United States Department of the Interior

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

MAY 24 2013

Dear Interested Party:

Enclosed for your review, is my Proposed Decision for the Little Juniper Springs Allotment #01000 - Packsaddle Pasture Livestock Grazing Permit Renewal Environmental Assessment. Please review at your earliest opportunity.

If you have any questions, please feel free to contact Michael Cutler at (541) 947-6133.

Sincerely,

Theresa Romaska

for Thomas E. Rasmussen
Field Manager

Enclosure

NOTICE OF PROPOSED DECISION FOR TERM GRAZING PERMIT RENEWAL FOR THE PACKSADDLE PASTURE - LITTLE JUNIPER SPRINGS ALLOTMENT (#01000)

INTRODUCTION AND BACKGROUND

The Packsaddle Pasture of the Little Juniper Springs Allotment (#01000) is located approximately 65 air miles north of Lakeview, Oregon. There are about 35,410 acres of BLM-administered land within the Packsaddle Pasture. There is one grazing permit associated with this pasture.

The National Environmental Policy Act (NEPA) directs that an environmental analysis be conducted on all proposed Federally-authorized actions. The renewal or initial issuance of term grazing permits 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 Lakeview Resource Management Plan/Record of Decision (RMP/ROD; 2003) identified the public land within this allotment as available for livestock grazing use and specified the initial forage allocation, period of use, grazing system, and management objectives for the allotment (see Table 5, Appendix E, and Map G-3, as maintained). Additional clarification of this management direction has been provided through periodic plan maintenance conducted in accordance with 43 CFR Part 1610.5-4.

PROPOSED DECISION

Based on the analysis contained in the environmental assessment (DOI-BLM-OR-L050-2013-0004-EA), it is my proposed decision to implement Alternative 2, which includes reauthorizing livestock grazing use in the Packsaddle Pasture by renewing the grazing permit ((#3601233) to Keily Brothers Ranch for a term of 10 years. Table 1 shows the permit dates, active preference, and grazing system that will be implemented in the allotment.

Table 1

Little Juniper Springs Allotment	***Active Permitted Use (AUMs)***	***Suspended Use (AUMs)***	***Permitted Season of Use***
Packsaddle Pasture	1,350	0	Spring/Summer Deferred Rotation (2/1-8/10)

Full implementation of the livestock grazing management described under Alternative 2 will be dependent on the installation of a number of new range improvement projects. Range improvements will include the construction of a pasture division fence (which will establish two pastures), drilling a well, installing associated underground pipelines and troughs, constructing a new reservoir, maintaining existing reservoirs and waterholes, and constructing a new holding pen/corral in the location of the original holding pen. See list of proposed range improvements below and in the EA (p. 8-16 and Appendix C, Maps 3 and 4) for more details.

Following installation of the improvements, a livestock grazing system will be implemented to provide periodic growing season rest for key plant species. Once a pasture rotation is in place, the season of use will be changed to 2/1-8/10. Until improvements are in place, the current season of use (3/1-8/10) will remain in effect. With a reliable source of livestock water available, and pasture division fence installed,

cattle will use one pasture in the winter to early spring and the other pasture in the late spring to summer. The opposite will occur the following year. Each pasture will only be used once per grazing year.

Terms and Conditions

The permit will be issued with standard terms and conditions. However, one additional term and condition will be attached: Each pasture will only be used once per grazing year.

Range Improvements

A cooperative agreement will be developed between the permittee and BLM to outline each party's responsibilities for labor, construction, maintenance, and/or supplies. Applicable best management practices associated with Livestock Grazing Management and Surface Disturbing Activities specific to the proposed range improvements analyzed in this EA are described below. These best management practices would be followed to reduce impacts to resources (Appendix D of the *Lakeview RMP/ROD* (BLM 2003b; as maintained).

Livestock Grazing Management

Rangeland projects and improvements are constructed as a portion of adaptive management to reduce resource management conflicts and to achieve multiple use management objectives. They have been standardized over time to mitigate impacts and will be adhered to in the construction and maintenance of rangeland projects within the planning area.

