INTRODUCTION AND BACKGROUND

The Juniper Mountain Allotment (#0515) is located in eastern Lake County and western Harney County, Oregon (Map 1). The Juniper Mountain Allotment consists of approximately 91,720 acres of Bureau of Land Management (BLM) administered land, currently divided into six pastures (Big Juniper, Horseshoe, Radio Springs, Eagle Butte, Sagebrush Knoll, and Flint Hills) and administered under one grazing permit (Map 2).

The Horseshoe Meadow is approximately 50 acres and is located within the Horseshoe Pasture. This pasture is grazed, along with the five other pastures, as part of a rest-rotation grazing system. Juniper Mountain proper is a geographic feature that serves as the hub of four pastures in the northern part of the allotment, but fences are constructed only partially up the sides of the mountain. At the time the existing fences were constructed, it was thought that the topography of the mountain slopes would serve as an effective barrier and cattle would not climb up the steep slopes and travel around the ends of the pasture fences. However, field observations have shown that some cattle do move from pasture to pasture, climbing up over the top of Juniper Mountain around the ends of the existing fences, ending up in the Horseshoe Pasture and concentrating in the meadow area during late summer, when the pasture is scheduled for rest (unauthorized grazing use).

Rangeland Health Assessment

A Rangeland Health Assessment (RHA) for the Juniper Mountain Allotment (#0515) was completed by an interdisciplinary (ID) team in September 2004. The Rangeland Health Assessment found that rangelands across most of the allotment were in good shape overall and met the Rangeland Health Standards (BLM 2004c). However, the Horseshoe Meadow area of the Horseshoe Pasture (50 acres) was identified as not meeting Standard 2 (Riparian-Wetland Areas) due to unauthorized livestock grazing use.

Interim Livestock Grazing Management

The grazing regulations require that the BLM make changes to livestock grazing management by the next grazing season, once it has been determined that an area does not meet the Standards for Rangeland Health and where livestock is found to be the causal factor (43 CFR Chapter II, Subchapter D, Subpart 4180.1). To comply with this mandate, the BLM has worked with the
permittee to implement an interim livestock grazing management strategy while a permanent solution was developed and an environmental assessment (EA) completed. The implementation of a permanent solution has been delayed for a variety of reasons (appeals, settlement agreements, revising the EA, etc.), thus, grazing within the Juniper Mountain Allotment has been occurring under the interim management strategy since 2005.

Under the interim grazing strategy, the Horseshoe Pasture has been scheduled for rest every other year. On the years the Horseshoe Pasture has been grazed, use has occurred early in the growing season. Cattle were removed by early summer to allow the Horseshoe Meadow opportunity for regrowth after grazing occurred. This strategy operates smoothly if the Big Juniper and Radio Springs Pastures are grazed at the same time the Horseshoe Pasture is being grazed, and rested when the Horseshoe Pasture is being rested. When grazing use is shifted to the southern portion of the allotment, it limits cattle drift over the top of Juniper Mountain. A summary of the grazing schedule since 2004 is explained in more detail in the livestock grazing management section of Chapter III of the EA.

Monitoring Conducted to Date

Monitoring in the Juniper Mountain allotment has included compliance checks, utilization, photo and trend monitoring, and collecting actual use data dating back to 1974. The last time most of the monitoring plots were reread was in 2009. Photo monitoring has occurred at various times in the Horseshoe Pasture since 2004. The photos focus mostly on the Horseshoe Meadow area of the Horseshoe Pasture. These photos have been taken from 2004 through 2009 and indicate that the Horseshoe Meadow area shows some signs of improvement (especially in vigor and ground cover) since 2004, and that the interim grazing strategy has had some limited success. The interim grazing strategy has only been partially successful in keeping cattle out of the Horseshoe Pasture during unauthorized periods (see page 17 of the EA).

Environmental Assessment and Alternatives Considered

The Lakeview Resource Area, Bureau of Land Management (BLM) has prepared the Horseshoe Riparian Improvement and Livestock Management Grazing Strategy EA (#DOI-BLM-OR-L050-2009-0040-EA) that analyzed ten alternatives in detail as potential permanent solutions to managing livestock grazing in the Juniper Mountain Allotment (#0515) to improve riparian conditions in the Horseshoe Meadow and improve the effectiveness of the rest-rotation grazing system.

These alternatives included:

1) No Action Alternative
2A) Fencing Juniper Mountain
2B) Fencing Juniper Mountain and Enhanced Restoration
3) Reduced Grazing Levels
4) Full Rest Every Other Year
5) Increased Herding
6) Permanent Removal of Grazing in the East Half of the Horseshoe Pasture
7) Permanent Removal of Grazing in the Horseshoe Pasture
8) Horseshoe Meadow Closure and Additional Pasture Fencing  
9) Fence Removal

The ten alternatives consider different methods of management of the Horseshoe Meadow area within the Horseshoe Pasture and provide differing rest-rotation grazing management systems across the allotment. In addition, three other alternatives were considered, but dropped from detailed analysis for various reasons (see pages 5-10 of the EA).

Public Comments

The current EA was made available for a 30-day public comment period. During the comment period, the BLM received six comment letters. These comments included expressions of support or lack of support for one or more of the alternatives, suggestions for changes in the project decision, and perceived deficiencies in the EA impact analysis. The BLM has prepared a summary of the substantive public comments along with its response and has attached it to this proposed decision.

