

**NOTICE OF PROPOSED DECISION FOR
TERM GRAZING PERMIT RENEWALS FOR THE
NORTHEAST WARNER (#00511), LYNCH- FLYNN (#00520), NORTH
RABBIT HILLS (#00531), EAST RABBIT HILLS (#00530), FRF FLYNN
(#00501), LYNCH (#00505), AND BLUE CREEK SEEDING (#00200)
ALLOTMENTS**

INTRODUCTION AND BACKGROUND

The Bureau of Land Management, Lakeview Resource Area (BLM), has analyzed several alternative proposals related to renewing term grazing permit numbers 3601232, 3601213, 3601239 for the Northeast Warner, Blue Creek Seeding, Lynch-Flynn, Lynch, FRF Flynn, East Rabbit Hills, and North Rabbit Hills Allotments for a 10-year period. The allotments are scattered throughout the Warner Valley in central Lake County. A brief description of each allotment follows.

Blue Creek Seeding Allotment (#00200)

The Blue Creek Seeding Allotment encompasses approximately 600 acres of BLM-administered lands within a larger area totaling about 5,932 acres of both BLM and private land. This is a small allotment used in conjunction with private land owned by the permittee. BLM land comprises only about 10% of the allotment.

FRF Flynn Allotment (#00501)

FRF Flynn Allotment encompasses about 8,696 total acres of which 2,780 acres are BLM-administered lands representing 32% of the allotment. This allotment is grazed by three permittees and is used in conjunction with their private land at their discretion.

Lynch Allotment (#00505)

The Lynch Allotment, formerly named FRF Lynch, encompasses about 180 acres of BLM-administered land. It is grazed in conjunction with private land at the discretion of the permittee, at a variable time each year. The BLM lands on this allotment have no watering available for livestock and, therefore, must be grazed in conjunction with private land where water is available for livestock.

Northeast Warner Allotment (#00511)

The Northeast Warner Allotment encompasses about 140,699 acres of which 139,019 are BLM-administered lands. There are 6 pastures in this allotment grazed by 4 permittees. The east side and pastures in the Mule Springs Valley are grazed in common by three permittees. The west side of the allotment is primarily grazed by one permittee (under a separate permit not subject to this decision).

Lynch-Flynn Allotment (#00520)

The Lynch-Flynn allotment encompasses about 23,060 acres of which 18,800 are BLM-administered lands. There are two pastures within this allotment grazed by three permittees who run livestock in common.

East Rabbit Hills Allotment (#00530)

The East Rabbit Hills Allotment is comprised of about 8,404 acres; all of which are BLM-administered lands grazed in common by two permittees.

North Rabbit Hills Allotment (#00531)

The North Rabbit Hills Allotment is comprised of about 12,352 acres of which 11,712 acres are BLM-administered lands. This allotment is grazed by three permittees.

PROPOSED DECISION

It is my proposed decision to reauthorize livestock grazing use in the 7 allotments associated with permit authorization numbers 3601232, 3601213, 3601239 (Table 1 and 2) and to implement the range improvements associated with Alternative 2 (Table 4) to improve livestock distribution and use in the Northeast Warner and East Rabbit Hills Allotments. The authorized forage allocation for each allotment will remain the same. Table 1 shows the allotment name and number associated with each permit.

Table 1. Three Permits and Associated Allotments

Authorization Number	Allotment Number	Allotment Name
3601232	00501	FRF FLYNN
	00511	NORTHEAST WARNER
	00520	LYNCH-FLYNN
	00530	NORTH RABBIT HILLS
	00531	EAST RABBIT HILLS
3601213	00501	FRF FLYNN
	00511	NORTHEAST WARNER
	00520	LYNCH-FLYNN
	00531	EAST RABBIT HILLS
3601239	00200	BLUE CREEK SEEDING
	00501	FRF FLYNN
	00505	LYNCH
	00511	NORTHEAST WARNER
	00520	LYNCH-FLYNN
	00530	NORTH RABBIT HILLS
	00531	EAST RABBIT HILLS

Table 2 shows the allotment name and number, livestock number, allowable grazing dates, active preference that will be implemented in each allotment for each permit authorized.

