantities of salt (200 pounds or more) and checking critical water reservoirs in allotments with very limited live water or springs. Stipulations will be added to grazing permits outlining the degree of this access. Under this decision the landing of a helicopter in wilderness for authorized activities as described in the proposed action would not be allowed. A 2,000-foot minimum ceiling should be utilized when flying over the wilderness as described in Federal Aviation Administration Advisory Circular 91-36C. Permit Routes currently utilized in wilderness follow old closed routes most of which are two-track routes or historical routes that existed prior to designation of wilderness in 2000.

Maintenance of range improvements in wilderness may continue using the minimum tool necessary as determined under a site-specific Minimum Decision Analysis (MDA). Any repair work needed on Permit Routes will be evaluated on a case-by-case basis and will also be the minimum tool necessary as determined by a site-specific MDA, not to exceed conditions in place at the time wilderness was designated. Other unforeseen motorized equipment or vehicle requests in wilderness may arise which will also be subject to a site-specific MDA. Allotment-specific travel criteria are discussed below:

**Alvord, Carlson Creek, Fields, Mann Lake, Serrano Point, and Roaring Springs Fenced Federal Range (FFR):** For these grazing allotments permittees will be allowed to distribute large quantities of salt with a motorized vehicle along Permit Routes if it is not practical to do so on horseback, considering weight requirements and number of trips needed. Other activities such as checking cattle, range improvements, or minor range improvement repairs may also take place on these trips. Any other trips needed must be conducted with nonmotorized or nonmechanized forms of travel. Road conditions near or adjacent to wilderness are adequate for truck and horse trailer access for these allotments.

**Alvord Peak, South Steens, Frazier Field:** For these grazing allotments permittees may distribute large quantities of salt by motorized vehicle along Permit Routes if not practical to do this work on horseback, considering weight requirements and increased number of trips needed. Other activities such as checking cattle, range improvements, or minor range improvement repairs may also take place on these trips. Permittees may also check critical water reservoirs by motorized vehicles along Permit Routes. Any other trips needed must be conducted with nonmotorized or nonmechanized forms of travel.

Operations on these three allotments rely heavily on water reservoirs, and checking water levels is a critical need that is time sensitive. Frazier Field Allotment relies almost exclusively on water reservoirs and checking them by foot or horseback requires several more trips from the base property which is 75 miles away and most likely would require hiring additional staff. For Alvord Peak and South Steens Allotments, which are administered by the same permittee, horse use would add several weeks of work, with an additional 32 miles round trip for Alvord Peak and 33 miles round trip for South Steens, due to poor road conditions which limit access by horse trailer. Foot access adds weeks of work due to the number of water reservoirs and waterholes to be checked. It is not practical to require foot or horse use for this critical and time sensitive need. Generally this permittee utilizes either a motorcycle or All Terrain Vehicle for these trips.

Utilizing motorized vehicles on Permit Routes (Map TP-6) for large quantity salting activities generally involves three trips per allotment during the grazing season. Utilizing motorized vehicles on Permit Routes with water reservoirs (Map TP-6) generally involves 10 to 20 trips per grazing season.

## RATIONALE

This decision provides for maintenance of facilities and a reasonable level of vehicle-dependant activities consistent with guidance and direction from the Steens Act and Wilderness Act. Monitoring of Permit Routes within wilderness indicates the removal of public motorized travel, coupled with occasional use by livestock operators, results in gradual revegetation. The identified level of motor vehicle access will continue to allow recovery of wilderness characteristics while providing reasonable motorized access. Helicopter landings within wilderness are not provided for because of the reasonable availability of nonwilderness landing sites.

## AUTHORITY

- National Environmental Policy Act (42 U.S.C. 4321-4347)1970
- Federal Land Policy and Management Act (43 U.S.C. 1701, 1976)
- Steens Mountain CMPA RMP/Record of Decision (August 2005)
- Steens Act (16 U.S.C. 460nnn-460nnn-122)  
*Section 202(d)(1) of the Steens Act states that, "Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth in Appendices A and B of House Report 101-405 of the 101st Congress."*
- Wilderness Act (16 U.S.C. 1131 et seq.)

## RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Karla Bird, Field Manager, Andrews 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. The grazing decision actions subject to appeal under this decision are 1) prohibition of helicopter landings in the wilderness portions of the South Steens, Alvord Peak, and Roaring Springs FFR allotments, and 2) the authorization and limitation of grazing permittee motor vehicle travel in wilderness. In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice. Any protest received will be carefully considered and then a final decision will be issued. Any applicant or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3(a) and 4160.4. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision.

The final decision for the grazing actions will be combined with the decision record for the other decision elements of the EA. This Decision Record/Final Decision will provide a 30-day opportunity for appealing the actions included in the decisions. The Decision Record/Final Decision will include specific instructions on how to file an appeal.

Sincerely,

*/signature on file/*

Karla Bird  
Andrews Resource Area Field Manager