No major changes were deemed necessary to the EA analysis as a result of the comments received. However, a number of minor changes or clarifications were made in the EA based on these comments. A copy of the updated EA, including changes resulting from public comments, can be viewed at http://www.blm.gov/or/districts/lakeview/plans/index.php. Hard copies of the updated EA are also available upon request.

PROPOSED DECISION

It is my proposed decision to implement Alternative 2B as described in the EA, with some minor modifications. The proposed decision will be implemented in phases, as shown in Table 1 below.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Actions under Alternative 2B</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Build about 5 miles of fence on the top of Juniper Mountain, connecting existing pasture fences, as shown on Map 1. A small gate accommodating pedestrian and equestrian passage will be included (Map 3). No cattle guards will be installed.</td>
</tr>
<tr>
<td>2</td>
<td>Conduct cutting of invasive western juniper surrounding the Horseshoe Meadow area.</td>
</tr>
<tr>
<td>3*</td>
<td>Implement closure of BLM Road 7155-AA to motorized vehicles by signing. The route would remain available to non-motorized uses such as hiking, equestrian, and mountain bike and very limited BLM administrative access.</td>
</tr>
<tr>
<td>4</td>
<td>Conduct annual photo monitoring of two existing headcuts for 10 years to determine if the headcuts are healing. If necessary, active headcut restoration actions would be implemented, as described on page 7 of the EA.</td>
</tr>
<tr>
<td>5</td>
<td>To determine if the riparian area is meeting or making progress towards meeting rangeland health standard 2 over time, photos would be re-taken at two existing, long-term photo monitoring plots in the Horseshoe Meadow every 5 years. Additional vegetation monitoring would be conducted in the Horseshoe Meadow every 5 years to measure improvement of riparian/wet meadow vegetation condition and associated...</td>
</tr>
</tbody>
</table>
*The Lakeview RMP/ROD (2003) previously made a decision to close BLM Road 7155-AA to motorized use. This closure would be implemented on the ground after phases 1 and 2 have been completed. This previous decision is not subject to protest or appeal at this time.

**RATIONALE**

**Purpose and Need for Action**

As stated in Chapter I of the EA (page 4), the purpose and need for the proposal is to take appropriate action that will result in meeting or making significant progress in meeting Standard 2 within the Horseshoe Pasture of the Juniper Mountain Allotment (thereby complying with the requirements of 43 CFR Chapter II, Subchapter D, Subpart 4180.1). An additional purpose is to provide a more effective rest-rotation grazing system in the northern pastures that promotes better overall livestock management within the allotment (ie. livestock remain in the scheduled pasture(s) during the rotation and do not drift into surrounding pastures during times when they are scheduled for rest), such that conditions in the majority of the 91,720-acre allotment continue to meet all five rangeland health standards into the foreseeable future.

Alternative 2B represents the alternative that best meets the stated purpose and need for action because:

1) **It will provide an effective barrier to livestock movement** - Compared to Alternatives 1, 3, 4, 5, and 9, the fence on the ridge of Juniper Mountain proposed under Alternative 2B represents a grazing management change that will provide the most effective barrier in preventing cattle drift from adjacent pastures (Big Juniper, Radio Springs, and Sagebrush Knoll) into the Horseshoe Pasture, protecting the Horseshoe Meadow area from unauthorized grazing use, while still allowing non-motorized access and other multiple uses in the area.

   Based on the analysis in the livestock grazing sections of Chapter IV of the EA, a pasture division fence was determined to be the most effective way of permanently controlling unauthorized livestock movement into the Horseshoe Pasture. While Alternatives 2A, 6, 7, and 8 would provide a similar ridgeline fence and a similar effective barrier to unauthorized cattle movement, the no action, increased herding, reduced grazing, full rest every other year, and removing additional fences alternatives (1, 3, 4, 5, and 9) would not be as effective in preventing livestock drift into the Horseshoe Pasture.

2) **It will improve riparian conditions** - As a direct result of preventing unauthorized livestock drift (as described above), riparian conditions in the Horseshoe Pasture under Alternative 2B will meet or make significant progress towards meeting Rangeland Health Standard 2 at a faster rate compared to Alternatives 1, 3, 4, 5, and 9. Under Alternative 2B, riparian improvement would occur at a slower rate compared to alternatives which temporarily or permanently remove grazing from the Horseshoe Meadow (Alternatives 6, 7, and 8). Under Alternative 8, riparian conditions would improve initially at a rate similar to Alternatives 6 and 7, but could deteriorate if the pasture is grazed in the future.
Under Alternative 2A, riparian conditions would improve at a similar rate to Alternative 2B. However, Alternative 2B also addresses invasive juniper and headcut restoration in the Horseshoe Meadow. These additional management actions would have added long-term benefits to riparian health by preventing further juniper encroachment and allowing stabilization and possibly expansion of the riparian zone.

3) **It will improve the effectiveness of the rest rotation system** - The fence on the ridgeline of Juniper Mountain (Alternatives 2A and 2B) will improve the overall effectiveness of the existing rest rotation grazing management system by providing more flexibility in when individual pastures can be grazed and rested. In particular, the current interim grazing system only allows use of the northern pastures during the spring in conjunction with the Horseshoe Pasture. This pasture division fence will allow these pastures to be used or rested during other times of the year (summer or fall) separate from the Horseshoe Pasture. The analysis in the livestock grazing management sections of Chapter IV of the EA concludes that only those alternatives that include a fence on the ridgeline of Juniper Mountain can provide this improved management flexibility.