Table 2. Permitted numbers and season for each permit

Authorization number	Allotment name	Allot #	Livestock number	Date of use	Permitted AUM	Suspended AUM	Total AUM
3601239	Blue Creek Seeding	00200	64	9/15-11/15	131	0	131
	FRF Flynn	00501	2	3/01-2/28	26	0	26
	Lynch	00505	25	5/1-6/15	20	0	20
	Northeast Warner	00511	222	2/1-9/30	1771	78	1849
	Lynch Flynn	00520	25	5/1-6/15	38	0	38
	East Rabbit Hills	00530	230	2/1-4/20	598	0	598
	North Rabbit Hills	00531	180	2/1-4/15	439	0	439
	3601213	FRF Flynn	00501	6	3/1-2/28	83	0
Northeast Warner		00511	241	3/1-8/30	1447	78	1525
Lynch Flynn		00520	231	4/1-7/15	805	0	805
North Rabbit Hills		00531	127	1/1-4/15	439	0	439
3601232	FRF Flynn	00501	6	5/1-6/30	12	0	12
	Northeast Warner	00511	241	3/1-8/30	1450	78	1528
	Lynch Flynn	00520	37	5/10-6/15	38	0	38
	East Rabbit Hills	00530	92	11/15-5/30	600	0	0
	North Rabbit Hills	00531	180	3/1-4/15	439	0	0

Fence construction will occur on the East Rabbit Hills Allotment creating an additional pasture. This additional pasture will be used to provide some rest to the Steer Field Pasture and allow the permittee increased flexibility for use in the winter season. For the first three years the permittee would use the Rabbit Creek Pasture in the spring and the Steer Field Pasture in the winter. On the third year Steer Field Pasture would be rested and switched to spring use, with subsequent winter use in the Rabbit Creek Pasture.

Terms and Conditions

All permits will be issued with standard terms and conditions. Other stipulations, as required by state or federal policy, would be included in each permit. Typical items will include; payment of fees, submission of actual use reports, administrative access across private land, compliance with Standards and Guidelines, and maintenance of range improvements.

In addition, permit authorization number 3601232 will contain a term and condition that denotes grazing on the East Rabbit Hills allotment will be split between the winter and spring use. Grazing will not be allowed continuously from 11/15- 5/30, but rather split between early winter and late spring use. One pasture will be used in winter and one pasture will be used in the spring.

Management Flexibility

Knowing uncertainties exist in managing for sustainable ecosystems, changes to grazing may be authorized within the annual application process for reasons such as, but not limited to:

- Adjust the rotation/timing of grazing based on previous year's monitoring and current year's climatic conditions, within the permitted season of use. An example of this would be; to turn livestock out

later in the season on a year with a wet cold spring; or to bring livestock off the allotment early as conditions warrant.

- Drought causing lack of available water in certain areas originally scheduled to be used. An example would be resting a pasture with low water and shifting livestock use to a pasture with adequate water. Conversely in wet years, livestock could be moved to areas near more dependable water sources.
- Changes in use periods to balance utilization levels. (An example of this would be to shorten the time period or number of livestock in a pasture that had 55% average utilization or increase the time period and number of livestock in another pasture that had 30% average utilization, if the target utilization for both pastures is 50%).

Flexibility in grazing management will be authorized where warranted, but any changes approved would have to continue to meet resource objectives. Flexibility is dependent upon the demonstrated stewardship and cooperation of the permittee. Rangeland monitoring is a key component of grazing management (see next section). If monitoring indicates changes in grazing management are needed to meet resource objectives, they can be implemented annually working with the permittee.

