United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Lakeview Resource Area
1301 South G Street, Lakeview, OR 97630
www.blm.gov/lakeview

AUG 5 2015

Dear Interested Party:

Enclosed is my Final Decision for the Alkali Winter, Pike Ranch, Coleman Seeding Allotments Grazing Permit Renewals Environmental Assessment (DOI-BLM-OR-L050-2014-0010-EA). During the 15-day protest period one protest letter was received. My staff reviewed the protest and provided a response within the final decision.

You have been sent a copy of this proposed decision because of your expressed interest in management of this area. If you have any questions, feel free to contact Jayna Ferrell, of my staff, at (541) 947-6145.

Sincerely,

J. Todd Forbes
Field Manager

Enclosure

NOTICE OF FINAL DECISION
GRAZING PERMIT RENEWALS FOR THE
ALKALI WINTER (001001), PIKE RANCH (00425), AND COLEMAN SEEDING (00432) ALLOTMENTS

BACKGROUND

The Bureau of Land Management (BLM) received a permit renewal application for permit numbers 3601487 and 3602231 for consideration prior to the permits' expiration. The BLM is required to respond to a permit renewal application and consider whether or not to reissue or modify the permit(s) in accordance with 43 CFR Part 4130.

The Lakeview Resource Area, BLM completed an EA (EA# DOI-BLM-OR-L050-2014-0010-EA) documenting the potential effects of renewing term grazing Permit #3601487, which included the Alkali Winter, Pike Ranch, and Coleman Seeding Allotments and Permit #3602231, which includes the XL Allotment, for a ten-year period, as well as implementing several range improvement and vegetation treatment projects. The EA fully analyzed three alternatives including the Alternative 1 – No Action, Alternative 2 - Permittee Proposals plus treatments, and Alternative 3 – No Permit Renewals or Treatments. Alternative 2 included the changes and range improvements that were included on the permit renewal application, as well as BLM recommendations. The EA also included two alternatives considered but were not fully analyzed. These included a 50% reduction in AUMs over all the allotments, and an increase of 350 AUMs in the Coleman Seeding Allotment.

During the 30-day comment period five comment letters were received. All comments were considered prior to issuing the proposed decision on November 14, 2014. Substantive comments received a direct response and/or resulted in changes/corrections in the EA.

On December 4, 2014, the BLM received one protest regarding the proposed decision for permit #3601487. Permit #3601487 includes the Alkali Winter (#001001), Pike Ranch (#00425), and the Coleman Seeding Allotment (#00432). This protest did not include permit #360223, which encompasses just the XL Allotment. In absence of a protest, my proposed decision for permit #360223 (XL Allotment #00427) became final in December 2014 and will not be discussed further. For this reason, this document focuses on addressing the protest issues raised and providing my final decision for permit #3601487.

ALLOTMENT SETTINGS/CURRENT CONDITION/ISSUES

This section briefly summarizes allotment information including current condition, rangeland health assessment findings, and issues within each allotment. The EA contained a much more in depth discussion of these issues for each allotment.

The three allotments are located between 8 and 30 miles north of Valley Falls, Oregon (see Map 1 of the EA), and combined encompass approximately 66,289 acres of BLM administered lands. The allotments are listed in Table 1, along with the permit number, existing and proposed permit dates, AUMs and grazing systems.

Table 1. Current Livestock Grazing Under Permit #3601487

Allotment Name/ Number	***Livestock Number/Kind***	***Grazing Period Begin***	***Grazing Period End***	***% Public Land***	***Type Use***	***AUMs***	***Existing Grazing System***
Alkali Winter/ 01001	*386/Cattle*	11/15	4/20	*100*	*Active*	*2005*	*Winter*
Pike Ranch/ 00425	*33/ Cattle*	8/20	11/15	*100*	*Active*	*95*	*Spring, Summer, Fall*
Coleman Seeding/ 00432	*229/Cattle*	2/1	6/1	*100*	*Active*	*920*	*Winter, Spring, Summer*

Alkali Winter Allotment

The Alkali Winter Allotment is a common allotment and is grazed under four, 10-year permits by four livestock operators. There are seven pastures within the allotment and each permittee uses a combination of pastures, and have been using those pastures (or use areas) for over ten years.

A Rangeland Health Assessment (RHA) was performed in 2003 (BLM 2003f) to determine if current management was meeting all applicable Standards for Rangeland Health (BLM 1997). The RHA was updated in 2014, and found that existing grazing management practices and levels of grazing use in the majority of West Venator and Ryegrass Pastures of the Alkali Winter Allotment met applicable standards. However, approximately 375 acres of the West Venator Pasture and 1,500 acres of the Ryegrass Pasture did not meet Standards 1 and 3 due to poor site condition and a lack of vegetative understory, respectively. Livestock grazing was not a contributing factor (BLM 2014a).

Pike Ranch Allotment

The Pike Ranch consists of one pasture and is grazed under one permit.

A RHA was performed in 2003 (BLM 2003e). The RHA was updated in 2014, and found that the Pike Ranch Allotment met all applicable standards, and is experiencing a stable trend as indicated by long-term trend monitoring (BLM 2014b).

Coleman Seeding Allotment

The Coleman Seeding Allotment consists of two pastures and is grazed under one permit.

Temporary Non-Renewable (TNR) has been issued 12 out of 17 years (1992-2010) in the Coleman Seeding Allotment. The 12-year TNR average is 542 AUMs.

A Rangeland Health Assessment was performed in 2003 (BLM 2003e) to determine if current management was meeting all applicable Standards for Rangeland Health (BLM 1997). The RHA was updated in 2014, and found that existing grazing management practices and levels of grazing use in the Coleman Seeding Allotment met applicable standards on the majority of the allotment, and is experiencing stable trends as indicated by long-term trend monitoring (BLM 2014b).

Twelve hundred acres of the Coleman Seeding Allotment did not meet standards 1 and 3 in the 2003 RHA, however, this was not attributed to livestock grazing. This area had decadent crested wheatgrass with low vigor. The recommendations from the 2003 RHA include treatments to remove decadent plant material, including burning, mowing, increased grazing by salt and protein block placement, change of

season to include some winter use and/or implementation of fencing as specified in the Juniper Fire Complex Emergency Stabilization Plan, 2001. The area was seeded, but the fence was not constructed. Between 2003 and 2014, there has been no change in livestock grazing management within the Coleman Seeding Allotment. There has also been no treatment conducted on the 1,200 acres not meeting this standard in 2003. Because there has been no treatment and no change in grazing, (i.e. increased grazing by salt and protein block placement, winter use or fencing) this portion (1,200 acres) of the allotment was determined to still not meeting this standard in 2014, but this was not attributed to livestock grazing.