Surface-Disturbing Activities

1) Special design and reclamation measures may be required to protect scenic and natural landscape values. This may include transplanting trees and shrubs, mulching and fertilizing disturbed areas, use of low profile permanent facilities, and painting to minimize visual contrasts. Surface-disturbing activities may be moved to avoid sensitive areas or to reduce the visual effects of the proposal.

2) Above ground facilities requiring painting should be designed to blend in with the surrounding environment.

3) Disturbed areas should be contoured to blend with the natural topography. Blending is defined as reducing form, line, and color contrast associated with the surface disturbance. Disturbance in visually sensitive areas should be contoured to match the original topography, where matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible.

4) Reclamation should be implemented concurrent with construction and site operations to the fullest extent possible. Final reclamation actions shall be initiated within 6 months of the termination of operations unless otherwise approved in writing by the authorized officer.

5) Fill material should be pushed into cut areas and up over back slopes. Depressions should not be left that would trap water or form ponds.

a. Pasture Division Fence

The pasture division fence will be constructed along the Packsaddle Draw ridgeline originating from where the existing drift fence ends at the northeast portion of Packsaddle Draw. An additional section of fence will extend from the northernmost finger of upper Packsaddle Draw to

Mudhole Waterhole. A small fence will be built around Mudhole Waterhole with gates providing access to the waterhole from either side of the new pasture division fence (see Appendix C, Map 4 - Proposed Range Improvements).

The fence will be a three-strand barbed wire fence, built to standard BLM wildlife passage specifications (BLM 1989). The bottom wire of the fence will be smooth wire at least 18 inches off the ground, and the top wire will be no higher than 42 inches. The posts will consist of 66-inch steel posts, and rock cribs will be constructed as braces. The fence will also be built in conformance with the Greater Sage-Grouse Interim Management Policies and Procedures (BLM 2011), with diverters placed along fence lines, where applicable.

b. Well, Storage Tank, Pipeline and Troughs.

A well will be constructed approximately 1.5 miles north of Quarter Corner Reservoir within an area outlined on Appendix C, Map 4. A storage tank and a trough will be placed by the well pad with an associated overflow pond. The storage tank will be of a color that does not in contrast with the natural surroundings. The well will be surrounded by a small enclosure fence (constructed out of panels or barbed wire). Troughs (near the well and at two locations on either end of the proposed pipeline) will be equipped with bird escape ramps to insure conformance to the Greater Sage-Grouse Interim Management Policies and Procedures (BLM 2011).

A short segment of new road will be built to provide access to the well site using a grader (if needed to remove sagebrush from the new roadbed surface. This road will be retained to provide the permittee with future operational access. This road will extend south from BLM Road 6110-00 to the well site location (Appendix C, Map 4).

The pipeline segments will be extended from the well to both pastures (after pasture division fence construction). The first segment of pipe will extend north underground approximately 1.5 miles. At the end of this pipeline, a trough will be installed. The second segment of pipeline will extend south underground approximately 1.5 miles to the existing Quarter Corner Reservoir. A trough will be installed at this location. The area disturbed while laying the pipeline will be reseeded with crested wheatgrass and native seed mix.

c. Holding Pen/Corral

A holding pen will be constructed near the gate along the southern pasture/allotment boundary fence, approximately 0.5 miles south of Rocky Swale Waterhole. It will be used to: turnout into (to mother up cow/calves pairs), gather into and load into a trailer, as a sorting pen, and branding/doctoring pen. This holding corral will not exceed an acre in size and will be built out of barbed wire, and will also be designed to incorporate portable panels for loading/unloading cattle.

d. Reservoir Construction

A reservoir will be constructed at the bottom of Juniper Draw. This reservoir will consist of a small dam built across the draw to store water. The dam will be built from rock and materials on or adjacent to the site, and include a spillway to accommodate high water overflow. The reservoir will be constructed using a cat and a ripper blade, if needed. Also, a grader, loader tractor or dump truck may be used on site. An access route will be created from the BLM Road 6110-00 by cross-country travel for construction equipment access. The route will not be constructed with heavy equipment.

e. Reservoir and Waterhole Maintenance

Maintenance will be conducted on existing reservoirs and waterholes in the pasture 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 cleaning (within the original area of disturbance) to ensure continued function.

f. General Project Design Elements for Range Improvements

(1) Existing cultural sites, special status plant sites, and special status wildlife habitat were located and avoided or otherwise mitigated when siting range improvements.