Monitoring

Monitoring will continue, as specified in the *Lakeview Resource Management Plan/Record of Decision* (RMP/ROD), incorporated herein by reference (BLM 2003b, pages 53-55). In summary, trend monitoring, including nested frequency, 180° step-toe, photo station, observed apparent trend, or similar methodologies may be used to measure cover, species composition, and frequency. Utilization studies will 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 will follow the latest protocols, such as Technical Reference 1734-3 and 1734-4, incorporated herein by reference. Table 3 describes the key species and utilization targets identified in the *Lakeview RMP/ROD* (BLM 2003b).

Trailing Use

Trailing use was described in the EA (page 12, map 3) and will occur in the permit renewal area by two permittees. Permit authorization number 3601232 trails livestock to the Northeast Warner Allotment. This typically includes livestock use for one day and night on BLM lands on the North Rabbit Hills Allotment, before moving to state lands, and subsequently to the Northeast Warner Allotment. This trailing use is repeated in reverse order at the end of the grazing season. This use will be authorized on the permit and incidental trailing would not to exceed 4 days per grazing season. Trailing use will also continue to occur to and from the Northeast Warner Allotment by a separate permit authorization number 3601273, which is not up for renewal until 2015.

Range Improvements

Under this decision, several new range improvement projects will be constructed in the Northeast Warner Allotment (see EA, Map 2d). Table 4 displays the range improvements that will be implemented on 2 allotments, as funding allows.

Table 3. Key Species and Target Utilization Levels by Allotment

Allotment #	Allotment Name	Key species	Target Utilization (%)
00200	Blue Creek Seeding	Sandberg bluegrass (<i>Poa Secunda</i>) Basin wildrye (<i>Leymus cinereus</i>)	50
00501	FRF Flynn	Sandberg bluegrass (<i>Poa Secunda</i>) Squirreltail (<i>Elymus elymoides</i>) Thurber needlegrass (<i>Achnatherum thurberianum</i>)	50
00505	Lynch	Monitor for long term trend	50
00511	Northeast Warner	Sandberg bluegrass (<i>Poa Secunda</i>), Squirreltail (<i>Elymus elymoides</i>), Thurber needlegrass (<i>Achnatherum thurberianum</i>), Bluebunch Wheatgrass (<i>pseudoroegneria spicata</i>), Idaho Fescue (<i>Festuca idahoensis</i>), Basin wildrye (<i>Elymus cinereus</i>), Prairie Junegrass (<i>Koeleria macrantha</i>)	50
00520	Lynch-Flynn	Sandberg bluegrass (<i>Poa Secunda</i>), Squirreltail (<i>Elymus elymoides</i>), Thurber needlegrass (<i>Achnatherum thurberianum</i>), Idaho Fescue (<i>Festuca idahoensis</i>),	50
00530	East Rabbit Hills	Crested Wheatgrass (<i>Agropyron cristatum</i>)	50
00531	North Rabbit Hills	Crested Wheatgrass (<i>Agropyron cristatum</i>)	50

Table 4. Range improvements to be implemented in this decision.

Allotment	Wells/Storage Tanks	Troughs	Miles of Pipeline	Miles of fence
00511	2	6	4	0
00530	0	1	1/8	2.5

Specifically, two additional wells with 4 miles of buried pipeline, a water storage tank associated with each well, and 6 associated troughs would be constructed in the West Pasture to provide additional sources of water in the pasture to promote better distribution of livestock across the pasture particularly during dry years. The storage tanks and troughs will be painted a neutral color that does not contrast with the natural surroundings to minimize visual impacts. The wells will be surrounded by a small enclosure fence (constructed out of panels or barbed wire).

In addition, a coordinated project with Oregon Department of State Lands is currently underway to increase available water in the Northeast Warner Allotment by building approximately 3 miles of buried pipeline on state lands from an existing well. A second line of buried pipe will be built to provide water to the south border of the East Pasture. All construction of pipeline would occur on state lands; however, one trough will be placed on BLM lands (see EA, Map 2d).