PROTEST RESPONSE

The BLM received one protest on December 3, 2014. The protest points (PP) are summarized below and are labeled as PP1, PP2, etc. The BLM responses to the protest points are labeled accordingly.

PP-1: The West Venator and Ryegrass Pastures are listed on my permit as my use areas. All of my use must be made in those two fields. I will take my use in those fields on two conditions: 1) That I have exclusive use of the two fields.

BLM Response: *To have exclusive use within the West Venator and Ryegrass Pastures, a rangeline agreement would need to be signed by Permittee #3601487and the other three permit holders within this common allotment. Signing a rangeline agreement would constitute a fair, equitable and practical range division, and would enable the BLM to divide the Alkali Winter Allotment into separate allotments. Permittee # 3601487 has decided not to sign a rangeline agreement; therefore, the BLM cannot assign exclusive use of these pastures to Permittee #3601487.*

PP-2: The West Venator and Ryegrass Pastures are listed on my permit as my use areas. All of my use must be made in those two fields. I will take my use in those fields on two conditions: 2) The vegetation treatments for the Ryegrass Pasture are approved in a decision, and the necessary resource surveys are scheduled and completed in a timely fashion. I would fund the agreed on range improvements of the +/- 1,500 acres.

BLM Response: *The proposed decision deferred making a decision regarding the vegetation treatments that were included in the EA, pending completion of cultural resource surveys and obtaining the necessary funding for implementation. After receiving the protest, it was concluded that treatment within the pasture would first require brush treatment. The height and density of the brush would prevent seeding with a tractor and rangeland drill, and would make treating invasive species on the ground, extremely difficult. Brush control, was not included in the EA for the Ryegrass Pasture and would need further analysis. Associated resource clearances would also need to be conducted. Therefore, treatment within the Ryegrass Pasture will not be included as part of this final decision.*

PP-3: If the BLM and permittee cannot agree to PP-1 and PP-2, then I believe you should defer the decision until all Alkali permittees are rightfully and legally considered under one NEPA document.

BLM Response: *As stated under the BLM Response, PP-1 is dependent on permittees signing a rangeline agreement. Treatment (PP-2) within the Ryegrass Pasture would require further analysis to address brush treatment, and as stated above, will not be a part of this final decision. In summary, the BLM will not include the Ryegrass Pasture vegetation treatment in this final decision.*

PP-4: I also protest the Coleman (Allotment) rest rotation as written in the proposed decision. We proposed adding a deferred system to the rest rotation system. One field would be rested every year, one grazed early, one grazed late, one year in three. Table 2.3 was included with the protest to clarify permittee proposal.

(Note: The numbers and corresponding months listed below, and numbers representing months in parenthesis in the table below represent the permittee's proposed changes included within the protest).

2-February, 3-March, 4-April, 5-May

Table 2.3. Alternative 2 – Three-Year Rest Rotation Grazing Management System

Year	Triangle Pasture	South Pasture	State Land Pasture
(2015) One	Rest	Graze (4,5)	Graze (2,3)
(2016) Two	Graze (2,3)	Rest	Graze (4,5)
(2017) Three	Graze (4,5)	Graze (2,3)	Rest

BLM Response: *The rest rotation system described in Alternative 2 of the EA was designed to be a general rest rotation grazing system, with broad dates (*11/1 to 6/1) *to allow for maximum flexibility within pastures during grazed years. The BLM accepts the proposal described in the protest (PP-4), as it would fall within the general rest rotation grazing system described under Alternative 2 of the EA. A deferred rest rotation system is described in the Lakeview RMP/ROD (p. A-147) as "grazing use during the critical growing period … alternated with grazing during the early spring or late summer/fall in successive years." The grazing system and permit dates under Alternative 2 do not allow for late summer/fall use, and would not by definition be considered a deferred treatment. Therefore, my final decision will reflect the BLM's general description of a rest rotation grazing system.*

PP-5: Authorized forage removal of 1,189 AUMs would occur every year unless circumstances such as drought or fire, necessitated longer.

BLM Response: *The sentence from the proposed decision that states "During each of the other two years, authorized forage removal is limited to 651 AUMs in the South Pasture and 538 AUMs in the Triangle Pasture." will not be included as part of the final decision. The final decision will reflect the 1,189 as active preference on permit #3601487 for the Coleman Seeding Allotment. Application is required on a yearly basis, and at that time, AUMs in one or both of the pastures will be adjusted if needed, based on that year's condition.*

Also, the sentence from the proposed decision that states "Authorize forage removal of the entire 1,189 AUMs only in those years when the Triangle and South Pastures of the Coleman Seeding Allotment are both grazed in the same year (i.e., every third year)." has been reworded in this final decision to provide more flexibility on years one pasture is being used. It will now state: Authorizing forage removal of up to 1,189 AUMs in years when only one pasture of the Coleman Seeding Allotment is being used will depend on the year, and could vary depending on yearly precipitation and available forage.

FINAL DECISION

My final decision is comprised of multiple components and consists of a modified version of Alternative 2 of the EA, as described in the following section. Although only a portion of the proposed decision for permit #3601487 was protested, all decisions pertaining to the Alkali Winter, Pike Ranch, and Coleman Seeding Allotments are included in the following section to clarify my final decision.

Permit Renewal

The BLM will issue one, 10-year grazing permit (#3601487) to authorize livestock grazing use on the Pike Ranch (00425) Allotment, Coleman Seeding (00432) Allotment, and two pastures (West Venator and Ryegrass) of the Alkali Winter (01001) Allotment.

Permit Terms and Conditions

Table 1 shows the permit number, permit dates, forage amount in Animal Unit Months (AUMs), and grazing season or system which will be authorized for each allotment. Following the table are further descriptions of the grazing practices that will be authorized on each allotment.

Table 2. Livestock Use Authorized under Permits #3601487

Allotment Name/ Number	Permit Number	Number/Kind of Livestock	Use Period (MM/DD)	Active Use (AUMs)	Grazing Season or System*
Alkali Winter (01001)	3601487	508/Cattle	11/1-2/28	2,005	Winter
Pike Ranch (00425)	3601487	16/Cattle	5/15-11/1	95	Unknown**
Coleman Seeding (00432)	3601487	169/Cattle	11/1-6/1	1,189	Rest Rotation

* Refer to definitions in Appendix E5 of Lakeview RMP/ROD (BLM 2003, p. A-142 to A-148, as maintained).
** Refer to the paragraph below for further explanation.

