

NOTICE OF PROPOSED DECISION FOR RENEWAL OF CAHILL TERM GRAZING PERMIT FOR THE ROUND MOUNTAIN (00211), RAHILLY GRAVELLY (00212), BURRO SPRINGS (00213, HILL CAMP (00215) AND CAHILL FRF (00219) ALLOTMENTS

INTRODUCTION AND BACKGROUND

The Bureau of Land Management (BLM) has completed an environmental assessment (EA# DOI-BLM-OR-L050-2013-0030-EA) documenting the potential effects of renewing term grazing Permit #3600173 for a ten-year period, as well as implementation of several range improvement projects. This permit governs livestock grazing management on the Round Mountain (00211), Rahilly Gravelly (00212), Burro Springs (00213), Hill Camp (00215) and FRF Cahill (00219) Allotments. The renewal or initial issuance of a term 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 five allotments are within 10 miles southwest to southeast of Adel, Oregon. The Round Mountain, Rahilly Gravelly, and Hill Camp Allotments currently have multiple pastures and a rest rotation grazing system. The Burro Springs and Cahill FRF Allotments are single pasture allotments that are currently grazed in the winter.

PROPOSED DECISION

Permit Renewal

It is my proposed decision to issue a 10-year grazing permit to Cahill Ranch to authorize livestock grazing use in the Round Mountain (00211), Rahilly Gravelly (00212), Burro Springs (00213), Hill Camp (00215) and Cahill FRF (00219) Allotments, as described in Alternative 3 in the EA. This permit would also convert the Pedersen Pasture in the Rahilly Gravelly Allotment into a new fenced federal range (FFR) allotment. Table 1 shows the type of livestock, permit dates, and active preference which will be authorized for each allotment under this permit renewal.

Table 1. Livestock Use to be Authorized under Cahill Permit Renewal

Allotment	LIVESTOCK		GRAZING PERIOD		TYPE USE	PERCENT PUBLIC LAND	AUMs
	Number	Kind	Begin Date	End Date			
Round Mountain (00211)	234	CATTLE	04/10	7/15	Active	91	673
Rahilly Gravelly (00212)	279	CATTLE	03/10	9/16	Active	94	1647
Burro Springs (00213)	45	CATTLE	2/1	5/31	Active	100	179
Hill Camp (00215)	249	CATTLE	3/8	10/3	Active	100	1719
Cahill FRF (00219)	55	CATTLE	9/27	2/28	Active	100	64
Pedersen FFR	14	HORSES	4/23	8/20	Active	100	55
	17	CATTLE	10/10	2/28	Active	100	79

The Round Mountain Allotment will continue with the current rest rotation grazing system, as described under Alternative 3 in the EA. The season of use in the Round Mountain Allotment will be extended at the end of the grazing season by 7 days from July 8th to July 15th. The number of AUMs permitted will remain the same (see also Tables 1 and 8 of the revised EA).

The Rahilly Gravelly Allotment would continue with the current rest rotation grazing system, as described under Alternative 3 in the EA. The Pedersen Pasture of the Rahilly Gravelly Allotment will be converted to a new FFR allotment, but will still have the same grazing schedule as the rest of the Rahilly Gravelly Allotment (see also Tables 1 and 3 of the revised EA).

The Burro Springs Allotment will continue with the current number of AUMs during the winter season of use, but will also extend the grazing season by 3 months (until May 31st) as described under Alternative 3 (see also Tables 1 and 8 of the revised EA). While the number of AUMs will remain the same, the total number of livestock authorized would be reduced with the longer season.

The Hill Camp Allotment will continue with the current rest rotation grazing system, as described for Alternative 3 (see also Tables 1, 5, and 8 of the revised EA).

The Cahill FRF Allotment will continue with the current authorized grazing, as described in Alternative 3 (see also Tables 1 and 6 of the revised EA).