Alternatives 6, 7, and 8 would have some increased management flexibility due to the implementation of the same ridgeline fence proposed in Alternatives 2A and 2B. However, Alternatives 6 and 7 would also remove pastures or portions of pastures from the grazing system on a temporary or permanent basis. This would result in a less effective and less flexible grazing system from both the BLM and permittee’s perspectives. Alternative 8 would include creation of the most total pastures within the allotment. Management flexibility would be reduced during the time the Horseshoe Meadow area is closed to grazing, but overall would be improved due to the availability of more pastures in the rest rotation system.

Alternatives 1, 3, 4, and 5 lack pasture division fencing on the ridgeline of Juniper Mountain, and thus are limited in the amount of livestock grazing management options/flexibility they can provide in the rest rotation system on the allotment, especially in the northern pastures, compared to those alternatives with a permanent pasture division fence.

Alternative 9 not only lacks pasture division fencing on the ridgeline of Juniper Mountain, but also involves additional fence removal and the net loss of one pasture from the rest rotation system. This alternative has the least management flexibility of all alternatives considered.

**Other Considerations**

**Alternative 1 (No Action)**

This alternative would not be in conformance with the requirements of 43 CFR 4180.1 (ie. to make changes to grazing management) and cannot be legally be adopted as the proposed decision.
Alternatives 3, 4, and 8 (Allotment-wide Management Changes)

The grazing regulations state that a decrease in permitted use may be implemented “when monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180 (Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration), or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices” (43 CFR 4110.3-2 [b]).

It is important to note that existing monitoring data shows that most of the allotment is in good overall condition and the rangeland health assessment found that the majority of the allotment met rangeland health standards. Further, the analysis contained in the livestock grazing management sections of Chapter IV of the EA concludes that range conditions in the majority of the allotment would continue to meet all 5 rangeland health standards into the foreseeable future under all 10 of the alternatives considered.

Therefore, adopting alternatives (3 and 4), which include grazing reductions across the entire 91,720-acre allotment, cannot be reasonably justified or supported by either monitoring data or the rangeland health assessment findings, as required by 43 CFR 4110.3-2 [b]).

Alternative 8 represents an allotment-wide management change that would involve the construction of up to 27.5 miles of pasture division fencing and create 8-9 smaller pastures across the entire allotment. This alternative is much more extensive in scope than what is necessary to correct the relatively small, 50-acre riparian health (Standard 2) problem in the Horseshoe Meadow.

Alternative 5 (Increased Herding)

Monitoring data collected since 2004 (as discussed above and in page 17 of the EA) show some improvement in vegetation vigor and total ground cover of the Horseshoe Meadow area under the interim grazing management strategy (which includes some increased herding). This strategy has required a high amount of BLM administrative time to conduct compliance checks, as well as increased the permittee’s time and costs spent herding/removing unauthorized cattle from the Horseshoe Pasture. This effort has not been completely successful in keeping cattle out of the Horseshoe Pasture during periods of scheduled rest (see page 17 of the EA). Unauthorized livestock drift still occurs each year (as documented by memos in the allotment file) limiting progress towards attainment of Standard 2. Such unauthorized use is expected to continue under Alternative 5 (page 42 of EA). For these reasons, the BLM does believe increased herding represents an effective permanent solution.

Alternative 2B (Proposed Decision)

Implementation of Alternative 2B, as described in Table 1, would achieve a permanent solution to the rangeland health issue in the Horseshoe Pasture while also balancing or accommodating
other resource values and multiple uses in the surrounding area. This alternative would meet the requirements of 43 CFR 4180.1, by making changes to grazing management that would allow riparian conditions to meet or make progress towards meeting riparian Standard 2. The monitoring data collected since 2004 within the Horseshoe Pasture further supports the BLM’s position that controlled livestock grazing can be allowed to continue within the Horseshoe Meadow area and allow for progress in meeting riparian Standard 2, provided unauthorized livestock use is prevented during times of scheduled rest. Additional riparian improvement (over that seen under the interim strategy) is anticipated under implementation of this alternative.

This alternative represents a balance of multiple uses and resource protection across the allotment, consistent with the multiple use, sustained yield, protection, and production policies of FLPMA (Sections 102(a)(7), (8), and (12) and 103(c) and (h)). The proposed decision would provide for sustainable grazing use, while making significant progress in meeting Standard 2, through promoting improvement in hydrologic function and riparian vegetation in the Horseshoe Meadow and protecting water quality, soils, vegetation, special status plants, wildlife habitat, special status animals, ACEC/RNA values, visual quality, cultural and historic resources, and recreational uses across the allotment.

Plan Conformance

The proposed decision conforms with BLM’s existing land use plans, regulations and policies (this conformance determination is described in detail within the EA under Chapter I, pages 5-6):


AUTHORITY

The authority to make this decision is contained in several sections of Title 43 of the Code of Federal Regulations (CFR), Part 4100. 43 CFR Part 4180.2(c)(3) states, “The authorized officer will take appropriate action as defined in this paragraph by the deadlines established in paragraph (c)(1) and (c)(2) of this section… that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines.” Part 4120.3-1(a) states, “Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.” Part 4110.3-2 (b) decreasing permitted use. In addition, 43 CFR Part 4120.3-1(f) states “Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under 4160 of this part.”

