

## FINDING OF NO SIGNIFICANT IMPACT

### RABBIT BASIN (00516) AND ABERT SEEDING (00522) ALLOTMENTS GRAZING PERMIT RENEWAL

#### DOI-BLM-OR-L050-2013-0003-EA

The Bureau of Land Management, Lakeview District, Lakeview Resource Area (BLM), has analyzed several alternative proposals related to renewing term grazing permit number 3601272, maintaining existing range improvements, and constructing new range improvements within the Rabbit Basin and Abert Seeding Allotments.

The Rabbit Basin Allotment is located approximately 14 air miles north of Plush, Oregon (EA Map 1). There are approximately 32,270 acres of BLM-administered land and 400 acres of other land within the allotment. Abert Seeding Allotment is located approximately 60 air miles north of Lakeview, Oregon (EA Map 1). There are approximately 9,005 acres of BLM-administered lands within the three pastures analyzed in this EA.

The attached environmental assessment (EA) was prepared that analyzed the potential direct, indirect, and cumulative environmental impacts of four alternatives. The alternatives analyzed included No Action (continue current grazing), Management Changes and Project Development, Reduced Preference, and No Grazing (see pages 8-15 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 Rabbit Basin (00516) and Abert Seeding (00522) Allotments. 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  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, riparian areas, perennial streams, fisheries, water quality, forest/woodlands, federally listed plant or animal species, wild horse management areas, wild and scenic rivers, significant caves, designated wilderness areas, other areas with wilderness characteristics, or hazardous waste sites located in the project area. No measureable impacts would occur to air quality, climate, floodplains, land tenure, or mineral and energy resources (page 16).

The potential impacts to soils, biological soil crusts, upland vegetation, wetlands, wildlife, special status species, livestock grazing management, Native American concerns, cultural resources, recreation, visual resources, wilderness study areas, areas of environmental concern, and 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 15-60).

2) Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2)?  Yes  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 would be no measureable impacts to air quality within and surrounding the project area. There are no perennial streams or surface drinking water sources located in the project area (Table 3-1, page 16).

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  No

**Rationale:** There are no park lands, prime or unique farmlands, wetlands or riparian areas, wild and scenic rivers, significant caves, designated wilderness areas, or RNAs located in the project area (Table 3-1, page 16). There is approximately 470 acres of the Abert Rim WSA/ACEC located in the southern portion of the Abert Seeding Allotment. Impacts to these special management areas were evaluated in the attached EA and found to be minor (pages 52-55).

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

**Rationale:** The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the four alternatives addressed in the attached EA. The potential impacts of these range management actions on soils, biological soil crusts, 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 15-60). 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  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, upland vegetation, wetlands, wildlife, special status species, livestock grazing management, native American concerns, cultural resources, recreation, visual resources, WSA, ACEC, or social and economic values can be reasonably predicted based on existing science and

professional expertise. The attached EA analyzed these impacts (pages 15-60). The nature of these impacts is not highly uncertain nor does it involve unique or unknown risks.

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

**Rationale:** The BLM has extensive expertise planning, analyzing impacts, and implementing range management actions such as those proposed by the 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  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, even when added to the effects of other past, present, and reasonably foreseeable future actions (pages 56-60).

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

**Rationale:** There are no known areas of native American religious concern or important traditional use areas located within either allotment. Potential impacts to cultural resources have been analyzed in Chapter 3 of the attached EA and found not to be significant (pages 42-46).

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  No

**Rationale:** There are no threatened or endangered species or designated critical habitat within the allotments (Table 3-1, page 16).

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  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.

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*. The alternatives that were 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, the Greater Sage-Grouse Conservation Strategy and Assessment for Oregon, the Greater Sage-Grouse Interim Management Policies and Procedures, and the grazing regulations (43 CFR Part 4100) in varying degrees. Conformance with this direction will be addressed in more detail within the proposed decision as this represents important decision factors that must be considered in making the final decision (EA pages 3-8).*

**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.

  
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Thomas E. Rasmussen, Field Manager  
Lakeview Resource Area

7/9/13  
\_\_\_\_\_  
Date

**NOTICE OF PROPOSED DECISION FOR  
TERM GRAZING PERMIT RENEWAL FOR THE  
RABBIT BASIN ALLOTMENT (#0516) AND ABERT SEEDING ALLOTMENT (#0522)**

**INTRODUCTION AND BACKGROUND**

This Proposed Decision is in reference to permit renewal, and range improvement maintenance and construction discussed and analyzed in DOI-BLM-OR-L050-2013-0003-EA.