Weed and Invasive Species Treatments

It is my proposed decision to treat weeds and invasive species throughout the five allotments using the methods described in Alternative 3 of the EA. A total of 6 new herbicide active ingredients would be authorized for treating weeds and invasive species, including those legally designated as noxious weeds: chlorsulfuron, clopyralid, diflufenzopyr (formulated with dicamba in the product Overdrive[®]), imazapic, metsulfuron methyl, and sulfometuron methyl, along with the four existing herbicide active ingredients currently used by the BLM (2,4-D, dicamba, glyphosate, and picloram). Herbicide uses and applications would be constrained by the Standard Operating Procedures (SOPs) and other mitigation measures adopted in the ROD for the *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States PEIS* and ROD for *Vegetation Treatments Using Herbicides on BLM Lands in Oregon* (BLM 2007, Appendix B; BLM 2010b, pages 12-15 and Appendix A). This decision approves the use of 6 new herbicides, along with 4 existing herbicides. However, some chemical formulations are not labeled for aquatic use and therefore, application will be restricted near water. The minimum distances from water will vary by application method as follows: 100 feet for aerial, 25 feet for vehicle, and 10 feet for hand spray applications.

All herbicides will be applied using ground-based methods such as wicks and wipers, backpack sprayers, ATV, UTV, truck-mounted or aerial (helicopters or fixed-wing aircraft) sprayers, as described in the *Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS* (BLM 2010a, pages 68-73). The BLM will also use manual, mechanical, biological control, and prescribed fire methods, where appropriate and in accordance with BLM's existing weed treatment plan (BLM 2004), as part of an on-going integrated weed management approach.

Projects

It is my proposed decision to treat vegetation on about 500 acres of poor ecological condition sagebrush-steppe in the Coleman Lake Pasture of the Rahilly Gravelly Allotment and construct the associated pasture fence as described in Alternative 3 of the EA. Implementation of these projects will be deferred until the botanical surveys have been completed. Projects will be modified to mitigate potential impacts to special status plants if located in the area during survey work, as described in the EA.

The treatment will consist of mowing shrubs in a mosaic pattern, spraying the area with herbicide to control annual cheatgrass, and then seeding the area with a mixture of native and non-native species (crested wheatgrass, basin wildrye, native forbs, or other appropriate species that may be available at the time of implementation). About a mile of permanent fence will be constructed south of the treated area to allow the treated area to be rested for at least two growing seasons. The new fence will also create two pastures and provide greater management flexibility in the rest rotation grazing system.

RATIONALE/AUTHORITY

Decision Factors

Decision factors are a set of criteria used by the decision maker to choose the alternative that best meets the purpose and need for the proposal. These include:

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

The following section addresses these decision factors as they relate to my proposed decision (Alternative 3).

Conformance with Grazing Management Laws, Regulations, and Policies

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

Regulations (CFR) Part 4100 (2005).

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.

Grazing permittees who wish to graze livestock on public land must have a grazing permit or lease issued to them under the grazing regulations (43 CFR 4130.1(a)). Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the BLM that are designated as available for livestock grazing through land use plans (43 CFR 4130.2(a)). The permit applicant, Cahill Ranch, controls the base property associated with the grazing preference on the allotment and has been determined to be a qualified applicant. Based on a review of performance between 1999 and 2013, the applicant has a satisfactory record of compliance with the past permit. Grazing permits are typically issued for a term of 10 years unless the base property lease is less than 10 years, in which case the permit period shall coincide with the term of the base property lease (43 CFR 4130.2(d)(3)).

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

An ID team completed a Rangeland Health Assessment for the Round Mountain and Rahilly Gravelly Allotments in 1999 and for the Burro Springs, Hill Camp and Cahill FRF Allotments in 2004, in conformance with the requirements of 43 CFR 4180, and determined that all standards applicable to livestock grazing management on the allotments were being met or grazing management was not the casual factor for the failure to meet the standard. A review and update of those Rangeland Health Assessments was completed in 2013 and found that all rangeland health standards were either being met or significant progress was being made. Therefore, current livestock grazing management on the allotments conformed with the requirements of the rangeland health standards and guidelines (see Tables 46-50 in revised EA).