Pike Ranch Allotment

The authorized period of use will be May 15th through November 11th. This is a change from the previous period of use which was from August 20th through November 15th. Ninety-five AUMs of forage removal is authorized under an unknown grazing system. This Allotment will be managed similar to a FFR Allotment, where small portions of federal land are fenced within larger blocks of private lands; therefore, grazing systems vary and are generally unknown.

Coleman Seeding Allotment

Implement a three pasture rest-rotation grazing management system. This rest-rotation grazing system will include the two existing pastures of the Coleman Seeding Allotment and adjacent state land (also used by the same permittee) will comprise the third pasture. Under this grazing system, each pasture will be grazed two years in a row followed by a year of rest (refer to Table 2, below). Each of the pastures will receive a full year of rest from grazing every third year. This rest rotation will begin in 2016, or the first grazing season following the final decision. The pasture rested during the first year of implementation could vary from what is shown in the Table 2 below, if the rest cycle starts with a different pasture.

Table 3. Coleman Seeding – Three-Year Rest Rotation Grazing Management System

Year	Triangle Pasture	South Pasture	State Land Pasture
One	Rest	Graze	Graze
Two	Graze	Rest	Graze
Three	Graze	Graze	Rest

The authorized period of use will be November 1st through June 1st. This is a change from the previous period of use which was from February 1st through June 1st. Permitted use will be increased from 920 AUMs to 1,189 AUMs. However, authorizing forage removal of up to 1,189 AUMs, in years when only one pasture of the Coleman Seeding Allotment is being used, will depend on the year and could vary depending on yearly precipitation and available forage.

Standard Terms and Conditions

Standard terms and conditions will be applied to the new permits for the three allotments. These include:

1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior (see 43 CFR Part 4100).

2) Permits/leases are subject to cancelation, in whole or in part, at any time because of:
   a. Noncompliance by the permittee/lessee with rules and regulations.
   b. Loss of control by the permittee/lessee of all or part of the property upon which it is based.
   c. A transfer of grazing preference by the permittee/lessee to another party.
   d. A decrease in the lands administered by the BLM within the allotment(s) described.
   e. Repeated willful unauthorized grazing use.
   f. Loss of qualifications to hold a permit or lease.

3) Permits/leases are subject to the terms and conditions of allotment management plans, if such plans have been prepared. Allotment management plans must be incorporated into permits or leases when completed.

4) Those holding permits or leases must own or control and be responsible for the management of livestock authorized to graze.

5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.

6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.

7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in executive order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

8) Livestock grazing use that is different from that authorized by a permit or lease must be applied for prior to the grazing period and must be filed with and the approved by the authorized officer before grazing use can be made.

9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

10) The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.

11) Grazing fee payments are due on the date specified on the billing notice and must be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of $25 or 10 percent of the amount owed but not more than $250) will be assessed.

12) Members of Congress may not enter into a grazing permit or lease. 41 USC 6306 (2014). Further, no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.

Other Permit Terms and Conditions

Other terms and conditions will be applied to the new permits. These include:

1) The BLM may modify the terms and conditions of this permit or lease if additional information indicates that revision is necessary to conform with standards for Rangeland Health and Guidelines for Livestock Grazing Management (43 CFR 4180).

2) Each year, no later than 15 days after completing your permitted grazing use in all allotments, you must submit a certified actual grazing use report to the BLM Lakeview Office.

3) You must maintain range improvements for which you are responsible prior to livestock turnout, annually or as specified in signed cooperative agreement(s).

4) Grazing fees must be paid in a timely manner. Failure to pay fees within 15 days of the due date is subject to a late fee (see 43 CFR 4130.8-1(f)).

5) You may place livestock nutritional supplements, (i.e. salt or mineral blocks), on your allotments provided that they are placed at least one-quarter mile away from live water sources (see 43 CFR 4130.3-2(c)). In the event that topography and/or available water sources do not allow for the one-quarter mile requirement, coordination will be necessary with BLM.

6) You must grant the BLM reasonable administrative access across your private and leased lands to BLM-administered lands for their orderly management and protection (see 43 CFR 4130.3-2(h)).

7) The Coleman Seeding Allotment will be used under a three-pasture rest rotation grazing system with one pasture in the rotation being adjacent state land. Each pasture will be rested every third year. You may graze up to 1,189 AUMs in the Coleman Seeding Allotment based your annual grazing application and current years pasture conditions.

Grazing Management Flexibility

Uncertainties exist in managing for a sustainable ecosystem. Therefore, the BLM may authorize grazing management changes each year during approval of the annual operating plan. Flexibility is dependent upon the demonstrated stewardship and cooperation of the permittee. The BLM may allow changes in scheduled livestock numbers and use periods within the limits of the permit dates and active permitted AUMs, so long as the changes would continue to meet resource objectives.

Livestock Movement Between Pastures and Allotments (Trailing)

During the course of the year, the permittee is allowed to herd cattle between allotments and pastures. When moving to and from the state land, Coleman Seeding, and Alkali Winter Allotments, the permittee may herd cattle across a portion of the Pike Ranch Allotment. When moving to and from the Ryegrass Pasture of the Alkali Winter Allotment, the permittee may drive cattle through other pasture of the Alkali Winter Allotment. Other organized livestock movements between allotments and pastures may occur during the course of the year depending on the circumstance and need without further notice to the BLM.

Livestock movement events will typically be completed in one day, although an overnight stop may occur on occasion. This will also include other permittees trailing cattle across BLM-administered lands covered within this permit renewal. Cattle will be moved to and from surrounding allotments, and to livestock management facilities, such as catch pens and corrals.

Monitoring

Monitoring by BLM staff, in coordination with the livestock operator, of the success in meeting allotment-specific resource objectives will take place over the life of the permits. Pace 180° methodology (Technical Reference 4400-4; BLM 1985) and permanent photo points would be used to measure the relative frequency of occurrence of key forbs, shrubs, and perennial grass species, to assess trend in rangeland condition. Observed Apparent Trend would be assessed at each upland trend plot. Upland trend data would be collected and analyzed on 5 to 10-year intervals.

Annual utilization studies for each pasture grazed by livestock along with many use supervision reports will be collected by BLM staff. The Key Forage Plant Method (TR 4400-3; BLM 1984) or similar methodology would be used to measure utilization in each pasture. Target utilization levels for key forage plant species are shown in Table 3.