The Rabbit Basin Allotment (#0516) is located approximately 14 air miles north of Plush, Oregon (EA Appendix C Map 1 – Vicinity Map). Elevation across the allotment ranges from 4,541 feet to 5,367 feet above sea level.

There are approximately 32,270 acres of BLM-administered land and 400 acres of other land within the allotment. The allotment is divided into two pastures: Hogback Pasture which is approximately 7573 acres and Sunstone Pasture which is 24,696 acres (Appendix C Map 1 – Vicinity Map). The allotment is grazed under one permit (#3601272). Under this grazing permit, the current season of use for the allotment is from October 17 through April 15 with 1,846 Animal Unit Months (AUMs) of active use, and 0 AUMs suspended use. Rabbit Basin 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.

Abert Seeding Allotment (#0522) is located approximately 60 air miles north of Lakeview, Oregon (Appendix C Map 1 – Vicinity Map). Elevation across the allotment ranges from 4,600 feet to 5,600 feet above sea level.

There are approximately 9,005 acres of BLM-administered lands within the three pastures analyzed in this EA. The allotment is divided into five pastures: Highway, Leehmann, Center East, Center West, and South (Appendix C Map 1). Two grazing permits exist for this allotment; for the purposes of this EA, only the Center East, Center West and South Pastures will be evaluated, and may be referred to hereafter as the Abert Seeding Allotment. The acreage of the three pastures is Center West Pasture 1479 acre, Center East Pasture 1546 acres, and South Pasture 5980 acres. These three pastures are grazed under the same permit. Under this grazing permit (#3601272), the current season of use for these pastures are from March 1 through June 30 with 1,831 AUMs of active use and 0 suspended.

Abert Seeding Allotment is a "Maintain" category allotment, which means that a moderate level of management effort should be given to maintain condition and/or affect change. The Allotment Management Plan (AMP) for the Abert Seeding Allotment was originally written in 1968, and was last updated in 1976.

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 these two allotments as available for livestock grazing and specified the initial forage allocation, period of use, grazing system, and management objectives for the allotments (see Table 5, Appendix E, and Map G-3). Additional clarification of this initial management direction has been provided through periodic plan maintenance conducted in accordance with 43 CFR 1610.5-4.

**PROPOSED DECISION**

It is my proposed decision to reauthorize livestock grazing use in the Rabbit Basin Allotment (#0516) and Abert Seeding Allotment (#0522), and to renew the grazing permit for a term of 10 years. Table 1 shows the permit dates, active preference, and grazing system for the allotment, which will be authorized under this permit renewal.

**Table 1**

Allotment (Permit #3601272)	Proposed Date Changes (Alt. 2)	Existing Permit Dates (Alt. 1)	Active Permitted (AUMs remain same) <sup>1</sup>	Suspended Use (AUMs remain same) <sup>1</sup>
Rabbit Basin	10/15-5/1 (spring grazing system)	10/17-4/17 (spring grazing system)	1,846	0
Abert Seeding	12/1-6/20 (rest-rotation system)	3/1-6/20 (rest-rotation system)	1,831	0

The livestock grazing management proposed under this alternative also analyzes the installation of a proposed range improvement project and the maintenance of existing range improvement projects. The proposed project is a pipeline that will run from an existing well a total length of approximately 3.5 miles to a proposed storage tank (see specifics below). Maintenance of existing range improvements analyzed in the EA include pipeline and trough maintenance, well maintenance, reservoir and waterhole maintenance. Reservoir and waterhole maintenance is applicable to both allotments analyzed in the attached EA. Pipeline, well, and trough maintenance is applicable to Rabbit Basin Allotment.

Pipeline maintenance includes, but is not limited to, fixing/replacing sections of pipeline, valves/fittings, and troughs. Air valves may need to be fixed/replaced as well.

Well maintenance will include, but is not limited to, re-plumbing or re-wiring the well, replacing the pump, casing, valves/fittings, plumbing associated with the well. Maintenance may also include deepening the well if needed. Wells are the main source of livestock water in both allotments, and will be maintained as needed.

