

**NOTICE OF PROPOSED DECISION FOR
RENEWAL OF TERM GRAZING PERMIT FOR THE
BUCK CREEK - BRIDGE CREEK ALLOTMENT (00702)**

INTRODUCTION AND BACKGROUND

The Bureau of Land Management (BLM) has completed an environmental assessment (EA# DOI-BLM-OR-L050-2013-0038-EA) documenting the potential effects of renewing term grazing Permit #3601483 for a ten-year time period on the Buck Creek-Bridge Creek Allotment. The renewal of a grazing permit is a Federal action to authorize livestock grazing on public land for a specified period of time, and under a set of specified terms and conditions.

The Buck Creek-Bridge Creek Allotment is located approximately 2 miles west of Silver Lake, Oregon (see EA Maps1 and 2). The Buck Creek-Bridge Creek Allotment has a total of 6,369 acres BLM-administered lands and 459 private land acres and contains four pastures grazed in a spring/summer rest-rotation grazing system.

PROPOSED DECISION

Permit Renewal

Based on the analysis contained in the EA, it is my proposed decision to renew the term grazing permit #3601483 to authorize livestock grazing use in the Buck Creek-Bridge Creek Allotment as described in Alternative 2 of the EA. Table 1 shows the type of livestock, permit dates, and active preference, which would be authorized under this permit renewal. A spring/summer rest-rotation grazing system would continue to be used.

Table 1. Specified Grazing Use for the Buck Creek-Bridge Creek Allotment

Livestock		Grazing period		Type use	AUMs
Number	Kind	Begin Date	End Date		
77	CATTLE	5/1	10/15	Active	309

Terms and Conditions

The permit will be issued with standard terms and conditions. This includes requirements such as: timely payment of fees, submission of actual use reports, providing administrative access across private land, continued compliance with Rangeland Health Standards, and maintenance of range improvements.

Monitoring

Monitoring would continue, generally as specified in the *Lakeview RMP/ROD* (BLM 2003b, pages 53-55, as maintained). In summary, trend monitoring studies would be conducted and include photo station and observed apparent trend methodologies are used to measure cover, species composition and frequency. Utilization studies would be conducted using the key forage plant method. Utilization is a measure of the amount of the current year's forage consumed by livestock. Monitoring methodology would follow the latest protocol, such as Technical

References 1734-3 and 1734-4 (BLM 1996a, 1996b) incorporated herein by reference. Table 2 describes the key species and utilization targets identified for the allotment.

Table 2. Key Species and Target Utilization Levels for Pastures within the Allotment

Pasture	BLM Acres	Key Species	Utilization Target %
Emery Seeding	2681	Crested wheatgrass	50
Bridge Creek	1580	Needle and thread grass /bottlebrush squirrel tail	50
Middle Pasture	970	Needle and thread grass /bottlebrush squirrel tail	50
South Spring	1134	Idaho Fescue	50

Riparian Protection Project

Approximately 1/4 mile of riparian protective fence will be constructed along Bridge Creek Draw, an intermittent creek near South Spring (see Map 3 of the EA). This area will be excluded from livestock grazing until another PFC assessment shows the creek to be at PFC with a stable or upward trend. The enclosure could be grazed in the future, if riparian conditions improve and are determined to be stable enough that livestock grazing would allow maintenance of the PFC stable to upward trend rating.

Maintenance of Existing Range Improvements

Maintenance of existing water troughs, wells, pipelines, waterholes, and fences would be conducted by the permittee when needed. Maintenance may not be needed on all existing developments; however, it would likely be needed on some developments sometime over the 10 year life of the permit. Waterhole maintenance would include the cleaning (within the original area of disturbance) of the waterhole to ensure continued function. Trough maintenance would include fixing and/or replacing leaking troughs, or fixing and/or replacing fittings, etc. Pipeline maintenance would include replacing and/or repairing broken, damaged, or leaking sections of pipe, and replacing fittings, etc.

RATIONAL/AUTHORITY

Decision Factors

Decision factors are a set of 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 plan?
- c) How well does the decision promote the meeting or maintenance of rangeland health standards?

A discussion addressing how my proposed decision meets these decision factors follows in the next section.

Conformance with Grazing Management Laws, Regulations, and Policies

Prior to issuing this proposed decision, an ID Team prepared an environmental assessment (EA) and Finding of No Significant Impact (FONSI) in conformance 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 permit terms and conditions), and (2) riparian protection (continue grazing under authorized AUMs additionally constructing approximately ¼ mile of fence around Bridge Creek Draw to create an enclosure and 3) no grazing (not renewing the 10-year permit). The results of the Rangeland Health Assessments (RHA), initially completed in 2004, and updated in 2013, were considered during this analysis. As noted in the FONSI, the proposed decision (Alternative 2) would not have any significant effects on the human environment.