During each allotment visit, monitoring for noxious weed establishment would occur, as well as observations of overall rangeland condition. Adjustments to timing of grazing and pasture use sequence to ensure/promote achievement of Rangeland Health Standards, and to meet other resource objectives, may be implemented based on a review of this annual data.

Table 4. Key Forage Plants and Utilization Threshold Levels by Allotment

Pasture	Key Forage Plants	Utilization Threshold
Alkali Winter Allotment		
West Venator	Crested Wheatgrass	60%
Ryegrass	Thurber's needlegrass/bluebunch wheatgrass/squirreltail	50%
Pike Ranch Allotment		
Pike Ranch	Saltgrass/squirreltail	50%
Coleman Seeding Allotment		
South	Crested Wheatgrass	50%
Triangle	Crested Wheatgrass	50%

Weed and Invasive Species Treatments

The BLM will treat weeds and invasive species throughout the allotments using the methods described in Alternative 2 of the EA to improve upland watershed function and ecological conditions, as well as make progress in meeting Rangeland Health Standards 1 and 3. The BLM will use an integrated weed management approach, including manual, mechanical, biological, prescribed fire, and herbicide control methods, where appropriate and in accordance with BLM's latest weed treatment plan.

This final decision approves the use of four new herbicide active ingredients (chlorsulfuron, clopyralid, imazapic, metsulfuron methyl, and sulfometuron methyl), along with continued use of four existing herbicide active ingredients currently approved for use by the BLM (2,4-D, dicamba, glyphosate, and picloram) for treating weeds and invasive species, including those legally designated as noxious weeds. Herbicide uses and applications would be constrained by the Standard Operating Procedures (SOPs) and other mitigation measures adopted in the ROD for the *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States PEIS* and ROD for *Vegetation Treatments Using Herbicides on BLM Lands in Oregon* (BLM 2007, Appendix B; BLM 2010b, pages 12-15 and Appendix A). Some of these chemical formulations are not labeled for aquatic use and therefore, application will be restricted near water. The

minimum distances from water will vary by application method as follows: 100 feet for aerial, 25 feet for vehicle, and 10 feet for hand spray applications. All herbicides will be applied using ground-based methods such as wicks and wipers, backpack sprayers, ATV, UTV, truck-mounted or aerial (helicopters or fixed-wing aircraft) sprayers, as described in the *Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS* (BLM 2010a, pages 68-73).

Range Improvements

New Range Improvement Projects

Cooperative Agreement

A cooperative agreement between the permittee and BLM will be completed to address each partner's responsibilities for construction, labor, and/or supplies, as well as maintenance of all new range improvement projects prior to implementation.

Alkali Winter Allotment

The Hutton Pasture Division Fence will not be constructed and existing pasture acreages will not change.

Pike Ranch

The existing southern allotment boundary fence will be adjusted and extended out into Lake Abert to prevent unauthorized livestock movement onto adjacent BLM lands as described for Alternative 2. However, as a result of public comment the fence has been relocated closer to the property line (see revised Map 4 of the EA).

Project Design Elements

The BLM and/or the permittee will incorporate the following project design elements into project implementation:

1) The southern boundary fence near the east shoreline of Lake Abert would be re-built with a smooth bottom and top wire and would include anti-strike markers to reduce potential impacts to wildlife.

2) There are known weed/invasive species within the allotments. The risk of new weed introduction or spread will be minimized during project implementation by ensuring all equipment (including all machinery, ATV, UTV, and pickup trucks) is cleaned prior to entry to the area and completing follow-up monitoring, to ensure no new weeds become established.

Range Improvement Maintenance

Maintenance of all existing and new range improvements in all three allotments will occur as needed under the provisions of the Cooperative Range Improvement Agreement(s) or Range Improvement Permit(s) that originally authorized the improvement(s). Maintenance may not be needed on all developments over the 10-year life of the permits; however, it will likely be needed on some of these improvements sometime in the next 10 years. Waterhole maintenance will include, but not be limited to the cleaning (within the original area of disturbance) of the waterhole to ensure continued function. Trough maintenance will include, but not be limited to fixing and/or replacing leaking troughs or associated fittings, replacing wildlife escape ramps, etc. Pipeline maintenance will include, but not be limited to replacing and/or repairing broken, damaged, or leaking sections of pipe, fittings, or storage

tanks. In particular, the Hope Well storage tank will be repainted a neutral color to better blend in with the natural surroundings during the next maintenance cycle.

Vegetation Treatments in the Coleman Seeding and Alkali Winter Allotments

At this time, I am deferring making a final decision regarding the following proposed vegetation treatments as originally described as part of Alternative 2 in the EA:

1) Treating up to 1,200 acres of the Coleman Seeding Allotment by mowing to remove decadent crested wheatgrass plants.

2) Treating the understory of approximately 1,500 acres in the Ryegrass Pasture of the Alkali Winter Allotment not currently meeting Rangeland Health Standards 1 and 3.

I am deferring my decision on these two proposals pending completion of further analysis under NEPA, cultural resource surveys, and obtaining the necessary funding for implementation. If further analysis is completed, and funding is secured in the future, the cultural surveys would be completed and a separate decision(s) issued.

RATIONALE/AUTHORITY

Decision Factors

Decision factors are additional criteria used by the decision maker to choose the alternative that best meet the purpose and need for the proposal. These include:

a) How well does the decision conform to laws, regulations, and policies related to grazing use and protecting other resource values?
b) How well does the decision conform to the resource management and/or allotment management plans?
c) How well does the decision promote maintenance of Rangeland Health Standards?
d) How well does the decision conform with ODFW 2005 sage-grouse guidelines?
e) How well does the decision conform with IM 2012-043 regarding interim Sage-grouse management?
f) How well does the proposal conform to the existing integrated weed management plan (BLM 2004) and *Record of Decision for Vegetation Treatment Using Herbicides on BLM Lands in Oregon* (BLM 2010b)?

The following section addresses these decision factors as they relate to my final decision.

Conformance with Grazing Management Laws, Regulations, and Policies

Grazing permits are subject to issuance or renewal in accordance with the provisions of the Taylor Grazing Act (1934), Federal Land Policy and Management Act (1976), Public Rangelands Improvement Act (1978), and applicable grazing regulations at 43 Code of Federal Regulations (CFR) Part 4100.

The primary authority for this decision is contained in the BLM grazing regulations, which outline in pertinent parts: 43 CFR 4110.1 Mandatory qualifications, 4110.2-1 Base Property, 4110.2-2 Specifying permitted use, 4130.2 Grazing permits or leases, 4130.3(1) through 4130.3(2) Mandatory and Other terms and conditions, 4160.3 Final Decisions, and 4180.2 Standards and guidelines for grazing administration.