Under my proposed decision (Alternative 3), continuing to authorize grazing under the existing terms and conditions in the Hill Camp and Cahill FRF Allotments (see Table 1 above), is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions remaining relatively stable or improving over time (see revised EA, Chapter 3). In the Round Mountain and Burro Springs Allotments the proposed adjustments in grazing periods is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions remaining relatively stable or improving over time (see revised EA, Chapter 3). In the Rahilly Gravelly Allotment, converting the Pedersen Pasture into a new and separate FRF Allotment is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions remaining relatively stable or improving over time (see revised EA, Chapter 3). Based on this analysis, my proposed decision (Alternative 3) is expected to meet or continue to make significant progress towards meeting all applicable standards. Therefore, the livestock grazing management proposed under Alternative 3 also conforms with the requirements of the rangeland health standards and guidelines.

Long-term monitoring study plots have been established in the allotments and include nested frequency trend, photo trend, and utilization (see revised EA, Chapter 3). These studies will continue in the future and be used to determine whether management objectives, including Rangeland Health Standards are continuing to be attained. If objectives are not attained, this can be addressed through future grazing management modification.

Conformance with National Environmental Policy Act

Prior to issuing this proposed decision, a BLM inter-disciplinary (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 (continued grazing under the current permit terms and conditions), (2) renewing the 10-year with a 50% reduction in livestock numbers, (3) renewing the 10-year permit under the current permit terms and conditions on the Hill Camp and Cahill FRF Allotments, adjusting the period of use on the Round Mountain and Burro Springs Allotments, creating a new FFR Allotment from the Pederson Pasture of the Rahilly Gravelly Allotment, and (4) no grazing (not renewing the 10-year permit).

The results of the Rangeland Health Assessments (RHA), completed in 1999 and 2004, and rangeland health assessment updates completed in 2013, were considered during this analysis. As noted in the FONSI, my proposed decision (Alternative 3) would not have any significant effects on the human environment within the five allotments.

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 two comment letters for consideration during that time. As a result of both external and internal comments, the EA was revised and has been re-posted on BLM's webpage at <http://www.blm.gov/or/districts/lakeview/plans/index.php>. In addition, both commenters received written responses to their comments. These documents are available in the administrative record.

Conformance with Federal Land Policy and Management Act

The Federal Land Policy and Management Act (1976) requires that all management decisions be consistent with the approved land use plan (43 CFR 1610.5-3). The *Lakeview Resource Management Plan/Record of Decision* is the governing land use plan for the area. Renewing this permit, as described in my proposed decision, is in conformance with the following management goals and direction contained within the *Lakeview Resource Management Plan/Record of Decision* (BLM 2003b; as maintained):

Livestock Grazing Management Goal—*Provide for a sustainable level of livestock grazing consistent with other resource objectives and public land-use allocations* (Page 52, as maintained).

Management Direction:

“The current licensed grazing levels (presented in Appendix E1) will be maintained until analysis or evaluation of monitoring data or rangeland health assessments identify a need for adjustments to meet objectives. Applicable activity plans (including existing allotment management plans, agreements, decisions and/or terms and conditions of grazing use authorizations) will be developed, revised where necessary, and implemented to ensure that resource objectives are met. The full permitted use level for each allotment has been and continues to be analyzed through individual allotment assessments, such as rangeland health and livestock grazing guidelines....” (Page 52, as maintained).

Vegetative treatments will be implemented to return rangelands to proper functioning communities. Range improvement projects will be constructed.... Standard implementation procedures for construction of rangeland improvements will follow BLM Handbook H-1741-1 and -2 (BLM 1989, 1990) and BLM and FS (1988). Rangeland improvement projects will be implemented to meet resource objectives” (Page 53, as maintained).

Conformance:

Renewing the 10-year permit on the Hill Camp and Cahill FRF Allotments, adjusting the period of use on the Round Mountain and Burro Springs Allotments, and creating a new FFR Allotment from the Pederson Pasture of the Rahilly Gravelly Allotment, as described in my proposed decision, are consistent with the above livestock grazing management direction. In particular, all public land within the allotments have been identified as available for or open to livestock grazing use in Table 5 (Page 46 as maintained), Appendix E1 (pages A-22, A-23, A-24, A-26,A-30, as maintained), and Map G-3. Table 5 and Appendix E1 also specify the initial forage allocation, period of use, grazing system, and management objectives for the allotments. Additional clarification of this initial grazing management direction has been provided through periodic plan maintenance conducted in accordance with 43 CFR 1610.5-4 (see *Lakeview Resource Management Plan Maintenance – Appendix E1* (2013) and *Lakeview Resource Management Plan Maintenance – Table 5* (2013) posted on <http://www.blm.gov/or/districts/lakeview/plans/lakeviewrmp.php>.