(3) Mitigation would include the following project design features, timing stipulations, and relocation of proposed projects to mitigate for Special Status wildlife.

a) All proposed fences would be constructed using BLM approved standards for 3 or 4-strand wire fences to provide for wildlife passage.

b) Where sage-grouse occupy sage-grouse habitat, construction of range improvements, fencing of meadows, and herbicide treatments would occur outside of the brood-rearing season (June-August).

(4) The grazing permittee would be responsible for all future fence maintenance. Proper fence maintenance would be a stipulation for turnout each year.

(5) Range improvement sites would be surveyed for noxious weed populations prior to implementation. Weed populations identified in or adjacent to the proposed project locations would be treated using the most appropriate methods in accordance with the Lakeview Resource Area Integrated Weed Management Program.

(6) The risk of noxious weed introduction would be minimized during project implementation by ensuring all equipment (including all machinery, 4-wheelers, and pickup trucks) is cleaned prior to entry to the sites, minimizing disturbance activities, and completing follow-up monitoring, to ensure no new noxious weed establishment. Should noxious weeds be found, appropriate control treatments would be performed in conformance with the Lakeview Resource Area Integrated Weed Management Program

(7) As soon as practicable after completion of all project activity within a specific area, routes damaged by vehicles would be maintained or repaired to the condition they were in prior to project implementation; all road work would occur within the existing road disturbance.

(11) Pipelines: To reduce surface pipeline contrast with the landscape, pipelines would be buried, preferably in or adjacent to the roadway.

(12) Color/Paint Water Tanks and troughs: use paint color(s) which allows the facility to blend into the background. All new permanent facilities at this site would be painted the same color(s). Consult Outdoor Recreation Planner to aid in proper selection of paint color and hue.

(13) Fences: Where practical, fences should avoiding straight lines by following the natural lines of an area, the contour of the land, or blend with existing rims, to reduce visually obtrusive

lines in the landscape.

RATIONALE/AUTHORITY

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 Bureau of Land Management that are designated as available for livestock grazing through land use plans (43 CFR 4130.2(a)). The permit applicant, Kiely Brothers Ranch, controls the base property associated with the grazing preference on the allotment and has been determined to be a qualified applicant. 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).

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) Management Changes and Project Development, (3) Pasture Use Every Other Year, and (4) No Grazing (not renewing the 10-year permit). The results of the Rangeland Health Assessment (RHA), completed in 2003, were considered during this analysis. As noted in the FONSI, the selected alternative (Alternative 2) will not have any significant effects on the human environment. Potentially interested public, agencies, tribes, and the permittee were provided a 30-day review period on the EA and FONSI. The BLM received no comments for consideration during that time.

Decision Factors

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

a) How well does the decision conform to laws, regulations, and policies related to grazing use and protecting other resource values?
b) How well does the decision conform to the resource management and allotment management plans?
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 Alternative 2 from the Little Juniper Springs Allotment-Packsaddle Pasture #01000 Livestock Grazing Permit Renewal EA follows. Generally, implementation of Alternatives 1-3 will conform with all applicable laws, regulations, land use plan direction, allotment management plan direction, and applicable sage-grouse management guidance. However, Alternative 2 was selected over Alternatives 1 and 3 because the improved livestock distribution (including proposed range improvements) associated with the implementing a pasture rotation is expected to result in rangeland management that best meets the desired ecological conditions and management goals and objectives for the allotment, as well as provide for continuance of the permittee's livestock operation.

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, 2008b). However, as explained below, implementation of Alternative 4 would only be appropriate if an analysis or evaluation of monitoring data or rangeland health assessment identified a need for adjustments (e.g. reduction) to meet management objectives. In this instance, complete removal of grazing or closing the allotment 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 not causing any violations of rangeland health standards (BLM 2003). Neither the RHA nor other monitoring data have indicated any resource conflict or problem on the allotment that would require or justify complete removal of livestock. Therefore, BLM has no rational basis for adopting this alternative as the proposed decision.