RIGHT OF PROTEST AND APPEAL
Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Section 43 CFR 4160.1, in writing to the authorized officer within 15 days after receipt of such decision at the following address:

Thomas E. Rasmussen, Field Manager
Bureau of Land Management
Lakeview District Office
1301 South G Street
Lakeview, OR 97630

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 filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The 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 the appellant thinks 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.

The appellant bears the burden of proof to demonstrate that a stay should be granted.
The petition for stay must be filed in the office of the authorized officer noted above and served in accordance with 43 CFR 4.473.

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 procedures to follow should you wish to respond.

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

[Signature]
Thomas E. Rasmussen
Lakeview Resource Area, Field Manager

Date

Copies sent to:

Warren Laird
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Doug Heiken
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Peter Lacy
Oregon Natural Desert Association
917 SW Oak Street, Suite 408
Portland, OR 97205
Map 1 - Proposed Decision for Horseshoe Pasture Riparian Improvement and Livestock Grazing Strategy
Comment Content Analysis

Wilderness/Road Inventory

1) Two commenter’s felt the BLM’s road/way determinations and wilderness inventory analysis for the Juniper Mountain area was flawed and should be re-evaluated. One commenter expounded as to why he felt several specific road boundary determinations were flawed. The other commenter stated that, based on many flawed premises, BLM divided their 67,000 acre roadless area into 5 smaller units and found no wilderness values exist in any of the 5 sub-units. He felt that the BLM must correct these flawed road/way determinations and re-evaluate wilderness character based on the larger roadless area and that the BLM should recognize that the proposed WSA does have wilderness value.

Response: In 2008, the BLM completed its interdisciplinary evaluation of wilderness character for the Juniper Mountain area. The evaluation included a review of the wilderness inventory information provided by ONDA in 2005, as well as a detailed analysis of the motorized routes within the area, a determination of inventory unit boundaries, and an evaluation of the wilderness characteristics within the resulting inventory units. The BLM determined that wilderness character is not present within the inventory units in the area.

Both commenters are merely expressing disagreement with BLM’s road/inventory boundary determinations and wilderness character findings. This disagreement stems largely from differing interpretations of which motorized routes in the area meet the definition of a wilderness inventory boundary road. The BLM stands by its current inventory findings. Further, the citizen wilderness information submitted by ONDA in 2005 does not represent new information that demonstrates the presence of wilderness character or a need for the BLM to conduct further updates to its wilderness inventory in the area.

It is also important to point out that, despite BLM’s finding that wilderness character is not present in the area, the BLM did analyze the impacts of the 10 alternatives on several individual components of wilderness character (primitive recreation opportunities and natural character) within the cumulative effects portion of Chapter 4.

Climate Change and Greenhouse Gas Emissions

2) The BLM needs to help mitigate climate change by managing all living systems to capture and storage as much carbon as possible. Livestock grazing reduces biomass storage in vegetation and soil at an ecosystem scale and must be reduced to help mitigate climate change. The ecosystem will store more carbon and help mitigate climate change if they remain ungrazed.

Response: the BLM is currently under no legal mandate to manage lands or resources for the sole purpose of capturing and storing as much carbon as possible. That is beyond the scope of the purpose and need for this project.

Current research is inconclusive regarding the notion that ungrazed systems store more carbon or mitigate climate changes compared to grazed systems. It is true that livestock grazing may temporarily reduce biomass and, thus carbon storage from some vegetation types. However, grazing stimulates plant regrowth, which in turn captures carbon from the environment. In comparison, the carbon storage
provided by ungrazed systems is annually cyclic; carbon is stored while the plants are actively growing; carbon is released back into the environment when plants die and decompose.

Further, the CEQ and the U.S. Geological Survey have stated that it is currently beyond the scope of existing science to identify any specific source of greenhouse gas emissions or sequestration (storage) and designate it as the cause of specific climate impacts at a specific location.

Nevertheless, the EA has been updated to address potential impacts of the alternatives on greenhouse gas emissions and carbon storage. Refer to the Indirect and Cumulative Effects section of Chapter 4 which includes pertinent scientific citations.

3) Climate change is a new and added stress on native ecosystems. Climate change is expected to increase winter storms, summer droughts, reduce snowpack and summer stream flows, and cause earlier spring snowmelt and run-off. This adds stress to plants, animals, and streams that are also stressed by grazing. To avoid cumulative impacts from the combination of climate stress and anthropogenic stresses such as grazing, the agency needs to reduce anthropogenic stress from livestock grazing. Climate change is expected increase the intensity and duration of summer droughts resulting in another adverse cumulative interaction between grazing and climate change

Response: While the BLM concurs that climate change is an issue worthy of consideration in this NEPA analyses, it does not necessarily represent a “new stress” on ecosystems. Climate variability has occurred since the beginning of time and most healthy native ecosystems adapt.

The predictions of future climate conditions are generally based on broad-scale computer modeling. Such predictions can vary greatly depending upon which model is used and the assumptions and data that are plugged into the model. Further, the predictions cannot be tested in real time.

To be useful in a small scale project analysis, one would need to know with some level of certainty, what changes are likely to occur in the project area. Several of the changes that you assert may occur in the future, such as increased winter storms, summer droughts, and changes in precipitation, remain speculative at this time. You provided no specific scientific sources to support these claims as being “reasonably foreseeable” future events in the project area. For these reasons, it is not possible to determine whether future climate conditions will constitute an “added stress on native ecosystems” that has any additive cumulative effect with livestock grazing.