The proposed vegetation treatments, weed treatments, and fence project are also consistent with this management direction, as they will help maintain vegetation communities in proper functioning condition across the majority of the five allotments, improve vegetation conditions specifically in the Coleman Lake Pasture of the Rahilly Gravelly Allotment, and meet other resource management objectives (see pages 47-92 of the EA).

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

Management Direction:

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

“Prescribed and wildland fire use will be implemented to rehabilitate or vegetate plant communities that do not meet desired conditions due to dominance by annual, weedy, or woody species...but mechanical, chemical, and biological methods could also be used. Vegetation manipulation projects will be implemented primarily to direct the trend toward desired future conditions, improve structural and species diversity, and protect soil, water, and vegetation resources. Priority will be placed on the rehabilitation of shrub steppe vegetation communities at risk due to dominance by annual species...” (Page 29, as maintained).

“Seedings will be implemented with appropriate mixes of adapted native and nonnative perennial and annual plant species; although native species will be preferred for seedings. Species mixes will be determined on a site-specific basis dependent upon the probability of successful establishment and risks associated with seeding failure” (Page 29, as maintained).

Conformance:

The proposed vegetation and weed treatments are consistent with this management direction, as they will help restore the diversity and distribution of desirable vegetation communities, as well as meet other resource management objectives (see pages 47-92 of the EA).

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

Management Direction:

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

“Selection of the appropriate control method will be based on such factors as the growth characteristics of the target species, size of the infestation, location of the infestation, accessibility of equipment, potential impacts to non-target species, use of the area by

people, effectiveness of the treatment on target species, and cost... these methods may be used individually or in combination and may be utilized over several years... for a period of 10 or more years” (Page 37, as maintained).

Conformance:

Treating weeds and other invasive species will assist in meeting the Noxious Weed and Competing Undesirable Vegetation Management Goal of controlling the proliferation of noxious weeds and competing undesirable plant species and reducing the extent and density of established populations (see pages 75-92 of the EA). For these reasons, the specific treatment methods specified in my proposed decision (Alternative 3) are consistent with the above weed 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 both existing and new facilities, such as existing water developments, existing pasture fences, and the new fence project, will assist in carrying out the livestock grazing management goals listed above, and is also consistent with this management direction.

Appendix E1 – Allotment Management Summaries – Round Mountain Allotment (Page A-22, as maintained)

Range Livestock Management – *Continue livestock management practices under the 1971 allotment management plan. Revise as needed.*

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

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

Plant communities/vegetation – *Protect special status plant species/habitat from BLM authorized activities. Maintain the Grateola exclosure.*

Implement the current integrated noxious weed management plan.

Watershed/riparian/fisheries –Where BLM –authorized activities are determined to be impacting water quality, modify management to improve surface water quality to meet/exceed state standards.

Implement the conservation agreement for redband trout habitat.

Continue current grazing management strategies and maintenance of existing exclosures to comply with and implement biological opinion for Warner sucker.

Wildlife/Wildlife Habitat - Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate

Monitor utilization of browse in (deer) winter range areas. Avoid livestock utilization levels that reduce the long-term viability of browse plants.

Monitor (elk) population to ensure sufficient forage and habitat are available.

Special Management Areas – (Twelvemile Creek suitable WSR). Management will continue to emphasize fisheries as an outstanding remarkable value. Grazing will continue to be excluded from Twelvemile Creek corridor.

Appendix E1 – Allotment Management Summaries – Rahilly Gravelly Allotment (page A-23, as maintained)

Range/livestock management – Continue livestock management practices under the 1984 allotment management plan. Revise as needed.

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

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

Plant communities/vegetation – Protect special status plant species/habitat from BLM authorized activities.

Implement the current integrated noxious weed management plan

Watershed/riparian/fisheries - Develop riparian and steam channel objectives.

Maintain exclosures to improve riparian condition.