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). Plan conformance is addressed in the EA. Based on the analysis contain in the EA, I have determined that renewing this grazing permit and constructing the range improvement projects as described above, conforms with following management goals and direction contained within the governing land use plan (Lakeview RMP/ROD 2003; as maintained):

Allowable Uses

All public land within this allotment, including the Packsaddle Pasture, has been identified as available for livestock grazing use (see Table 5, page 46, as maintained), Appendix E1 (page A-131, as maintained), and Map G-3. Table 5 and Appendix E1 specified the initial forage allocation, period of use, grazing system, and management objectives for the entire allotment.

Livestock Grazing Management Goal

"Provide for a sustainable level of livestock grazing consistent with other resource objectives and public land-use allocations" (Page 52).

Livestock Grazing 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).

Rangeland Improvement Projects

"*Rangeland improvement projects will be implemented to meet resource objectives… Range improvement projects that do not enhance resource values and meet management objectives will be abandoned and rehabilitated*" (Page 53).

Operation and Maintenance Actions

"*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).

Appendix E1 – Allotment Specific Management Direction

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* (Page A-131).

Improve/maintain range condition *- Use management practices and/or better animal distribution; develop range improvements when appropriate: adjust permitted use as needed* (Page A-131).

Maintain/improve forage conditions – *Continue to manage for forage production in seeded areas through season of use adjustments, possible vegetation treatments, fencing, water developments, and/or other actions* (Page A-131).

Maintain/improve area's condition - *Maintain present management by authorizing winter livestock grazing* (Page A-131).

Maintain/improve area's condition – *Maintain present management by authorizing winter livestock grazing* (Page A-131).

Noxious Weed Encroachment – *Manage for noxious weeds* (Page A-131).

Special Status plant species and habitat present: *Cymopteris* and *Shelly's Ivesia* – *Protect Special Status plant species/habitat from BLM-authorized activities* (Page A-131).

Wildlife/wildlife habitat: Special Status animal species occurs within the allotment: greater sage grouse – *Implement interim greater sage grouse guidelines. Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate* (Page A-10, as maintained). See the sage-grouse sections below.

General – *Revise the following objectives as needed to meet multiple use objectives* (Page A-131):

> *Maintain current allocation of 5,418 AUMs for livestock and 510 AUMs for wildlife. Wildlife includes: 30 AUMs for bighorn sheep, 440 AUMs for deer and pronghorn, and 40 for other wildlife.* (1,350 AUMs are allocated specifically to livestock use in the Packsaddle Pasture).

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

An ID team completed a Rangeland Health Assessment on the Little Juniper Springs Allotment in 2003, in conformance with the requirements of 43 CFR 4180, and determined that all standards applicable to livestock grazing management on the allotment were being met.

Continuing to authorize grazing as described for 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 pages 17-47 of the EA).

Long-term monitoring study plots have been established in the pasture and include nested frequency trend, photo trend, and utilization (pages 9-10, 25, and Appendix B of EA). These studies will continue in the future and help 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(s).

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

A substantial portion of this 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 decision and under 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. In particular:

1) New water troughs will designed and placed in a manner that minimize overflow and reduces creation of potential mosquito habitat.
2) Troughs will be outfitted with animal escape ramps to reduce mortality to birds and small animals.
3) New fences have been located to eliminate or avoid impacts to sage grouse (see pages 7-8, 12-15, and 31-32 of EA).

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. This policy provides the following direction for proposed grazing permit renewals and proposed water developments:

> ***Permit Renewals*** -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.

Water Developments

NEPA analysis for all new water developments must assess impacts to Greater Sage-Grouse and its habitat.

Install escape ramps and a mechanism such as a float or shut-off valve to control the flow of water in tanks and troughs.

Design structures in a manner that minimizes potential for production of mosquitoes which may carry West Nile virus.

With regards to compliance with interim sage-grouse management policy:

The EA analyzed a reasonable range of alternatives, including a no action (current grazing), management changes with project development, grazing every other year, and no grazing (see EA pages 8-17). These alternatives addressed residual cover in terms of utilization standards and objectives for key plant species (EA pages 9-10).

Sage-grouse habitats were assessed and potential impacts analyzed in accordance with several protocols, including the *Sage-Grouse Habitat Assessment Framework* (see EA pages 31-35).