Grazing permittees who wish to graze livestock on public land must have a grazing permit or lease issued to them under the grazing regulations (43 CFR 4130.1(a)). Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the BLM that are designated as available for livestock grazing through land use plans (43 CFR 4130.2(a)).

The permittee controls the base property associated with the grazing preference on the allotments and has been determined to be a qualified applicant. Applicants for renewal of a permit or lease must have a satisfactory record of performance to qualify for renewal (43 CFR 4110.1(b)(1)). Based on my review of the permittee's performance between 2004 and 2013, I have determined that he has a satisfactory record of performance associated with the previous permit. Grazing permits are typically issued for a term of 10 years unless the applicant has leased the base property offered in support of the permit and the base property lease is less than 10 years, in which case the permit period shall coincide with the term of the base property lease (43 CFR 4130.2(d)(3)). The base property lease for permit #3601487 is August 1, 2013 through February 28, 2024, and will be renewed for a ten year period.

Conformance with Rangeland Health Standards and Guidelines for Grazing Administration (43 CFR 4180)

A BLM inter-disciplinary (ID) team completed Rangeland Health Assessments for the three allotments in 2003, in conformance with the requirements of 43 CFR 4180, and determined that most standards on the allotments were being met (see Tables 46-50 in revised EA). In those areas not meeting standards, livestock grazing management was not a significant casual factor. The BLM completed a review and update of those Rangeland Health Assessments in 2014 and found that rangeland health standards were still being met on most of the allotments. The ID team determined that those portions of the allotments not meeting standards were due to a variety of reasons including the presence of poor soil conditions, unhealthy perennial grasses, and weeds and invasive species. Current livestock grazing management was not a significant casual factor in failing to meet rangeland health standards. Therefore, current livestock grazing management on the allotments conforms with the rangeland health standards and guidelines (43 CFR Part 4180; see also Tables 46-50 in revised EA).

Under my final decision, proposed adjustments in permit dates and implementing a grazing system in the Alkali Winter, Pike Ranch, and Coleman Seeding Allotments (see Table 1) is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions remaining relatively stable or improving over time (see revised EA, Chapter 3 discussion of impacts associated with Alternative 2). Based on the analysis in the revised EA, the grazing management practices described in this final decision are expected to continue to meet all applicable standards and my final decision conforms with the requirements of 43 CFR Part 4180.

Long-term monitoring study plots have been established in the allotments and include pace 180º trend, photo trend, and utilization (see Monitoring discussion above and revised EA, Chapter 3 and Appendix B). These studies will continue in the future and be used to determine whether management objectives, including Rangeland Health Standards are continuing to be attained. If objectives are not being attained, this will be addressed through future grazing management modifications.

Conformance with the National Environmental Policy Act

Prior to issuing this final decision, a BLM ID Team prepared an environmental assessment (EA) and Finding of No Significant Impact (FONSI) in compliance with the National Environmental Policy Act of 1969. The EA analyzed the impacts of three alternatives including: (1) No Action (continued grazing under the current permits' terms and conditions), (2) Permittee Proposal plus range improvements and vegetation treatments (renewing permits and implementation of projects), (3) No Grazing (not renewing the grazing permits).

The results of the Rangeland Health Assessments (RHA) and updates for all three allotments were considered during this analysis. As noted in the FONSI, my final decision (modified Alternative 2) would not have any significant effects on the human environment.

Conformance with Federal Land Policy and Management Act

The Federal Land Policy and Management Act (1976) requires that all management decisions be consistent with the approved land use plan (43 CFR 1610.5-3). The *Lakeview Resource Management Plan/Record of Decision* (RMP/ROD; BLM 2003b) and the *High Desert Management Framework Plan Amendment and Record of Decision for the Lake Abert Area of Critical Environmental Concern (ACEC) in Lake County, Oregon* (BLM 1996) are the governing land use plans for the area.

Renewing this permit, as described in my final decision, is in conformance with the following management goals and direction contained within the *Lakeview Resource Management Plan/Record of Decision* (BLM 2003b; as maintained):

Lakeview RMP/ROD

> **Livestock Grazing Management Goal**—***Provide for a sustainable level of livestock grazing consistent with other resource objectives and public land-use allocations*** (Page 52, as maintained).
>
> *Management Direction:*
>
> *The current licensed grazing levels* (presented in Appendix E1) *will be maintained until analysis or evaluation of monitoring data or rangeland health assessments identify a need for adjustments to meet objectives. Applicable activity plans (including existing allotment management plans, agreements, decisions and/or terms and conditions of grazing use authorizations) will be developed, revised where necessary, and implemented to ensure that resource objectives are met. The full permitted use level for each allotment has been and continues to be analyzed through individual allotment assessments, such as rangeland health and livestock grazing guidelines allotment evaluations, allotment management plans, watershed analysis, and implementation of biological opinions. It is through these assessments that any changes in forage allocation will be made, where needed, on an allotment specific basis*" (Page 52-53, as maintained).
>
> *Range improvement projects will be constructed…. Standard implementation procedures for construction of rangeland improvements will follow BLM Handbook H-1741-1 and -2 (BLM 1989, 1990) and BLM and FS (1988). Rangeland improvement projects will be implemented to meet resource objectives*" (Page 53, as maintained).

Land Use Plan Conformance:

All public land within the three allotments have been identified as available for, or open to livestock grazing use (see Table 5, Page 48 as maintained; Appendix E1, Pages A-121, A-53, A-60, as maintained; Map G-3). Table 5 and Appendix E1 also specified the initial forage allocation, period of use, grazing system, and management objectives for the allotments. Additional clarification of this initial grazing management direction has been provided through periodic plan maintenance conducted in accordance with 43 CFR 1610.5-4 (see *Lakeview Resource Management Plan Maintenance – Appendix E1* (2013) and *Lakeview Resource Management Plan Maintenance – Table 5* (2013) posted on http://www.blm.gov/or/districts/lakeview/plans/lakeviewrmp.php). This management direction also allowed for making modifications or changes to grazing management, including changes to forage allocation, in the future.

For these reasons, renewing permit #3601487, adjusting the livestock use periods on the Coleman Seeding, Pike Ranch, and Alkali Winter Allotments, and implementing a grazing management system and forage allocation increase on the Coleman Seeding Allotment, as described in my final decision, are consistent with the above livestock grazing management direction.