Waterhole and reservoir maintenance is not currently needed; however, it would likely be needed sometime in the next 10 years. Reservoir maintenance will include the cleaning and maintenance of a given reservoir to ensure continued function. This may include, but is not

limited to, the application of a native or natural clay liner or dam reconstruction. Waterhole maintenance will include cleaning the existing waterhole while maintaining its existing size, and placing the removed material on top of existing berms or disturbed areas.

This proposed range improvement maintenance and proposal is analyzed in DOI-BLM-OR-L050-2013-0003-EA in conjunction with the permit renewal. See Appendix C (Maps 4 and 5; Current and Proposed Range Improvements) for more details.

#### Permit Terms and Conditions

The permit will be issued with standard terms and conditions. However, one additional term and condition will be added to the Abert Seeding permit:

Each pasture will only be used once per grazing year. For example: if a pasture was grazed in the winter, it could not be grazed that same spring.

#### Proposed Range Improvements

Rangeland improvement activities will include extending the existing Rabbit Basin Well Pipeline, installing troughs, and conducting maintenance on existing range improvements on both allotments.

Upon issuance of a final decision adopting this alternative, cooperative agreements between the permittee and BLM will be completed to address each partner's responsibilities for labor, construction, maintenance, and/or supplies. See Appendix C Map 4 for the location of existing range improvements and refer to Map 5 for Alternative 2 (Management Changes and Project Development) proposed range improvement locations.

#### Rabbit Basin Pipeline, Storage Tank, and Water Troughs

The first segment of the Rabbit Basin Pipeline would be extended from the existing Rabbit Basin Well southwest approximately 2.5 miles toward the Rabbit Hills following existing roads where possible (see Map 5). The second segment of pipeline would join the first segment, and then extend approximately one mile up into the Rabbit Hills (following the road). The pipeline would then follow the existing fence line northeast for approximately one half mile. The pipeline would end at the proposed 10,000 gallon storage tank.

The purpose of the storage tank is to gravity feed proposed water troughs so the existing pump at the well head would not need to run constantly. The placement of the storage tank would be in proximity to two adjacent allotments. These allotments are permitted to two separate operators. However, these operators would like to plumb water troughs for each of their allotments from the proposed storage tank. The portions of pipeline and troughs that would potentially be constructed in these adjacent allotments will be analyzed in separate NEPA documents for the respective permit renewals.

Up to four additional troughs would be added to the new pipeline approximately every mile. The pipeline itself would be buried and plumbing would be placed below the troughs to avoid freezing. New troughs would be outfitted with small animal/bird escape ramps as well as floats to prevent water over flow.

#### General Project Design Elements for Proposed Range Improvements:

- (1) No range improvement projects would be constructed within 0.6-mile of known sage-grouse lek sites.
- (2) There are no known noxious weed sites or populations within proposed range improvement locations. The risk of noxious weed introduction would be minimized by ensuring all equipment (including all machinery, 4-wheelers, and pickup trucks) is cleaned prior to entry to the area, minimizing disturbance activities, and completing follow-up monitoring, to ensure no new noxious weed establishment. Weed populations discovered in or adjacent to the allotment would be treated using appropriate methods, such as those described in the Integrated Noxious Weed Control Program (BLM 2004a).
- (3) Reseeding may take place in areas disturbed by construction/installation of rangeland improvement projects (the new pipeline and storage tank). Mixtures of non-native and native grass, forb, and shrub seed may be applied to designated areas with ground-based methods. The mixture would include nonnative species such as crested wheatgrass (*Agropyron cristatum*), and native species including basin wildrye (*Leymus cinereus*), squirreltail (*Elymus elymoides*), and native forbs. Crested wheatgrass may be used in the seed mix because it is drought tolerant, competitive with invasive species, has a long seed viability period, and aggressive germination characteristics.
- (4) Pipelines: To reduce surface pipeline contrast with the landscape, which create an “industrial appearance”, pipelines would be buried, preferably in or adjacent to the roadway, where possible.
- (5) 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). Selection of paint color and hue will be coordinated with the Outdoor Recreation Planner.

For map of proposed range improvements, refer to EA Map 4.