Grazing management practices addressed within the range of alternatives considered both livestock needs and Greater Sage-Grouse habitat objectives. The allotment is 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 22-28, 31-35).

There are no known leks within 1 mile of existing or new fences which would require modification with bird reflectors. The risk of sage-grouse fence collisions and injury or mortality would be low (see EA page 31).

Riparian and wetland areas are currently in PFC and meeting Rangeland Health Standard 2 and are

expected to continue to do so under Alternative 2 (pages 23-24 of EA).

As noted above, the EA evaluated the potential impacts of proposed range improvements on sage-grouse and determined that the project design will minimize the potential for mosquito reproduction and associated risk of transmitting West Nile virus (see page 33 of EA).

All water troughs associated with the new well/pipeline will include animal escape ramps (page 13 of EA).

Conformance with Current Policy Related to Conducting Wilderness Characteristics Inventory on BLM Lands (2012)

An inter-disciplinary team completed wilderness characteristics inventories within the area in accordance with the current inventory guidance that existed at the time (USDI-BLM 2007a, 2008b). While *Conducting Wilderness Characteristics Inventory on BLM Lands* (BLM 2012c) was not available at the time the inventories in the Packsaddle Pasture were completed, this latest guidance contained the same requirements to address the same key elements of wilderness character as what was addressed in BLM's inventory updates. BLM did not find lands with wilderness characteristics to be present within the pasture (BLM 2013a) (see Table 3.1, pages 18-19 of the EA).

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.

Theresa Pomasko — 5/24/2013

for Thomas E. Rasmussen — Date
Lakeview Resource Area, Field Manager

Copies sent to:

Kiely Brothers Ranch
C/O Tom Kiely
PO Box 14
Adel, OR 97620

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

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

FINDING OF NO SIGNIFICANT IMPACT

LITTLE JUNIPER SPRINGS ALLOTMENT (#01000) - PACKSADDLE PASTURE LIVESTOCK GRAZING PERMIT RENEWAL

DOI-BLM-OR-L050-2013-0004-EA

The Bureau of Land Management, Lakeview Resource Area (BLM), has analyzed several alternative proposals related to renewing term grazing permit number 3601233, maintaining existing range improvements, and constructing new range improvements to allow for implementation of a rotational grazing system for the Packsaddle Pasture of the Little Juniper Springs Allotment. The Packsaddle Pasture is located approximately 65 air miles north of Lakeview, Oregon. There are about 35,410 acres of BLM-administered land within the pasture. The Little Juniper Springs Allotment is an "Improve" category allotment, which means that a high level of management effort should be given to maintain condition and/or affect change.

An environmental assessment (EA) was prepared that analyzed the potential direct, indirect, and cumulative environmental impacts of four alternatives. The alternatives included No Action (continue current grazing), Management Changes and Project Development, Pasture Use Every Other Year, and No Grazing (see pages 8-17 of attached EA).

The Council on Environmental Quality (CEQ) regulations state that the significance of impacts must be determined in terms of both context and intensity (40 CFR 1508.27). The context of the proposed project is the Little Juniper Springs Allotment-Packsaddle Pasture (1000). For this reason, the analysis of impacts in the attached Environmental Assessment (EA) is focused appropriately at this scale. The CEQ regulations also include the following ten considerations for evaluating the intensity of impacts:

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

Rationale: Based on the analysis contained in the attached EA, none of the four alternatives would have either significant beneficial or adverse impacts on the human environment. There are no prime or unique farmlands, water resources, fish and aquatic habitat, forest or woodland habitat, wild horse management areas, wild and scenic rivers, significant caves, designated wilderness areas, wilderness study areas, other areas with wilderness characteristics, ACEC/RNAs, threatened or endangered plants and animals, hazardous waste sites, or low income or minority populations located in the project area. No measureable impacts would occur to climate air quality, floodplains, fire or fuels, land tenure, or mineral and energy resources (pages 17-19).

The potential impacts to existing soils, biological soil crusts, wetland and riparian vegetation, upland vegetation, wildlife, special status species, livestock grazing management, Native American traditional practices, cultural resources, recreation, visual resources, or social and economic values anticipated by the various alternatives have been analyzed in detail within Chapter 3 of the attached EA and found not to be significant (pages 17-48 and Appendix B).