Where BLM –authorized activities are determined to be impacting water quality, modify

management to improve surface water quality to meet/exceed state standards.

Implement the conservation agreement for redband trout habitat.

Continue current grazing management strategies and maintenance of existing exclosures to comply with and implement biological opinion for Warner sucker.

Continue maintenance of existing (Foskett Dace) exclosures. Implement recovery plan.

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 population expansion to ensure sufficient forage and habitat are available.

Special Status Species/Habitat – *Protect special status species/habitat from BLM authorized activities*

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

Special Management Areas- *Adjust allotment management including levels and areas of authorized use, seasons of use, and grazing systems, if needed to protect relevant and important (Rahilly–Gravelly and Spanish Lakes ACEC/RNAs) values.*

Appendix E1 – Allotment Management Summaries – Burro Springs Allotment (Page A-24, as maintained)

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

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

Plant communities/vegetation – *Implement the objectives of the current Integrated Weed Management Plan.*

Protect special status plant species/habitat from BLM-authorized activities.

Wildlife/Wildlife Habitat - *Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate.*

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

Monitor (bighorn sheep) population to ensure that sufficient forage and habitat are available.

Special Management Areas- *Adjust allotment management including levels and areas of authorized use, seasons of use, and grazing systems, if needed to protect relevant and important (Rahilly–Gravelly and Spanish Lakes ACEC/RNAs) values.*

Appendix E1 – Allotment Management Summaries – Hill Camp Allotment (Page A-26, as maintained)

Range/livestock management – *Manage allotment following the goals and objectives of the 1989 allotment management plan. Revise as needed.*

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

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

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

Treat crested wheatgrass seedings to improve forage production.

Riparian/fisheries – *Manage Hutton tui chub in accordance with the recovery plan.*

Wildlife/Wildlife Habitat – *Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate.*

Monitor utilization of browse in (deer) winter range areas. Avoid livestock utilization levels that reduce the long-term viability of browse plants.

Monitor (bighorn sheep) population to ensure that sufficient forage and habitat are available.

Appendix E1 – Allotment Management Summaries – FRF Cahill Allotment (Page A-30, 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.*

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

Conformance with the Allotment Specific Management Direction: Renewing the term grazing permit for the five allotments as described under my proposed decision (Alternative 3; which includes making livestock management changes within several of the allotments), is consistent with the range and livestock management direction described in Appendix E1 above for each of the five allotments.

Implementing the weed and invasive species treatments is consistent with the allotment-specific management direction In Appendix E1 to implement the current noxious weed management plan (BLM 2004, 2010) within each of the five allotments.

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

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

Based on the analysis of potential impacts to soils, riparian and wetlands, upland plant communities, wildlife habitat, and rangeland conditions contained in Chapter 3 of the revised EA, management under Alternative 3 is expected to continue to meet or make significant progress towards meeting rangeland health standards 3 and 5 into the foreseeable future (see revised EA pages 110-117). For this reason, implementing Alternative 3 as my proposed decision would also conform with ODFW (2005) livestock grazing management guidelines.

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

This IM represents the current BLM Washington Office interim policy for sage-grouse habitat management until such time as plan amendments can be completed throughout the range of the species that address a comprehensive conservation strategy.

Interim Conservation Policies and Procedures for Preliminary Priority Habitat (PPH)

Generally, activities within PPH “should seek to maintain, enhance, or restore conditions for Greater Sage-Grouse and its habitat.” This policy provides the following policies or procedures for activities proposed within PPH:

Integrated Vegetation Management in PPH

Evaluate land treatments (including Greater Sage-Grouse habitat treatments) in a landscape-scale context to address habitat fragmentation, effective patch size, invasive species presence, and protection of intact sagebrush communities.

When designing vegetation treatments, reference Ecological Site Descriptions (ESD), where available and the BLM Integrated Vegetation Management Handbook (H-1740-2).

Coordinate, plan, design, and implement vegetation treatments (e.g., pinyon/juniper removal, fuels treatments, green stripping) and associated effectiveness monitoring between Resources, Fuels Management, Emergency Stabilization, and Burned Area Rehabilitation programs to:

- Promote the maintenance of large intact sagebrush communities;
- Limit the expansion or dominance of invasive species, including cheatgrass;
- Maintain or improve soil site stability, hydrologic function, and biological integrity; and
- Enhance the native plant community, including the native shrub reference state in the State and Transition Model, with appropriate shrub, grass, and forb composition identified in the applicable ESD where available.