One new fence was evaluated and found to be necessary for improved distribution of livestock in the East Rabbit Hills Allotment. The fence is located in unsuitable and marginally suitable sage-grouse habitat. The fence is not near any active leks and does require installation of bird diverters. Approximately 2.5 miles of standard 3 strand barbed wire fence will be constructed following BLM antelope fencing standards (BLM 1988b, page 147).

A permittee to the north of the East Rabbit Hills Allotment has recently proposed a pipeline project directly across the fence from the main pasture in East Rabbit Hills. Once this project is constructed, an additional 1/8 mile of buried pipeline would be extended to a new water trough in the East Rabbit Hills Allotment. This will be a coordinated project with the neighboring permittee.

All water troughs (near the wells and along pipelines) implemented under this decision will contain wildlife escape ramps to minimize the potential for bird mortality and insure conformance to the *Greater Sage-Grouse Interim Management Policies and Procedures* (BLM 2011). In addition, all troughs will include a mechanism such as a float with an automatic shut-off or a shut-off valve to control the water flow and prevent over spilling.

Maintenance will be conducted on existing water developments and fences in the allotments on an as needed basis. Reservoir maintenance will include cleaning or other actions to ensure continued function. This may include, but is not limited to: application of bentonite clay or dam reconstruction. Waterhole maintenance will include periodic cleaning (within the original area of disturbance) to ensure continued function. Existing pipelines, troughs, and similar developments will be maintained or replaced as needed.

Best Management Practices

The following best management practices would be followed at range improvement project locations (see EA, Map 2d):

Botanical surveys have been conducted at the new range improvement project locations. No noxious weeds were found. Weed monitoring would be conducted for 2-3 years post-project completion. Any weeds found in the future would be treated in a timely fashion in accordance with BLM's latest integrated weed treatment plan(s) using appropriate methods.

RATIONALE/AUTHORITY

Authorities Related to Grazing Use

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, 4160.1 Proposed Decisions, and 4180.2 Standards and guidelines for grazing administration.

In order for an applicant to lawfully graze livestock on public land, the party must obtain a valid grazing permit or lease. The grazing regulations, 43 CFR 4130.2(a), state "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 Bureau of Land Management that are designated as available for livestock grazing through land use plans.” The permit renewal applicants (current permittees) control the base property associated with the grazing preference on the 7 allotments and have been determined to be qualified applicants.

A performance review of the three permittees’ past use was completed and BLM found their record of performance, pursuant to 43 CFR 4110.1(b), to be in compliance.

Grazing permits shall be issued for a term of ten years unless there is some reason which requires a term of less than 10 years under the grazing regulations (43 CFR 4130.2(d)). In addition, grazing permits need to be issued with appropriate terms and conditions designed to “achieve management and resource condition objectives for the public lands... and to ensure conformance with part 4180”... (43 CFR Part 4130.3).

National Environmental Policy Act

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 four alternatives including: (1) No Action (continue current grazing), (2) Range Improvements, (3) Range Improvements with a Rotational Grazing System on the Northeast Warner Allotment (4) No Grazing (not renewing the 10-year permit). The results of the Rangeland Health Assessments (RHA), completed in 2003 and updated in 2012, were considered during this analysis. As determined in the FONSI, the selected alternative (2) will not have any significant effects on the human environment.

Public Comments and EA Modifications

Potentially interested public, agencies, tribes, and the permittee were provided a 30-day review period on the EA and FONSI. During the comment period, the BLM received five comment letters. Three of these letters articulated general support for renewing all of the grazing permits. The other two letters included more detailed comments or concerns. BLM prepared individual response letters to both parties addressing their comments and concerns. The comment letters and responses are part of the administrative record for the proposal and are available for review upon request.