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

Rationale: None of the four alternatives analyzed in detail in the attached EA would have significant impacts on public health or safety because the project area is not located near any populated rural or urban area. For this reason, there would also be no impacts to low income or minority populations. Further, there are no known hazardous waste sites in the project area. There are no perennial streams or surface drinking water sources located in the project area. There would be no measureable impacts to air quality within and surrounding the project area (Table 3.1, pages 18-19).

3) Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime and unique farmlands, wetlands, wild and scenic rivers, designated

wilderness or wilderness study areas, or ecologically critical areas (*ACECs, RNAs, significant caves*)) (40 CFR 1508.27(b)(3)? ( ) Yes (X) No

Rationale: There are no park lands, prime or unique farmlands, wild and scenic rivers, significant caves, designated wilderness areas, WSAs, or ACEC/RNAs located in the project area (Table 3.1, pages 18-19). Impacts to riparian and wetland vegetation are not significant and are described in Chapter 3 of the attached EA (pages 23-24).

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

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the four alternatives addressed in the attached EA. The potential impacts of these range management actions on soils, biological soil crusts, riparian and wetland vegetation, upland vegetation, wildlife, special status species, livestock grazing management, Native American traditional uses, cultural resources, recreation, visual resources, or social and economic values can be reasonably predicted based on existing science and professional expertise. The attached EA analyzed these impacts (pages 17-48 and Appendix B). The nature of these impacts is not highly controversial, nor is there substantial dispute within the scientific community regarding the nature of these effects.

The public has been given an opportunity to review and comment on the analysis of effects. The BLM is not currently aware of any potential highly controversial effects, as defined under 40 CFR 1508.27(b)(4), but will review any comments received and address any substantive comments prior to signing this FONSI.

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

Rationale: The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the four alternatives addressed in the attached EA. The potential impacts of these range management actions on soils, biological soil crusts, riparian and wetland vegetation, upland vegetation, wildlife, special status species, livestock grazing management, Native American concerns, cultural resources, recreation, visual resources, or social and economic values can be reasonably predicted based on existing science and professional expertise. The attached EA analyzed these impacts (pages 17-48). The nature of these impacts is not highly uncertain nor does it involve unique or unknown risks.

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

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

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

Rationale: Based on the analysis contained within the Cumulative Effects section of Chapter 3 of the attached EA, none of the four alternatives would have significant cumulative effects within the project area, even when added to the effects of other past, present, and reasonably foreseeable future actions (pages 45-48).

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

Rationale: The Packsaddle Pasture is located within an area which was used historically by Northern Paiute Tribe. However, there are no known native American religious or sacred sites, Traditional Cultural Properties, or plant collecting sites known within the pasture. Potential impacts to cultural resources have been analyzed in Chapter 3 of the attached EA and found not to be significant (pages 37-39).

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

Rationale: There are no threatened or endangered species or designated critical habitat within the project area (Table 3.1, pages 17-19).

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

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

The Federal Land Policy and Management Act requires that any action that BLM implements must also conform with the current land use plan and other applicable plans and policies. The purpose and need for the proposed action conforms with the management direction contained in the *Lakeview Resource Management Plan/Record of Decision* (BLM 2003b). The alternatives analyzed in the EA conform to the management direction requirements of this plan and the *Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington* (BLM 1997), the *Greater Sage-Grouse Conservation Strategy and Assessment for Oregon* (ODFW 2005), the *Greater Sage-Grouse Interim Management Policies and Procedures* (BLM 2011c), and the grazing regulations (43 CFR Part 4100) in varying degrees (EA Chapter 1, pages 4-8 and Chapter 3, pages 17-45). Conformance with this direction will be addressed in more detail within the proposed decision as it represents important decision factors that I will consider in making my final decision (EA pages 4-5).

Finding

On the basis of the analysis contained in the attached EA, the consideration of intensity factors described above, and all other available information, my determination is that none of the alternatives analyzed would constitute a major federal action which would have significant adverse or beneficial impacts on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is unnecessary and will not be prepared.

for Theresa Pomasko
Thomas E. Rasmussen, Field Manager
Lakeview Resource Area

5/24/2013
Date