In addition, the proposed range improvements are also consistent with this management direction, as they will help maintain or improve vegetation communities in the allotments and meet other resource management objectives (see Chapter 3 of revised EA).

Plant Communities – Shrub Steppe Management Goal – ***restore, protect, or enhance the diversity and distribution of desirable vegetation communities, including perennial native and desirable introduced plant species. Provide for their continued existence and normal function in nutrient, water, and energy cycles*** (Page 28, as maintained).

<u>*Management Direction:*</u>

Upland native shrub steppe communities will be managed to attain a trend toward the desired range of conditions based on management objectives and site potential (Page 28, as maintained).

Prescribed and wildland fire use will be implemented to rehabilitate or vegetate plant communities that do not meet desired conditions due to dominance by annual, weedy, or woody species…but mechanical, chemical, and biological methods could also be used... Priority will be placed on the rehabilitation of shrub steppe vegetation communities at risk due to dominance by annual species… (Page 29, as maintained).

<u>Land Use Plan Conformance:</u>

The proposed weed/invasive species treatments are consistent with this vegetation management direction, as they will help restore the diversity and distribution of desirable vegetation communities, as well as meet other resource management objectives (see Chapter 3 of revised EA).

Noxious Weeds and Competing Undesirable Vegetation Management Goal – ***control the introduction and proliferation of noxious weeds and competing undesirable plant species, and reduce the extent and density of established populations to acceptable levels*** (Page 37, as maintained).

<u>*Management Direction:*</u>

Weeds will be controlled in an integrated weed management program that includes prevention education and cultural, physical, biological, and chemical treatments… Mechanical and manual control methods and burning treatments will (be used to) physically remove noxious weeds and unwanted vegetation; biological controls will introduce and cultivate agents such as insects and pathogens that naturally limit the spread of noxious weeds; and chemical treatments using approved herbicides will be applied where mechanical and/or biological controls are not feasible (Page 37, as maintained).

Selection of the appropriate control method will be based on such factors as the growth characteristics of the target species, size of the infestation, location of the infestation, accessibility of equipment, potential impacts to non-target species, use of the area by people, effectiveness of the treatment on target species, and cost… these methods may be used individually or in combination and may be utilized over several years… for a period of 10 or more years (Page 37, as maintained).

<u>Land Use Plan Conformance:</u>

Treating weeds and other invasive species will assist in meeting the Noxious Weed and Competing Undesirable Vegetation Management Goal (see Chapter 3 of revised EA). For these reasons, the

treatment methods specified in my final decision are consistent with this management direction.

Operation and Maintenance Actions

Management Direction:

Maintenance of existing and newly constructed facilities or projects will occur over time… Such activities could include, but are not limited to, routine maintenance of existing…water control structures…, reservoirs, wells, pipelines, waterholes, fences, cattle guards, seedings, … and other similar facilities/projects (Page 100, as maintained).

Land Use Plan Conformance:

Conducting routine maintenance of existing and new range improvement projects conforms with this management direction.

Appendix E1 – Allotment Specific Management Direction (BLM 2003b)

Alkali Winter Allotment (Page A-121, as maintained)

Livestock distribution/management - *Improve livestock management and distribution through improved management practices, installation of livestock management facilities (such as fences and water sources), and/or other actions as opportunities arise*.

Improve/maintain range condition - *Use management practices and/or better animal distribution; develop range improvements when appropriate: adjust permitted use as needed*.

Maintain/improve seeding conditions – *Continue to manage for forage production in seeded areas through season of use adjustments, possible vegetation treatments, fencing, water developments, and/or other actions*.

Maintain/improve seeding conditions – *Maintain present management by continuing to authorize winter livestock grazing.*

Noxious weeds – *Implement the current Integrated Noxious Weed Management Plan.*

Special status animal species – *Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76; ODFW 2005), where appropriate.*

Wildlife habitat – *Monitor bighorn sheep population expansion to ensure that sufficient forage and habitat are available.*

Pike Ranch Allotment (Page A-53, as maintained)

Livestock distribution/management - *Improve livestock management and distribution through improved management practices, installation of livestock management facilities (such as fences and water sources), and/or other actions as opportunities arise*.

Improve/maintain range condition - *Use management practices and/or better animal distribution; develop range improvements when appropriate: adjust permitted use as needed*.

Noxious weeds – *Implement the current Integrated Noxious Weed Management Plan.*

Cheatgrass - *Standard 1 is not being met on 7,400 acres that is dominated by annual cheatgrass and therefore, lacks plant diversity and is susceptible to soil erosion. Standard 3 is not being met on 7,400 acres that is*

dominated by annual cheatgrass and therefore, lacks plant productivity and diversity needed for healthy ecological processes. This cheatgrass dominance and the failure to meet these standards is the result of past wildfires and not current livestock grazing.

Special status animal species – *Reinitiate expired memorandum of understanding with private land owner/permittee to benefit snowy plover.*

Special Management Areas – *Continue to implement Lake Abert ACEC management plan (USDI-BLM 1996); Maintain fences on the north end of the lake to protect relevant and important ACEC values.*

Coleman Seeding Allotment (Page A-60, as maintained)

Livestock distribution/management - *Improve livestock management and distribution through improved management practices, installation of livestock management facilities (such as fences and water sources), and/or other actions as opportunities arise*.

Improve/maintain range condition - *Use management practices and/or better animal distribution; develop range improvements when appropriate: adjust permitted use as needed*.

Maintain/improve seeding conditions – *Continue to manage for forage production in seeded areas through season of use adjustments, possible vegetation treatments, fencing, water developments, and/or other actions*.

Noxious weeds – *Implement the current Integrated Noxious Weed Management Plan.*

Decadent monoculture of crested wheatgrass – *A rangeland health assessment has been completed. Standards 1 and 3 are not being met because 1,200 acres of the allotment is a solid crested wheatgrass stand that has remained a decadent monoculture. Livestock grazing was not a contributing factor in the standards not being met.*

Special status animal species – *Follow the greater sage-grouse livestock grazing guidelines (page 75-76; ODFW 2005), where appropriate.*

Conformance with the Allotment-Specific Management Direction in Appendix E1

Renewing the grazing permits, making grazing management adjustments where appropriate, and implementing new range improvement projects is consistent with the livestock distribution and management direction described in Appendix E1 for the 4 allotments.

Implementing the weed/invasive species treatments is consistent with the weed management direction in Appendix E1 for the three allotments.