When conducting National Environment Policy Act (NEPA) analysis for vegetation treatments, document your analysis of (1) short- and long-term objectives and (2) direct, indirect, and cumulative effects of treatment types on Greater Sage-Grouse and its habitat.

Pursue short-term objectives that include maintaining soil stability and hydrologic function of the disturbed site so a resilient plant community can be established.

Pursue a long-term objective to maintain resilient native plant communities.

When treating invasive species, use the standard operating procedures and best management practices outlined in the 2007 *Vegetation Treatments Using Herbicides on BLM Lands in 17 States Environmental Impact Statement* and applicable practices found in its accompanying Biological Assessment.

Grazing Permit Renewals in PPH

Pursue opportunities to incorporate multiple allotments under a single management plan/strategy, where incorporation would result in enhancing Greater Sage-Grouse populations or its habitat, as determined in coordination with respective state wildlife agencies.

Evaluate progress towards meeting standards that may affect Greater Sage-Grouse or its habitat prior to authorizing grazing on an allotment that was not achieving land health standards in the last renewal cycle, and livestock was a significant causal factor. Where available, use current monitoring data to identify any trends (e.g., progress) toward meeting the standards. Where monitoring data are not available or inadequate to determine whether progress is being made toward achieving Land Health Standards, an interdisciplinary team should be deployed as practicable to conduct a new land health assessment.

The NEPA analysis for the permit/lease renewal must address a range of reasonable alternatives including alternatives that improve Greater Sage-Grouse habitat.

Plan and authorize livestock grazing and associated range improvement projects on BLM lands in a way that maintains and/or improves Greater Sage-Grouse and its habitat. Analyze through a reasonable range of alternatives any direct, indirect, and cumulative effects of grazing on Greater Sage-Grouse and its habitats through the NEPA process:

Incorporate available site information collected using the *Sage-Grouse Habitat Assessment Framework* when evaluating existing resource condition and developing resource solutions,

Incorporate management practices that will provide for adequate residual plant cover (e.g., residual grass height) and diversity in the understories of sagebrush plant communities as part of viable alternatives. When addressing residual cover and species diversity, refer to the ESD (ecological site data) and “*State and Transition Model*,” where they are available, to guide the analysis.

Evaluate and implement grazing practices that promote the growth and persistence of native shrubs, grasses, and forbs. Grazing practices include kind and numbers of livestock, distribution, seasons of use, and livestock management practices needed to meet both livestock management and Greater Sage-Grouse habitat objectives.

Evaluate the potential risk to Greater Sage-Grouse and its habitats from existing structural range improvements. Address those structural range improvements identified as posing a risk during the renewal process.

Balance grazing between riparian habitats and upland habitats to promote the production and availability of beneficial forbs to Greater Sage-Grouse in meadows, mesic habitats, and riparian pastures for Greater Sage-Grouse use during nesting and brood-rearing while maintaining upland conditions and functions. Consider changes to season-of-use in riparian/wetland areas before or after the summer growing season.

To ensure that the NEPA analysis for permit/lease renewal has a range of reasonable alternatives:

Include at least one alternative that would implement a deferred or rest-rotation grazing system, if one is not already in place and the size of the allotment warrants it.

Include a reasonable range of alternatives (e.g., no grazing or a significantly reduced grazing alternative, current grazing alternative, increased grazing alternative, etc.) to compare the impacts of livestock grazing on Greater Sage-Grouse habitat and land health from the proposed action.

If land treatments and/or range improvements are the primary action for achieving land health standards for Greater Sage-Grouse habitat maintenance or enhancement, clearly display the effects of such actions in the alternatives analyzed.

Range Improvements in PPH

Evaluate existing range improvements (e.g., fences, watering facilities) associated with grazing management operations for impacts on Greater Sage-Grouse and its habitat.