Despite the limitations noted above, the EA has been updated to discuss climate. Refer to the Indirect and Cumulative Effects section of Chapter 4.

Drought Policy/Management

4) The BLM should make contingency plans that require the removal of livestock during droughts. After droughts the agency should provide for long periods of rest and recovery before livestock are allowed to return so that plants can rebuild soil cover, biomass, and energy stores both above and below ground.

Response: The grazing systems for this allotment are designed to incorporate periodic rest, and remain flexible enough to adjust for periods of drought. The livestock grazing management systems described in the various alternatives analyzed in the EA, are all designed to provide for such periodic rest.

Further, the current grazing regulations (43 CFR 4110.3-2) and BLM policy (Washington Office Instruction Memorandum No. 2003-074) provide additional authority/guidance to make changes to
livestock grazing during times of extended drought. This management direction applies to all allotments within the Lakeview Resource Area, including the Juniper Mountain allotment.

In addition, the Lakeview RMP/ROD (page 53) grazing management direction states that “livestock grazing will be managed during and following drought in accordance with the current Oregon and Washington (state office) Drought Policy to maintain soil and vegetation health and productivity following procedures outlined in Appendix E6 of the Proposed RMP/Final EIS”.

The section of the EA titled “Actions Common to All Alternatives” (pages 5-6) has been updated to reference this drought management direction. The commenter is referred to all of the above documents for additional details.

Alternative Design and Impact Analysis

5) Part of the settlement of previous litigation and as stated in this latest (EA) update has the BLM closing road 7155-AA that leads to the summit of the Mountain. Keep road 7155-AA open to motorized use so future generations can enjoy the beauty and solitude of Juniper Mountain without having to hike in, horseback in etc. You are proposing to spend up to hundreds of thousands of dollars of public money on fencing. Spend money on this road to ensure public access.

Response: The closure of this road to motorized use is not part of the settlement agreement or the Proposed Decision. It represents a previous decision made in the Lakeview RMP/ROD in 2003 that has yet to be implemented on the ground. The BLM is not revisiting this decision, as the rationale for closing the road to motorized use remains valid today: ie. protecting botanical values and reducing erosion (see Table 10 page 60, pages 67-68, and Map SMA-17 of the Lakeview RMP/ROD).

6) Seriously look at the impact of the road closure on public use of the mountain. Ask other area recreationists. Ask the Oregon Hunters Association, Oregon Off-Highway Vehicle Association, and Chamber of Commerce for Lake and Harney Counties about the amount of money spent in the local economy by Hunters, Campers, Hikers, Geocaching enthusiasts, rockhounds, etc, all of whom use BLM lands for their activities.

Response: The impacts of this road closure were previously addressed in the Lakeview Proposed RMP/Final EIS and included a potential reduction in off-road surface disturbance, vegetation destruction, soil compaction, and erosion (see Table 4-4, page 4-37, page 4-97, page 4-117, pages 4-125 to 4-126, page 4-145, and Map SMA-17). Road closures within special management areas, such as the Juniper Mountain ACEC, were noted as making “it more difficult for the public and Tribal people to access public lands for hunting, other recreational pursuits, and traditional uses (page 4-117,) as well as having “both negative and positive effects on dispersed recreation activities. Public and tribal access would be restricted for motorized recreation and other activities, but nonmotorized recreationists would have a greater opportunity to experience solitude” (page 4-127). This EIS level analysis went through an extensive public involvement process (see pages 5-7 of the Lakeview RMP/ROD) and included many of the groups/users listed above. Further, the EA also discussed the impacts of the road closure within the cumulative effects portion of the document.

7) BLM’s final decision should ensure that the closure of Road 7155-AA is accompanied by immediate restoration to a natural condition, including native seeding. The route should be restored, at a minimum, to a single-track hiking trail.
Response: The BLM is about to initiate an amendment to its current Resource Management Plan that will include the development of a detailed travel management plan. The BLM plans to consider designating this route as a non-motorized trail, open to hiking, equestrian, and/or mountain biking types of uses as one alternative management strategy during this travel management planning process. The BLM does not intend to actively rehabilitate this route at this time. Though the route will be closed to motorized use by signing, it will remain available for very limited administrative access, including emergency vehicles and spring/guzzler maintenance, until such time as a travel management planning decision is made (see off-road vehicle use exception, page 86 of the Lakeview RMP/ROD).

8) BLM should install hiker-friendly passage to the locked gates on Road 7155-A0 (under Alternative 7) to ensure foot access to the cow-free (Horseshoe Pasture) area.

Response: The Alternative 7 description in Chapter II of the EA has been updated to include pedestrian passage.

9) Insure public access to the summit of the Mountain and surrounds, remains for future generations, via road 7155-AA. (Even with motorized closure, this road or its remains will be the logical access to the summit and surrounds via horseback, bicycle or by foot). Provide a gate or gates in the fencing, (simple wire gate or other that meets BLM specs, with signs to Close Gate), where the fencing crosses the road. Consider routing the fence to avoid conflicts or a combination of careful routing and gate or gates. Where the fence crosses the summit, ensure the routing goes below the edge of the summit, otherwise access to the fantastic view's to the north and west might be compromised. More specifically, the rock ledge area on the north end of the summit and the west rock ledge area of the summit, just west of the two rock-embedded benchmarks.