Lake Abert ACEC Plan Amendment

The *High Desert Management Framework Plan Amendment and Record of Decision for the Lake Abert Area of Critical Environmental Concern (ACEC) in Lake County, Oregon* (BLM 1996) represents a land use plan amendment that governs management within ACEC portions of the Pike Ranch Allotment. The following goals are applicable to the Lake Abert ACEC:

Goal 1 – Maintain a viable, sustainable ecosystem within the lake (Abert) and surrounding area (prevent changes that would cause significant, adverse effects to ecological values.

Goal 2 – Maintain or enhance economic conditions consistent with other listed goals and existing laws, regulations, and policies.

Goal 3 – Maintain or enhance existing resource value for future generations.

Goal 4 – Continue current traditional and historic land and resource uses in the area.

Goal 6 – Maintain the present visual/aesthetic quality.

Goal 8 – Maintain or enhance habitat quality and quantity for native plant and animal species, including special status species.

Land Use Plan Conformance

Renewing the grazing permits, making grazing management adjustments where appropriate, and implementing weed/invasive species treatments within the Pike Ranch Allotment is consistent with goals 1, 2, 3, 4, 6, and 8.

Conformance with the ODFW Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (ODFW 2005)

A substantial portion of the ODFW (2005) strategy was adopted by the *Lakeview RMP/ROD* through plan maintenance. In particular, this strategy states "where livestock grazing management results in a level of forage use (use level) that is consistent with Resource Management Plans, Allotment Management Plans, Terms and Conditions of Grazing Permits or Leases, other allotment specific direction, and regulations, no changes to use or management are required if habitat quality meets Rangeland Health Standard and Guidelines." The ODFW strategy also provides guidelines on how to construct or maintain range improvement projects to minimize impacts to sage-grouse habitat (see ODFW 2005, Pages 75-76).

Based on the analysis of potential impacts to soils, wetland vegetation, upland plant communities, wildlife habitat, and rangeland conditions contained in Chapter 3 of the revised EA, grazing, vegetation, and weed/invasive species management under Alternative 2 is expected to continue to meet or make significant progress towards meeting rangeland health standards 3 and 5 into the foreseeable future (see Chapter 3 of revised EA). For this reason, implementing my final decision also conforms with ODFW (2005) livestock management guidelines.

Conformance with Greater Sage-Grouse Interim Management Policies and Procedures (IM 2012-043)

This IM represents the current BLM Washington Office interim policy for sage-grouse habitat management until such time as plan amendments can be completed throughout the range of the species that provides a long-term, comprehensive conservation strategy. Management activities must be evaluated based on whether they fall within preliminary priority habitat (PGH) or preliminary general habitat (PGH). There is no sage-grouse ODFW core habitat or PPH occurring in any of the 4 allotments, therefore, none of the PPH interim management direction applies. Both pastures of the Coleman Seeding Allotment, and the Ryegrass, West Venator and Hutton Pastures within the Alkali Winter Allotment, fall within sage-grouse ODFW low density habitat or PGH. For this reason, my final decision addresses management activities within PGH.

Management Activities in PGH

1) When approving uses and authorizations, consider and analyze management measures that would reduce direct, indirect, and cumulative adverse effects on Greater Sage-Grouse and its habitat.

2) Consider deferring authorizations in PGH where appropriate, depending on local characteristics, new science and/or data (e.g., migratory corridors or habitat between PPH), and relative habitat importance if authorizations could result in Greater Sage-Grouse population loss in PPH.

3) Consider offsite mitigation measures in collaboration with state wildlife agencies and project proponents when authorizing activities.

4) Evaluate and address anticipated fence collision risks within 1.25 miles of leks and other seasonal habitats. Where NEPA analysis suggests that a deviation from this distance is warranted, modifications of this distance are acceptable.

Conformance with Interim Sage-Grouse Management Policy:

The EA analyzed a reasonable range of grazing management alternatives and addressed the potential direct, indirect, and cumulative impacts of permit renewal, grazing management changes, vegetation treatments, weed/invasive species treatments, and new range improvements on sage-grouse. Impacts to vegetation were adequately described and relied upon available ESI data (see Chapters 2 and 3 of revised EA.

The EA included an analysis of appropriate sage-grouse habitat data (see Chapter 3 of revised EA and Maps 8 and 9). The EA also addressed the potential impacts of "high-risk" fences, as well as the potential risk of water developments in promoting spread of West Nile virus. Existing and proposed troughs include wildlife escape ramps. Existing and proposed new water developments pose little to no risk of West Nile virus transmission as the virus has not been detected in Lake County and all existing and proposed new water troughs have been designed with shut-off values to minimize the potential to create mosquito habitat. None of the existing or proposed new fences fall within 1.25 miles of a lek, pose a substantial collision risk to sage-grouse, or require the use of anti-strike markers. The proposed fence within the Pike Ranch Allotment would be constructed with a smooth bottom wire and anti-strike markers to allow big game passage and make the fence more visible to waterfowl and shorebirds (see Chapter 3 of revised EA).

Off-site mitigation was not deemed necessary for several reasons. First, none of the alternative analyzed had negative impacts on sage-grouse or their habitat that rose to the level warranting mitigation (either on-site or off-site) or were found to be beneficial (see Chapter 3 of revised EA). As stated earlier, my final decision conforms with ODFW (2005) livestock grazing management guidelines. Finally, the ODFW's current sage-grouse plan (2011, page 79) "recognizes that livestock ranching operations which manage for ecologically sustainable native rangelands are compatible with sage-grouse conservation, and necessary management activities to maintain a sustainable ranching operation are not considered "development actions" under the application of the Mitigation Policy to sage-grouse habitat." As a policy matter, ODFW does not consider issuing a grazing permit or associated range improvement projects to be actions that require mitigation.

Deferring action on the permit renewal is not appropriate as the existing permit has expired and an application is before the BLM for consideration at this time. Even if permit renewal was deferred, livestock grazing could continue on the allotments under the Appropriations Act "rider".

Rationale for the Final Decision

Generally, implementation of Alternatives 1-2 would conform with most applicable laws, regulations, land use plan direction, allotment management plan direction, and applicable sage-grouse management guidance.

Alternative 1 (No Action) was considered within the EA analysis to comply with requirements of NEPA and provide a baseline for comparison of environmental effects. Alternative 1 would meet some of the desired ecological condition and management goals and objectives for the allotments, but would not improve upland watershed function/ecological conditions within those portions of the allotments that are currently failing to meet rangeland health standards 1 and 3. Further, Alternative 1 would not completely address the purpose and need for action.