Evaluate the need for proposed fences, especially those within 1.25 miles of leks that have been active within the past 5 years and in movement corridors between leks and roost locations. Consider deferring fence construction unless the objective is to benefit Greater Sage-Grouse habitat, improve land health, promote successful reclamation, protect human health and safety, or provide resource protection. If the BLM authorizes a new fence, then, where appropriate, apply mitigation (e.g., proper siting, marking, post and pole construction) to minimize or eliminate potential impacts to Greater Sage-Grouse as determined in cooperation with the respective state wildlife agency.

To improve visibility, mark existing fences that have been identified as a collision risk. Prioritizing fences within 1.25 miles of a lek, fences posing higher risks to Greater Sage-Grouse include those:

- On flat topography;
- Where spans exceed 12 feet between T-posts;
- Without wooden posts; or
- Where fence densities exceed 1.6 miles of fence per section (640 acres)

Interim Conservation Policies and Procedures for Preliminary General Habitat (PGH)

The intent of these interim conservation policies and procedures in PGH is to reduce and mitigate adverse effects on Greater Sage-Grouse and its habitat to the extent practical.

Management Activities in PGH

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

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

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

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

Conformance with Interim Sage-Grouse Management Policy:

A number of small weed treatment sites are scattered across both PGH and PPH in the 5 allotments. Treating these sites will reduce or remove invasive species; maintain, protect, enhance, or restore intact native sagebrush/grass communities making them more resilient to disturbance over both the short-term and long-term; and maintain or improve soil site stability and biological integrity. Weed and invasive species treatments would follow the standard operating procedures and other mitigation measures adopted in the 17-States PEIS ROD and Oregon FEIS ROD (BLM 2007, 2010b) (see revised EA, page 16).

It is important to note that the proposed vegetation treatment (mowing) and reseeded project area is located in PGH and vegetation management direction for PPH does not apply.

The EA analyzed the effects of a reasonable range of alternatives (see revised EA, Chapter 2) and included vegetation management objectives. These alternatives addressed residual cover in terms of utilization standards and goals for key plant species and utilized ecological site

inventory data in the analysis, where available (see revised EA, pages 17-19).

Existing sage-grouse habitats were assessed in accordance with several protocols, including the *Sage-Grouse Habitat Assessment Framework* (see revised EA, pages 111-117 and Maps 6, 8 and 9). Grazing practices addressed within the range of alternatives considered both livestock management objectives and potential impacts to Greater Sage-Grouse habitat. The EA addressed the potential direct, indirect, and cumulative effects of vegetation treatments on Greater Sage-Grouse habitat (see revised EA, Chapter 3). The proposed fence project is necessary to insure that the proposed vegetation treatment is successful and would promote site restoration and improve land health (see revised EA, Chapter 3). The EA also addressed the potential impacts of “high-risk” fences, as well as the potential risk of existing water developments in promoting spread of west Nile virus on sage-grouse (see revised EA, page 114).

Based on the analysis of potential impacts contained within the EA, there is no reason to consider deferring the issuance of the term grazing permit or deferring implementation of the proposed projects, as the decision would not result in sage-grouse population loss within PPH.

Off-site mitigation was not deemed necessary for several reasons. First, as stated earlier my proposed decision conforms with ODFW (2005) livestock grazing management guidelines. Further, the ODFW’s current sage-grouse plan (2011, page 79) “recognizes that livestock ranching operations which manage for ecologically sustainable native rangelands are compatible with sage-grouse conservation, and necessary management activities to maintain a sustainable ranching operation are not considered “development actions” under the application of the Mitigation Policy to sage-grouse habitat.” As a policy matter, ODFW does not consider issuing a grazing permit or associated range improvement projects to be actions that require mitigation.

Rationale for the Proposed Decision

Generally, implementation of Alternatives 1-3 would conform with all applicable laws, regulations, land use plan direction, allotment management plan direction, and applicable sage-grouse management guidance.

Alternative 1 (No Action) was considered within the EA analysis primarily to comply with requirements of NEPA and provide a baseline for comparison of environmental effects. Alternative 1 would meet some of the desired ecological conditions and management goals and objectives for all 5 allotments, but would not improve the permittee’s livestock operation or completely address the purpose and need for action. The 50% reduction in grazing use under Alternative 2 would not significantly improve or change ecological processes or range conditions. In addition, both Alternatives 1 and 2 would not allow for the control of noxious weeds and other invasive species using more effective chemical agents, which would assist in meeting desired ecological conditions over the long-term.