BLM made a few minor changes and clarifications to the EA in response to both internal and public comments. These modifications did not result in any substantive changes in the impact analysis. A copy of the updated EA can be viewed at <http://www.blm.gov/or/districts/lakeview/plans/index.php>. Hard copies of the updated EA are also available from the BLM Lakeview District Office upon request.

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 included:

- 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 maintenance of rangeland health standards?
- d) How well does the decision conform with those Oregon Department of Fish and Wildlife (ODFW) 2005 sage-grouse guidelines that were incorporated into the Lakeview RMP/ROD through plan maintenance?
- e) How well does the decision conform with IM 2012-043 regarding interim sage-grouse

management?

A discussion addressing these decision factors as they relate to implementation of the proposed decision (Alternative 2 from the EA) follows. Conformance with the National Environmental Policy Act and 43 CFR Part 4100 Regulations are discussed above.

Conformance with the Federal Land Policy and Management Act and the Lakeview RMP/ROD

The Federal Land Policy and Management Act requires that all management decisions be consistent with the approved land use plan (43 CFR 1610.5-3). Based on the analysis contained in the EA, I have determined that renewing the grazing permits and constructing the range improvement projects as described above, conforms with the applicable management goals and direction contained within the *Lakeview RMP/ROD*, which is the governing land use plan (BLM 2003b; as maintained). The EA contains a more complete list of these goals, objectives, and management direction (pages 4-10).

The proposed decision would promote the primary **Livestock Grazing Management Goal**, which is to provide for a sustainable level of livestock grazing consistent with other resource objectives and public land-use allocations (Page 52).

The proposed decision would also conform to the **Livestock Grazing Management Direction** within the plan which states:

The allotments are all currently identified as open or allotted for grazing use (Table 5, Pages 46-49, and Appendix E1, as maintained; Map G-3).

...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... (Page 52).

Rangeland improvement projects will be implemented to meet resource objectives (Page 53).

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..., wells, pipelines, waterholes, fences, ... and other similar facilities/projects (Page 100).

The proposed decision is also consistent with the following allotment specific management direction contained in Appendix E1 (BLM 2003b, as maintained) which generally calls for management to:

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 existing enclosures.

Follow the greater sage-grouse livestock grazing guidelines (pages 75-76 of ODFW 2005), where appropriate.

Manage grazing to protect wilderness values (Orejana Canyon and Fish Creek Rim WSAs).

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

An ID team completed a Rangeland Health Assessments on all 7 allotments in 2003. A review and update of those Rangeland Health Assessments was completed in 2012 and determined that all standards applicable to livestock grazing management on the allotments were being met. Continuing to authorize grazing as described in the proposed decision (Alternative 2 in the EA; pages 11-16), is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions that remain relatively stable or improve over time and continue to meet all applicable Rangeland Health Standards over the 10-year life of the permit (see Chapter 3 of the EA). Monitoring would continue in the allotments, as described above, in part to determine whether Rangeland Health Standards are continuing to be attained over time.

Conformance with the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (ODFW 2005) and Greater Sage-Grouse Interim Management Policies and Procedures (IM 2012-043)

A substantial portion of the ODFW strategy was adopted into the Lakeview RMP/ROD through plan maintenance. 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” (Page 75). Since the Rangeland Health Assessment found no violation of standards related to grazing use, renewing the permit as described in this proposed decision (Alternative 2 of the EA) will be consistent with this strategy.

The ODFW strategy also provides guidelines on how to construct or maintain range improvement projects to minimize impacts to sage-grouse habitat (Page 76). The maintenance of existing range improvements, as well as design and construction of new range improvements, will use methods that conform to appropriate guidelines.

IM 2012-043 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 address a comprehensive conservation strategy. This policy provides direction for proposed grazing permit renewals and proposed range development projects.

The proposed decision conforms with the above sage-grouse management direction. In particular:

The EA analyzed a reasonable range of alternatives, including a no action (current grazing), new range improvements, new rotational grazing system, and no grazing (pages 10-16). Grazing management practices addressed within the range of alternatives considered both livestock needs and Greater Sage-Grouse habitat objectives. These alternatives addressed residual cover in terms of vegetation utilization standards and long term monitoring for key plant species (pages 11, 31-40).