The above comment was followed up by two phones calls and an additional letter in early 2010 providing clarification on potential fence routing alternatives and gate locations on the top of Juniper Mountain. The letter included 2 maps showing proposed alternative locations for the ridgetop fence: one is a mile-long segment located west and down-slope of the unnumbered north-south route on the top of Juniper Mountain and the other is a half-mile long segment located to the southeast of the summit of the mountain.

The commenter also suggested that the road closure would be more effective and the opportunities for non-motorized, primitive recreation in the area could be promoted through the placement of one or more interpretive signs at strategic locations around the base of Juniper Mountain.

Response: The BLM ID team considered the 2 proposed alternative ridgetop fence alignments suggested above. The original ridgeline fence location (under Alternatives 2A, 2B, 6, 7, 8, and 9) was designed in its current location on top of the ridge because it is an area where construction is feasible and it would be the most optimal or effective in controlling livestock movement. If the fence was built down-slope from the ridgetop, cattle would have a tendency to climb over the mountain and drop down the western slope until they hit the fence, where they would tend to congregate or walk the fence line. This could increase pressure on the fence, which would result in increased maintenance problems, and a decrease in its effectiveness as a
barrier to livestock movement. For this reason, the ID team does not believe this western realignment is a feasible alternative.

However, an alternative alignment that approximates the one suggested southeast of the summit does appear feasible. The BLM’s proposed decision incorporates a minor realignment that approximates that suggested by the commentor. In addition, a pedestrian gate has also been included in the proposed decision (see attached map). These features represent minor changes in the fence design, and would have similar impacts to the original fence design. This alternative alignment was surveyed for potential sensitive plants and cultural resources and none were found. The BLM agrees, these adjustments to the fence design would help mitigate potential impacts to public and recreational access on the top of the mountain.

In addition, the BLM is about to initiate an amendment to its current Resource Management Plan that will include the development of a detailed travel management plan. The BLM will consider designating Road 7155-AA as a non-motorized trail, open to hiking, equestrian, and/or mountain bike uses as an alternative management strategy during this travel management planning process. The need for additional signing in the area will also be addressed during this process.

10) Has anyone from your agency ever seen a trophy Mule Deer Buck hanging dead, having gotten stuck jumping a wire fence? I have witnessed this first hand in my deer hunting days.

Response: As specified in Chapter II under actions common to all alternatives, fences would be built to standard BLM wildlife passage specifications (BLM 1988). The bottom wire would be smooth and at least 18 inches off the ground. The top wire would be no higher than 42 inches. These specifications are designed to minimize the potential for big game to get entangled in the proposed fencing.

11) Too much emphasis is being placed to protect the cattle operation and interests of the Laird Ranch. The BLM is subsidizing their operation with cheap grazing land, in my opinion. What is the BLM proposing to do to give equal value to the public, the owners of the land, on the Juniper Allotment?

Response: This comment represents personal opinion. BLM’s rationale for considering a change in management in the Juniper Mountain area is articulated in the Purpose and Need section of the Environmental Assessment. BLM’s rationale for selecting its proposed decision is articulated in the rationale section of the Notice of Proposed Decision.

12) Eliminate grazing entirely in the allotment to the extent that the Horseshoe Meadow and surrounds are sufficiently protected.

Response: The BLM considered eliminating grazing from the entire allotment. Refer to the discussion of Alternative 10 (pages 9-10 of the EA), which includes BLM’s rationale for why this alternative was not reasonable and did not need to be analyzed in detail.

13) Alternative 7 should include removal of all human-made features (old rangeland projects or developments not needed once the pasture is closed to grazing), as well as active restoration of the stream channel. This should be adopted as the BLM’s final decision.

Response: The BLM feels that the EA has already analyzed a broad and reasonable range of alternatives, including one alternative (2B) which contains active restoration measures in the Horseshoe
Meadow. However, the BLM also agrees that components of this comment are worthy of further examination.

There are 2 constructed reservoirs, 2 waterholes, the developed Horseshoe Spring (with exclosure fence, pipe, trough, and overflow collection waterhole), a wildlife guzzler, and the remains of the formerly private Clark Cow Camp located in the Horseshoe Pasture. The BLM would prefer that the reservoirs, waterholes and guzzler remain under this alternative to provide future water for wildlife, and removal could cause more harm than good. However, the BLM would no longer maintain these facilities and allow them to naturally revert over time. Removing the Clark Cow Camp is not feasible in that it may have historical value and would have to be evaluated further to determine exactly how old it is.

The BLM has updated the EA to address the removal of much of the spring development features (exclosure fence, pipeline, and water trough) at Horseshoe Spring, along with incorporating active restoration measures similar to Alternative 2B. The BLM feels these changes in alternative design appropriately focus management on restoring the Horseshoe Meadow area. Chapter II and Chapter IV have been updated accordingly.

14) Alternatives 2A, 2B, and 9 should have the option of going to the three treatment schedule being applied to the other pastures in the allotment, with the exception that the early use treatment in the Horseshoe pasture (under 2A or 2B) would require cattle to be removed in late May or June to afford regrowth depending on riparian soil moisture. The value of including the second treatment (grazing after seed ripe) obtains the full benefit of physical impact by livestock, and makes it much easier to coordinate the yearly grazing schedule for all pastures.

Response: The Livestock Grazing Management section under Alternatives 2A and 2B has been clarified to include flexibility in the Horseshoe Pasture and for the rest of the allotment.