Alternative 3 was selected over Alternatives 1 and 2 because it represents the alternative that best meets the purpose and need for action (see revised EA, page 2). Further, the grazing management proposed in the 5 allotments will meet the desired ecological conditions and management goals and objectives for the allotments. As an additional benefit, the permittee’s

livestock management flexibility will be improved. Converting the Pedersen Pasture in the Rahilly Gravelly Allotment into a new FRF Allotment will also meet the desired ecological conditions and management goals and objectives for the area. As an additional benefit, the administration of the allotment will be improved.

The herbicide treatments described in Alternative 3 will assist in meeting the RMP Noxious Weed and Competing Undesirable Vegetation Management Goal of controlling the proliferation of noxious weeds and competing undesirable plant species and reducing the extent and density of established populations. The treatments will also help meet the RMP Sagebrush – Steppe Management Goal to protect, restore and or enhance the diversity and distribution of desirable vegetation communities, including perennial native and desirable introduced plant species. Control of noxious weeds provides for the continued existence of native plants and the normal function of their nutrient, water, and energy cycles.

The 500-acre vegetation treatment in Alternative 3 will provide the opportunity to restore or enhance the diversity and distribution of the vegetation community in area by converting of poor ecological condition shrubland with a cheatgrass understory into a more productive, diverse grass and forb community. Mowing in a mosaic pattern would leave sagebrush patches and the site will resemble a natural sagebrush community. In the long-term (10-20 years) the sagebrush left in the site would expand into the seeded perennial grasses and move toward a native shrubland with perennial grass understory, more typically associated with lakebed terraces.

The one mile of new fence will allow the seeded area to be rested for at least two growing seasons. After the seeded area has been determined to be successful, the fence will be used to permanently divide the Coleman Lake Pasture into two pastures allowing for more flexibility in the rest rotation system of the Rahilly-Gravelly Allotment. This flexibility will allow for a continued, sustainable level of livestock grazing that meets other resource objectives by better controlling animal distribution, utilization levels, and providing more opportunities for rest. In addition, the new fence would not pose a collision hazard or cause any population loss in PPH habitats, nor would it have any other negative impacts to sage-grouse habitat.

Alternative 4 was considered within the EA analysis to provide a broader range of alternatives and comply with current grazing permit renewal guidance. However, implementation of Alternative 4 would only be appropriate if an analysis or evaluation of monitoring data or a rangeland health assessment identified a need for livestock management adjustments (e.g. reduction) to meet other 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 this land use plan, as current livestock grazing is conforming with the Fundamentals of Rangeland Health (43 CFR Part 4180). Neither the rangeland health assessments nor other monitoring data have indicated a resource conflict or problem on the allotments that would justify complete removal of livestock. 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:

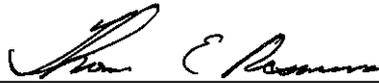
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

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

5/2/2019
Date

Copies sent to:

Joe Cahill
P.O. Box 16
Adel, Oregon 97620

Peter Lacy
Oregon Natural Desert Association
917 SW Oak Street, Suite 408
Portland, OR 97205

Nick Dobric
Hart-Sheldon Program Manager
Oregon Natural Desert Association
50 SW Bond St., Suite 4
Bend, OR 97702

Doug Heiken
Oregon Wild
PO Box 11648
Eugene, OR 97440

Oregon Department of Fish and Wildlife
P.O. Box 1214
Lakeview, OR. 97630

Paul Ruprecht
Western Watersheds Project
126 NE Alberta Street, Suite 208
Portland, OR 97219

Joe Rogers
PO Box 214
Cedarville, CA 96104

Richard and Mary Bradbury
Beaty Butte Grazing Association
17783 Hwy. 395
Lakeview, OR 97630

John Carey
Carey Ranch, LLC
PO Box 279
Fort Bidwell, CA 96112

Mike O'Sullivan
PO Box 55
Adel, OR 97620