The quality of existing sage-grouse habitats were assessed and potential impacts analyzed in accordance with several protocols, including the *Sage-Grouse Habitat Assessment Framework* (EA, pages 45-49). The allotments are all meeting Rangeland Health Standards 3 and 5 (related to ecological processes and wildlife habitat) and will continue to do so under Alternative 2 (EA, pages 45-62).

The new fence has been located in an area that avoids impacts to sage-grouse. There are no leks within 1.25 miles of the new fence which would require modification with bird diverters. There are two sections of existing fence that are located within 1.25 miles of existing leks that will be inspected by BLM biologists and anti-strike markers installed (EA, page 48). The risk of sage-grouse fence collisions and injury or mortality is low.

New water troughs have been designed to minimize overflow. The EA evaluated the potential impacts of proposed water troughs and determined that the project design will minimize the potential for creation of new mosquito habitat and associated risk of spreading West Nile virus (see page 47-48 of EA).

All water troughs would be equipped with animal escape ramps to minimize potential for mortality to birds and other small animals.

Conformance with Current Wilderness Characteristics Inventory Policy

Conducting Wilderness Characteristics Inventory on BLM Lands (BLM 2012a) represents the current BLM guidance on the process to update its wilderness characteristics inventories. As described in the EA, the BLM documented wilderness characteristics within the 7 allotments by completing a number of wilderness characteristics evaluations between 2001 and 2013 (EA, pages 74-75). An inter-disciplinary team completed each inventory update in accordance with the inventory guidance that existed at the time. While several versions of this guidance were drafted between 2001 and 2012, all versions, including the most recent guidance, contain the same requirements to address the same key elements of wilderness character, namely size, naturalness, and outstanding opportunities for solitude or primitive and unconfined recreation. BLM found wilderness characteristics to be present in portions of the 00511 (Egan Cabin unit/OR-015-075) and 00520 (Lynchs Rim parcels B and C/OR-015-117B and OR-015-117F) allotments. Impacts to these units were analyzed in the EA (pages 74-75, Map 7).

Rationale

Generally, implementation of Alternatives 1-3 would conform with most applicable laws, regulations, land use plan direction, and applicable sage-grouse management guidance. Alternatives 1, 2, and 4 would conform with the current Wilderness Study Area management direction (BLM 2012c), while Alternative 3 would not.

Alternative 4 was considered within the EA analysis to provide a full range of alternatives and comply with grazing management permit renewal guidance (BLM 2000). However, implementation of Alternative 4 would only be appropriate if an analysis or evaluation of monitoring data or rangeland health assessment(s) identified a need for adjustments (e.g. reduction or removal) to meet management objectives. In this instance, complete removal of grazing or closing the allotments to grazing use for a ten year period would not be consistent with the management goals and direction contained in the land use plan, as livestock grazing is not causing any violations of rangeland health standards. Neither the RHA nor other monitoring data have indicated any resource conflict or problem on the allotments that would require or justify complete removal of livestock. Therefore, BLM has no rational basis for adopting this alternative as the proposed decision.

Alternative 2 was selected over Alternative 1 because the improved livestock distribution in the Northeast Warner Allotment associated with implementing the proposed range improvements and implementing a pasture rotation in East Rabbit Hills associated with the new fence is expected to result in rangeland management that best meets the desired ecological conditions and management goals and objectives for the allotments, as well as provide for continuance of the permittees' livestock operations.

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.

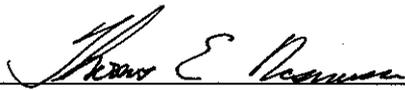
You bear the burden of proof in demonstrating that the decision is in error and that a stay should be granted.

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

8/19/13
Date

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