Alternative 3 was considered within the EA analysis to provide a broader range of alternatives and comply with current grazing permit renewal guidance. However, implementation of Alternative 3 would only be appropriate if an analysis or evaluation of monitoring data or a rangeland health assessment identified a need for livestock reduction or removal to meet other management objectives. In this instance, removal of grazing for a ten-year period would not be consistent with the management goals and direction contained in the *Lakeview RMP/ROD*, as current livestock grazing management is conforming with the Fundamentals of Rangeland Health (43 CFR Part 4180). Further, the rangeland health assessments, recent assessment updates, and other monitoring data have not identified a resource conflict or problem on the allotments linked to livestock grazing that would justify removal of livestock. In addition, Alternative 3 would not control noxious weeds and other invasive species and would have a negative effect on vegetation, range, and ecological conditions over time (see revised EA, Chapter 3). For these reasons, BLM has no rational basis for adopting this alternative as the final decision.

Based on the analysis contained in the EA, a modified Alternative 2 was selected over Alternatives 1 and 3 because it represents the alternative that best meets the purpose and need for action (see revised EA, page 3). The grazing management proposed in the three allotments would meet the livestock grazing management goals, as well as the desired ecological/range condition, vegetation management, and weed management goals for the allotments. The alternative would increase livestock control, improve livestock distribution, and provide increased periodic rest. As noted earlier, this alternative is expected to continue to meet or make significant progress towards meeting rangeland health standards 3 and 5 into the foreseeable future (see Chapter 3 of revised EA). As an additional benefit, the permittee's livestock management flexibility would be improved.

Implementing a three-year rest rotation grazing system on the Coleman Seeding Allotment would allow plants to complete their life cycles one of every three year. Based on the carrying capacity analysis (discussed in more detail in the Livestock Grazing section of the EA), the Coleman Seeding Allotment could support an increased level of 269 AUMs of forage use without exceeding target utilization levels. Grazing at this level would be expected to maintain current upland vegetation trends and allow continued achievement of applicable Rangeland Health Standards.

This alternative will allow the use of more effective herbicides to be used to treat noxious weeds/invasive species with fewer negative effects compared to treatment methods available under Alternative 1. Using more effective chemical agents will assist in meeting desired ecological conditions over the long-term. This alternative will be more effective in meeting the RMP's "Noxious Weed and Competing Undesirable Vegetation Management Goal" compared to Alternatives 1 or 3, as well as make progress in meeting rangeland health standards 1 and 3.

The Pike Ranch Fence has been redesigned and relocated closer to the property line. Map 4 in the EA has been revised to show this change. The fence will be relocated and/or extended out into Lake Abert to make this boundary more effective in preventing unauthorized livestock movement onto adjacent BLM lands. The BLM is cooperating with the private landowner/permittee in effort to prevent unauthorized use in the future.

The vegetation treatments originally proposed within the Alkali Winter and Coleman Seeding Allotments within Alternative 2 have not been included in this final decision because cultural resource surveys have not been completed and funding has not yet been secured for implementation. Also, the vegetation treatment for the Ryegrass Pasture would need to include brush control, and would need further analysis under NEPA. Should funding become available, and further analysis be conducted in the future, the cultural resource surveys will be completed and, based on the results of the survey, the treatment area boundaries will be adjusted to avoid cultural resources where necessary and a separate decision will be issued.

In addition, my final decision does not authorize construction of the proposed Hutton Pasture Division Fence, as originally described in Alternative 2 within the EA because:

1) The Alkali Winter Allotment is a common allotment with a total of four permittees. Though the pastures each permittee currently use are informally agreed to "use areas", they are not legally binding as no formal rangeline agreement has been signed. The other three permittees within this common allotment have reviewed the proposal and do not agree that it would be mutually beneficial or necessary to effectively administer or manage this common allotment (see comments and responses numbered 7-9 and 13-14 of the attached Comment Summary and Responses).
2) The proposal could have negative economic effects on another permittee. Permittee #3601283 would have to buy hay, lease private pasture, or adjust use into other pastures within the allotment to compensate for the AUMs of lost forage. Overall, the cost of fence construction and potential economic effects to another permittee outweigh the potential benefits to the proponent (refer to the Social and Economic Values section of Chapter 3 of the revised EA; see also comments and responses numbered 7-14 of the attached Comment Summary and Responses).
3) Utilization data within the West Venator Pasture has been within the light-moderate range over the last 15 years. Average utilization within the West Venator Pasture over the last 15 years has been 46% and the upper utilization limit is 60% (see Table B-3, Appendix B of the revised EA). This data indicates that the available forage or carrying capacity is higher than what has actually been used over the last 15 years. For this reason, permittee #3601487 should be able to obtain his full permitted level of use (2,005 AUMs) most years within the West Venator Pasture without exceeding the 60% utilization standard, even if the Ryegrass Pasture was not available. Furthermore, the Ryegrass Pasture remains available for use and provides additional AUMs.
4) Based on the analysis contained in the EA, the fence is not needed to manage the allotment to achieve rangeland health standards or other applicable land use plan goals or objectives.

APPEAL PROCESS

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final grazing decision may appeal the decision to an administrative law judge in accordance with 43 CFR §4.470 and 43 CFR §4160.3 and §4160.4. The appeal must be in writing and filed in my office, at the address below, within 30 days following receipt of the final decision. A notice of appeal that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal must be on paper.

Bureau of Land Management
Lakeview District Office
1301 South G Street
Lakeview, OR 97630

The appellant must serve a copy of the appeal, by certified mail, to the:

Office of the Solicitor
U.S. Department of the Interior
805 SW Broadway, Suite 600
Portland, OR 97205

The appellant must also serve a copy of the appeal on any person named in the decision or listed in the "copies sent to" section at the end of this decision.

The appeal must state the reasons, clearly and concisely, why you believe the final decision is in error, and comply with all other provisions of 43 CFR §4.470.

An appellant may also petition for a stay of the final decision by filing a petition for stay together with the appeal in accordance with the provisions of 43 CFR §4.471. Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR §4.471, 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.

You bear the burden of proof in demonstrating that the decision is in error and that a stay should be granted.

The petition for stay must be filed in my office, at the address above, and be served in accordance with the requirements of 43 CFR §4.473. A petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A petition for stay must be on paper.

Any person named in the decision that receives a copy of a petition for stay and/or an appeal should refer to 43 CFR §4.472(b) for the procedures to follow should you wish to respond.

If you should have any questions regarding this decision, please contact me at 541-947-2177.

J. Todd Forbes, Field Manager
Lakeview Resource Area

8/4/15
Date

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