15) Any alternative that creates an exclosure that is closed to grazing (except for Alternative #8) will be considered a taking from our perspective as the holder of the grazing permit for the allotment. Alternatives 6 and 7 that create an exclosure that is closed to grazing is a taking from Laird Ranch which has the right to graze the Juniper Mountain Allotment. The taking can be in the form of lost AUMs, more complicated management, loss of a more diverse rest rotation grazing system, or a combination of these. Laird Ranch does not want maintenance on an exclosure fence or other structures related to an exclosure.

Response: Reductions in grazing or changes in grazing management that must be implemented to comply with 43 CFR Part 4180 do not represent a legal taking under the grazing regulations. Further, none of the alternatives containing an exclosure would result in an immediate loss of AUMs.

16) Laird Ranch opposes Alternatives 3 and 4 that reduce grazing 50% across the entire allotment and rest the allotment every other year respectively. These are not in accordance with sound range management principles and by design will only have negative economic impacts. Laird Ranch has completed many water maintenance projects throughout the entire allotment that has beneficial effects for wildlife and recreationists. With the reduced grazing levels suggested in Alternatives 3 & 4, the need for much of this maintenance on the part of the permittee would be minimized, resulting in negative impacts to wildlife and recreationists.

Response: The opposition to Alternatives 3 and 4 represent personal opinion and does not require a response.
However, the BLM agrees that these two alternatives are not the most effective methods of meeting rangeland health standards in the Horseshoe Meadow (see the livestock grazing management impact sections of Chapter 4, pages 36 and 39 of the updated Environmental Assessment). The BLM also agrees that these two alternatives will have negative socioeconomic impacts and, in fact, addressed these negative effects in the socioeconomic impact sections of Chapter 4 (see pages 37 and 40 of the updated Environmental Assessment).

Nothing in the design of Alternatives 3 or 4 was intended to imply that the permittee would be relieved of his responsibility to maintain those existing range improvements within the allotment for which he is currently responsible. The BLM anticipates that these range improvement projects would still be needed to manage livestock grazing use during seasons or years when grazing use is authorized. The commenter makes a valid point that total maintenance frequency (and associated costs) may be reduced compared to most of the other alternatives analyzed. However, the BLM disagrees that there would be negative effects to wildlife or recreation as a result of less maintenance.

17) Based on the information we have received from the range consultant we have hired and from the Oregon State University range professors that have also consulted on the Horseshoe Riparian area, grazing the riparian area every other year with early spring use only is not proper range management and defeats the purpose of a sound rest-rotation grazing program. The Horseshoe pasture could be grazed at different times of the year (besides early season use only) to maximize the benefits of the rest rotation system. Using an area at different times during the growing season helps to maximize the benefits of the rotational grazing system by utilizing the vegetation at different stages of growth during different years. Further, since water availability varies from year to year, there should be flexibility in the rest rotation system to accommodate these natural climatic variations. We will defer to AK Majors' additional comments on the current EA regarding this issue.

Response: The analysis of Alternatives 2A, 2B, 6, 8, and 9 in Chapter IV of the EA discusses the various positive benefits of spring grazing. In addition, some flexibility in spring use during times of drought has been clarified in the EA under the Livestock Grazing Management sections of Chapter IV.

18) Alternative 9 would work, but would reduce having maximum flexibility in the entire allotment's rest rotation system.

Response: Chapter IV of the EA describes the effects that Alternative 9 would have livestock grazing management. This alternative is characterized as reducing livestock management flexibility across the allotment. This is one of the reasons why this alternative was not chosen as the proposed decision.

Rangeland Health Assessment

19) Based on data and photo monitoring information from 1974 through August 2009, Laird Ranch disagrees with the 2004 Rangeland Health Assessment that determined that the Horseshoe riparian area was not meeting the BLM's Standards and Guidelines for Rangeland Health

Response: The BLM notes the commenter's disagreement with the Rangeland Health Assessment (RHA). However, that does not change the fact that when the RHA was completed in 2004, an inter-disciplinary team determined that the Horseshoe Meadow area was not meeting Standard 2 (Watershed Function-Riparian/Wetland Areas) and this was due to unauthorized livestock use.

Since 2004, an interim grazing strategy has been developed and implemented, in cooperation with the permittee, which has reduced the total amount of unauthorized use/drift from adjacent pastures, and allowed periods of rest and some improvement in the condition (vigor and ground cover) of the
Horseshoe Meadow area. Many of the BLM’s monitoring photos and photos taken by others after 2004 support this determination. Although the interim grazing strategy has improved conditions in the Horseshoe Meadow, it is not a permanent solution as some livestock drift would still occur over Juniper Mountain from adjacent pastures.

20) The Horseshoe pasture was rested all season (without any cattle drift) in 2003. Did the 2004 rangeland health team know and/or consider that?

Response: According to information in the allotment file, the Horseshoe Pasture was, in fact, scheduled for rest in 2003. The rangeland health assessment does not include a discussion or description of pre-2004 pasture grazing schedules; however, the affected environment (chapter III) section of the EA has been updated to include grazing history prior to 2004.

Riparian Vegetation

22) The consensus of the group that inspected the Horseshoe riparian area in October (2006) is grossly mis-quoted in this section of the EA; in stating they felt – “that the wet meadow area still retains the potential to recover and improve in condition.” The comment goes on to describe Jesse Laird, Dr. John Buckhouse, and Lance Okeson’s letters and/or memos regarding the Horseshoe meadow tour.