Potentially interested public, agencies, tribes, and the permittee were provided a notice of a 30-day review period on the EA and FONSI. The BLM received no comments for consideration during that time.

Conformance with Federal Land Policy and Management Act

The Federal Land Policy and Management Act requires all management decisions be consistent with the approved land use plan (43 CFR 1610.5-3). The *Lakeview Resource Management Plan/Record of Decision* is the governing land use plan. Renewing this grazing permit is in conformance with following management goals and direction contained within this plan (BLM 2003b; as maintained). More specifically:

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 (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.... (Pages 52-53, as maintained).

Conformance:

All public lands within the allotment have been identified as available for or open to livestock grazing use in Table 5 and Appendix E1 (pages 49 and A-92, as maintained). These sections also specify the initial livestock forage allocation, period of use, grazing system, and management objectives for the allotments.

Additional clarification of this initial 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>.

Renewing the 10-year permit under the current terms and conditions on the Buck Creek Bridge Creek is consistent with the above management direction.

Management Direction:

“Where livestock grazing is found to be limiting achievement of multiple use objectives, actions to control intensity, duration, and timing of grazing and/or provide for periodic deferment and/or rest will be required to meet physiological requirements of key plant species and to meet other resource objectives. Upon determining that existing grazing management practices on public land are contributing to the nonattainment of resource objectives, appropriate actions will be implemented. The intent of grazing management is to leave sufficient herbaceous material on the ground to provide soil and watershed protection, to provide forage and cover for wildlife and wild horses, and to meet other resource objectives” (page 53, as maintained).

Rangeland improvement projects will be implemented to meet resource objectives. (page 53, as maintained).

Conformance:

Implementing the proposed riparian protection fence and maintaining existing range and water developments would be consistent with this management direction.

Riparian and Wetland Management Goal – Restore, maintain, or improve riparian vegetation, habitat diversity, and associated watershed function to achieve healthy and productive riparian areas and wetlands (page 30, as maintained).

Management Direction:

“Riparian/wetland areas will be managed for uses within the watershed that emphasize the maintenance or improvement of naturally-occurring values while providing for commodity production and the attainment of proper functioning condition, riparian management objectives, and desired range of conditions. . .” (page 31, as maintained).

“Areas not in proper functioning condition will be managed to attain an upward trend in

the composition and structure of key riparian/wetland vegetation and desired physical characteristics of the stream channel. Uses within the riparian conservation area and contributing upland watersheds will be allowed as long as there is measurable progress towards attainment of State water quality standards, proper functioning condition, and riparian management objectives. . . .” (page 31, as maintained).

Conformance:

Implementing the proposed riparian protection fence would be 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).

Conformance:

Maintaining existing range and water developments would be consistent with this management direction.

Appendix E1 – Allotment Specific Management Direction for Buck Creek-Bridge Creek Allotment
(page A-102, 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.*

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

Maintain/Improve forage production- *Continue to manage for forage production in seeded area through season of use adjustments, possible vegetation treatments, fencing, water developments, and/or other actions.*

Plant communities/vegetation – *Implement the current integrated noxious weed management plan.*

Restore productivity and biodiversity in quaking aspen stands. Manage areas where juniper encroachment or increased density is threatening other resource values. Maintain old growth characteristics in historic juniper sites not prone to frequent fire. Maintain quaking aspen to maintain age class diversity and to allow for species reestablishment.

Mule Deer Winter Range- *Monitor utilization of browse in winter range areas. Avoid livestock utilization levels that reduce the long-term viability of browse plants.*

Wildlife/wildlife habitat: *Monitor utilization of browse in winter range areas. Avoid livestock utilization levels that reduce the long-term viability of browse plants. Monitor elk populations to ensure that sufficient forage and habitat are available. Continue to work with USFS on implementing bald eagle management plans.*

Conformance with the Allotment-Specific Management Direction in Appendix E1:

Renewing the term grazing permit for the allotment is consistent with the allotment-specific livestock distribution and management direction described in Appendix E1.

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

An ID team completed a Rangeland Health Assessment for the allotment in 2004 in conformance with the requirements of 43 CFR 4180, and determined that the allotment met all applicable standards at that time. In 2013, the assessment was updated and one small riparian area was rated “Functional at Risk” with a downward trend and, therefore, did not meet Standard 2. Implementing the riparian protection fence would remove grazing from this small area and would result in rapid improvement in stream channel, riparian, and water quality conditions in that location which, in turn, would result in meeting or making significant progress toward meeting Standard 2 (see EA, pages 19-20).

Generally, the grazing authorized under this proposed decision (Alternative 2) is expected to result in soil, upland vegetation, wildlife habitat, special status wildlife species, and rangeland conditions remaining relatively stable or improving over time (see pages 8-39 of the EA). For these reasons, the proposed decision is expected to meet rangeland health standards over the life of the permit.

Long-term monitoring studies and annual allotment-wide utilization studies would continue to be conducted (page 6 of EA) to determine whether management objectives, including Rangeland Health Standards are continuing to be attained. If objectives are not attained, this can be addressed through future grazing management modifications, as described in the grazing management flexibility section (page 7 of the EA).

Rationale for the Proposed Decision:

Generally, implementation of the Alternative 2 would conform with all applicable laws, regulations, land use plan direction, and other applicable management guidance. Alternative 2 was selected as my proposed decision because the implementation of the riparian enclosure project will result in the recovery of riparian conditions on Bridge Creek Draw and meet or make significant progress toward meeting rangeland health Standard 2. Alternative 2 will also meet the desired ecological conditions and management goals and objectives for the allotment, as well as provide for the continuance of the permittee’s livestock operation.

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 result in a continued failure to meet rangeland health standard 2 in a small portion of the allotment and, therefore, could not legally be implemented.

Alternative 3 (No Grazing) was considered within the EA analysis to provide a broader range of alternatives and comply with grazing permit renewal guidance. Alternative 3 would only be appropriate if an analysis or evaluation of monitoring data or rangeland health assessment identified a need for complete removal of livestock to meet rangeland health or other management objectives. In this instance, complete removal of grazing or closing the entire allotment to grazing use for a ten-year period would not be completely consistent with the management goals and direction contained in the land use plan. The failure to meet rangeland health standard 2 in a very small portion of the allotment does not provide sufficient justification to remove grazing from the entire allotment. In addition, there is no other monitoring data that have indicated any major resource conflict or problem that would require or justify complete removal of livestock from the allotment. Therefore, BLM has no rational basis for adopting this alternative as the proposed decision.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other affected interest may protest this proposed decision under Section 43 CFR 4160.1 and 4160.2, either in person or by writing to me at the following address:

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

within 15 days after receipt of the decision. A written protest that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A written protest must be on paper. The protest should clearly and concisely state the reason(s) as to why the proposed decision is in error. Any protest received will be carefully considered and then a final decision will be issued. In the absence of a protest, the proposed decision will become my final decision without further notice.

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 above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. 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.

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:

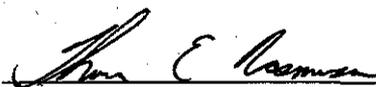
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

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.



Thomas E. Rasmussen
Lakeview Resource Area, Field Manager

4/21/14
Date

Copies sent to:

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FINDING OF NO SIGNIFICANT IMPACT

LIVESTOCK GRAZING PERMIT RENEWAL FOR THE BUCK CREEK-BRIDGE CREEK ALLOTMENT (#00702)

DOI-BLM-OR-L050-2013-0038-EA

The Bureau of Land Management, Lakeview Resource Area (BLM), has analyzed several alternative proposals related to renewing term grazing permit number 3601843 for a ten-year period. This permit addresses livestock grazing management for the Buck Creek-Bridge Creek Allotment (#00702) to the southwest of Silver Lake, Oregon.

An environmental assessment (EA) was prepared that analyzed the potential direct, indirect, and cumulative environmental impacts of three management alternatives. The alternatives included No Action (continue current management and issue the permit with existing terms and conditions); Riparian Protection (issue the permit and make management changes in the South Pasture to protect a small riparian area); and No Grazing (not issuing the permit) (see Chapter 2 of attached EA).

The Council on Environmental Quality (CEQ) regulations state that the significance of impacts must be determined in terms of both context and intensity (40 CFR 1508.27). The context of the proposed action is the total area contained within the allotment. For this reason, the analysis of impacts in the attached Environmental Assessment (EA) is focused appropriately at this scale. The CEQ regulations also include the following ten considerations for evaluating the intensity of impacts:

- 1) Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1))?
() Yes (X) No

Rationale: Based on the analysis contained in the attached EA, none of the alternatives would have either significant beneficial or adverse impacts on the human environment. There are no prime or unique farmlands, wild horse management areas, significant caves, designated wilderness areas, wilderness study areas, lands with wilderness characteristics, areas of critical environmental concern, research natural areas, wild and scenic rivers, fish or special status aquatic species, threatened or endangered species, special status plants, hazardous waste sites, or low income or minority populations located in the allotment. No measureable impacts would occur to climate, air quality, floodplains, hydrology, land status, forest or woodland habitat, fire regimes, or mineral and energy resources (see Table 3 of Chapter 3).

The potential impacts to soils and biological soil crusts, upland vegetation, noxious weeds, streams, riparian vegetation, water quality, wildlife, special status wildlife species, livestock grazing management, social and economic values, native American traditional practices, cultural resources, recreation, and visual resources anticipated by the alternatives have been analyzed in detail within Chapter 3 of the EA and found not to be significant.