Response: There were several references in the EA to the Horseshoe Meadow tour in 2006. Further, there are several memorandums and letters in the allotment and project files documenting the discussions on the tour from different participant perspectives. It is apparent from these documents that there was not a clear consensus from the group regarding the current condition of the Horseshoe Meadow. This section of the Environmental Assessment has been clarified.

23) One commenter disagreed with the discussion of existing riparian conditions contained in the EA and states that the Horseshoe Meadow area is not degraded; the existing vegetation is in excellent condition and vigor; Kentucky bluegrass and yarrow is not dominant; Kentucky bluegrass does have sufficient root mass/structure to adequately hold soil and water during high flow events; the head cuts are not threatening to lower the water table, and the water flow is intermittent only because of climactic fluctuations. As evidence of my beliefs I offer the assessment photos 5, 6, 7, 8, 11, and 12, and my enclosed photos 9, 12, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30. If those are not enough, refer to additional photos of the Horseshoe meadow area in my report dated January 9, 2008, which was attached to a letter to you by Elizabeth E. Howard, dated February 28, 2008.

Response: The BLM notes there is disagreement concerning riparian conditions within the Horseshoe Meadow. However, that does not change the fact that when the RHA was completed in 2004, the determination was made by an inter-disciplinary team, that the Horseshoe Meadow area was not meeting Standard 2 (Watershed Function-Riparian/Wetland Areas) and this was due to unauthorized livestock use.

Since 2004, the interim grazing strategy has reduced the total amount of unauthorized cattle/drift cattle from adjacent pastures, which has allowed periods of rest and some improvement in the condition of the Horseshoe Meadow riparian area, including the vigor of riparian vegetation and the amount of ground cover in the meadow. Many of the BLM’s monitoring photos and photos taken by others (including those provided by the commenter) after 2004 demonstrate this improvement. The discussion of the Horseshoe Meadow riparian vegetation has been updated in the Affected Environment section of the EA.

Head Cuts
24) This (affected environment) section refers to two existing head cuts and refers to the all-famous photo #4 of the lower head cut area dated August 3, 2004 (Listed as #11 in the commenter’s enclosed photos). Not only do numerous previous years' photos of this site show this head cut is not in an "at-risk condition"; the following years' photos strongly indicate it has improved (see my enclosed photos 9, 12, 15, 20, 21, 22, 23, 24, 25, and 26).

In respect to the second head cut (which is up the drainage) shown in photos #1 and #2, it has basically healed (refer to 8/17/09 photos #29 and #30).

Response: Through an analysis of photos taken over time, the BLM would agree that the head cuts have been relatively stable in recent years, but as the EA notes in the hydrology and riparian vegetation section of Chapter II, they still "may be at risk for movement should a future, high-flow event occur, such as an intense summer thunderstorm or a large rain-on-snow event, particularly following a drought period that results in less vigorous plant conditions."

25) Two commenters suggest that the head cut restoration action proposed in Alternative 2B should be deleted, as it is really not needed and may cause more harm than good. One commenter elaborated that during the October 2006 field trip, the OSU range specialists agreed that the benefits from cattle grazing are aiding in the improvement of the lower head cut while the upper head cut is completely healed. The photo documentation from AK Majors further supports these conclusions. The professors also unanimously agreed that manual attempts (rock placement, wooded structures, etc.) usually cause more harm than good. Further, by controlling the encroaching juniper, the availability of adequate soil moisture will help promote the vigor of desirable riparian herbaceous species that can naturally repopulate any bare ground that exists, thereby protecting the ephemeral channel from high flow events.

Response: The impact analysis for Alternative 2B in Chapter II has been updated to address the uncertainties involved with some of the active restoration methods. Further, the proposed decision states that head cut restoration work would not be conducted as part of the initial project implementation, but only if future monitoring leads to the determination that restoration actions are necessary.

Hydrology/Water Quality

26) The last sentence of the second paragraph of Section B (affected environment), wet meadow conditions (even if it was poor overall) has no connection whatsoever to water flow from the spring. The spring flow varies greatly from year to year and that is totally dependent upon moisture received in its watershed above the spring. It is very important to recognize that the water reaching the riparian area varies greatly between years in respect to when and how long the flow occurs. This is a highly intermittent function – it is not a yearlong riparian (area).

Response: The Hydrology and Water Quality section in Chapter III notes that the water flow from the Horseshoe Spring is largely dependent upon moisture received in the watershed above the spring. However, the riparian area/vegetation zone is, in fact, permanent or year-long. Plant growth occurs in the spring and early summer. Growth stops in the late summer as soil moisture declines. Plants die back or senesce in the late summer and early fall. This section has been clarified to more accurately describe the Horseshoe Meadow conditions.

27) For each proposed alternative, the effects on water quality are considered yet the EA specifically states that no water quality data has been collected for the Horseshoe riparian area. Because the Horseshoe riparian only has ephemeral flows and is not a tributary to another water body, there are not any fish species present within the drainage and the system does not contribute flows to any water bodies that do support fish populations. Thus, we would like further clarification as to which water quality
standards the BLM considers applicable to the Horseshoe meadow system that could potentially be affected by the proposed alternatives.

Response: The discussion of water quality in the EA has been clarified. Please refer to the Hydrology and Water Quality sections of Chapter III and Chapter IV of the updated EA.