- 2) Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2))? () Yes (X) No

Rationale: None of the alternatives analyzed in detail in the attached EA would have significant impacts on public health or safety because the project area is not located near any populated rural or urban area. For this reason, there would also be no impacts to low income or minority populations. Further, there are no known hazardous waste sites in the project area. There would be no measureable impacts to air quality within and surrounding the project area (Table 3). There are no surface drinking water sources located in the project area. Impacts to water quality associated with the intermittent Bridge Creek Draw are described as minor (see Chapter 3).

- 3) Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated wilderness or wilderness study areas, or ecologically critical areas (ACECs, RNAs, significant caves)) (40 CFR 1508.27(b)(3))? () Yes (X) No

Rationale: There are no prime or unique farmlands, significant caves, designated wilderness areas, wilderness study areas, wild and scenic rivers, ACEC/RNAs, or lands with wilderness character located in the project area (Table 3). Potential impacts to riparian areas and cultural resources have been analyzed in Chapter 3 of the EA and found not to be significant.

4) Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4)? Yes No

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the alternatives addressed in the attached EA. The potential impacts of these range management actions on soils and biological soil crusts, upland vegetation, noxious weeds, streams, riparian vegetation, water quality, wildlife, special status wildlife species, livestock grazing management, social and economic values, native American traditional practices, cultural resources, recreation, and visual resources can be reasonably predicted based on existing science and professional expertise. The EA analyzed these impacts (Chapter 3) and found them not to be significant. The nature of these impacts is not highly controversial, nor is there substantial dispute within the scientific community regarding the nature of these effects.

Potentially interested public, agencies, tribes, and the permittee were provided notice of a 30-day review period on the EA. No comments were received during this time, further indicating that highly controversial effects, as defined under 40 CFR 1508.27(b)(4), would not occur.

5) Would any of the alternatives have highly uncertain effects or involve unique or unknown risks (40 CFR 1508.27(b)(5)? Yes No

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the alternatives addressed in the attached EA. The potential impacts of these range management actions on soils and biological soil crusts, upland vegetation, noxious weeds, streams, riparian vegetation, water quality, wildlife, special status wildlife species, livestock grazing management, social and economic values, native American traditional practices, cultural resources, recreation, and visual resources can be reasonably predicted based on existing science and professional expertise. The EA analyzed these impacts (Chapter 3). The nature of these impacts is not highly uncertain, nor does it involve unique or unknown risks.

6) Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6)? Yes No

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the alternatives addressed in the EA. None of the alternative actions represents a new, precedent-setting range management technique or would establish a precedent for future similar actions with potentially significant effects.

7) Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7)? Yes No

Rationale: Based on the analysis contained within the Cumulative Effects section of Chapter 3 of the EA, none of the alternatives would have significant cumulative effects within the project area, even when added to the effects of other past, present, and reasonably foreseeable future actions.

8) Would any of the alternatives have significant adverse impacts on scientific, cultural, or historic resources, including those listed or eligible for listing on the National Register of Historic Resources (40 CFR 1508.27(b)(8)? Yes No

Rationale: The allotment is located within a broad area which was used historically by native Americans. However, there are no known native American religious or sacred sites, designated Traditional Cultural Properties, or important plant collecting sites known within the allotment. Potential impacts to cultural resources have been analyzed in Chapter 3 of the EA and found not to be significant. Tribal governments with a known interest in or

potential knowledge of cultural resources and traditional uses in the allotment were provided an opportunity to review the EA and provide input on potential impacts. No comments were received.

9) Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9)? () Yes (X) No

Rationale: No threatened or endangered plant or animal species or their habitats are present in the allotment (Table 3).

10) Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)? () Yes (X) No

Rationale: All of the alternatives analyzed in the EA comply with all Federal, State, and local environmental laws or other environmental requirements, including the National Environmental Policy Act, Clean Water Act, Clean Air Act, and Endangered Species Act.

The Federal Land Policy and Management Act requires that any action that BLM implements must also conform with the current land use plan and other applicable plans and policies. The purpose and need for the proposed action conforms with the management direction contained in the *Lakeview Resource Management Plan/Record of Decision* (BLM 2003b). The alternatives analyzed in the EA conform to the management direction requirements of this plan and the *Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington* (BLM 1997), and the grazing regulations (43 CFR Part 4100) in varying degrees (see EA Chapters 1 and 3). Conformance with this direction is also addressed in detail within the proposed decision.

Finding

On the basis of the analysis contained in the EA, the consideration of intensity factors described above, and all other available information, my determination is that none grazing management activities contained in the alternatives analyzed would constitute a major federal action which would have significant adverse or beneficial impacts on the quality of the human environment. For these reasons, an EIS is unnecessary and will not be prepared.


Thomas E. Rasmussen, Field Manager
Lakeview Resource Area

4/21/14
Date