#### **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, Taylor Westside Ranch, controls the base property associated with the grazing preference on the two allotments 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 which are 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) Reduced Active Preference, 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 one comment supporting the grazing management plan described in the EA.

## **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 Rabbit Basin Allotment #0516 and Abert Seeding Allotment #0522 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 improved livestock distribution (including proposed range improvement) and the ability to graze portions of active AUM's in the dormant season (Dec.-Feb) is expected to result in improved livestock and vegetation management. Alternative 2 will 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 will 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 will 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 will 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 (2003)**

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). Renewing this permit and conducting the proposed pipeline project modifications are in conformance with following management goals and direction contained within the Lakeview RMP/ROD (2003; 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 (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).*

The Rabbit Basin and Abert Seeding Allotments are currently open or allotted to grazing use, and is allocated for follow forage allocations listed in Table 5 of the RMP (Page 48, as maintained).

## **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..., reservoirs, wells, pipelines, waterholes, fences, cattle guards, seedings, ... and other similar facilities/projects” (Page 100).*

## **Appendix E1 – Allotment Specific Management Direction**

### ***Rabbit Basin Allotment*** (Page A-86, 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.*

**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.*

**Wildlife/wildlife habitat** – *Implement interim greater sage grouse guidelines. Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate. (See the sage-grouse sections below).*

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

**General** – *Maintain current allocation of 1,846AUMs for livestock and 60 AUMs for wildlife. Wildlife includes 55 AUMs for deer and pronghorn, and 5 for other wildlife.*

### ***Abert Seeding Allotment*** (Page A-93, 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.*

**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.

**Revise Allotment Management Plan objectives** – Bring forward objectives from existing allotment management plans; revise objectives where needed.

**Wildlife/wildlife management** – Implement interim greater sage grouse guidelines. Follow the greater sage-grouse Livestock Grazing guidelines (pages 75-76 of ODFW 2005), where appropriate. (See the sage-grouse sections below).

**Special management areas** – Adjust allotment management, including levels and areas of authorized use, seasons of use, and grazing system, if required by future ACEC management plan.

**General** – Maintain current allocation of 2,619 AUMs (Abert Seeding Allotment - Center East, Center West, and South Pastures = 1,831 AUMs) for livestock and 110 AUMs for wildlife. Wildlife includes 50 AUMs for bighorn sheep; 55 AUMs for deer and pronghorn and 5 for other wildlife.

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

An ID team completed a Rangeland Health Assessment on the Rabbit Basin and Abert Seeding Allotments 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 for all pastures analyzed in attached DOI-BLM-OR-L050-2013-0003-EA.

Under Alternative 2, continuing to authorize grazing under the existing terms and conditions, as shown in Table 1, is expected to result in soil, vegetation, wildlife habitat, and rangeland conditions that remain relatively stable or improve over time (see pages 19-46 of the EA). Long-term monitoring study plots have been established in the allotment and include nested frequency trend, photo trend, and utilization (pages 10-11, 20-25, and Appendix B Monitoring Summary Tables 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.

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

A substantial portion of this ODFW strategy was adopted by 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). The ODFW strategy also provides

guidelines on how to construct or maintain range improvement projects to minimize impacts to sage-grouse habitat (Page 76).

Since the Rangeland Health Assessment found no violation of standards related to grazing use, renewing the permit under Alternative 2 (Management Changes and Project Development) will be consistent with the ODFW strategy. Maintenance of existing range improvements as well as design and construction of new range improvements will use methods that conform to appropriate project guidelines (ODFW, 2005; page 76). Implement trough designs that minimize overflow and reduce potential mosquito habitat associated with those troughs and conform to the appropriate project guidelines. Troughs will be outfitted with small animal ramps to reduce mortality to birds and small animals. Fences that are in proximity to known leks will be marked with reflectors to increase visibility (see pages 9 and 14 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 the effects of a reasonable range of alternatives, including a no action (current grazing) which includes a deferred rotation system, reduced grazing, and no grazing (see EA pages 10-15). These alternatives addressed residual cover in terms of utilization standards and goals for key plant species (EA pages 8-10).

Sage-grouse habitats were assessed in accordance with several protocols, including the *Sage-Grouse Habitat Assessment Framework* (see EA pages 34-38).

Grazing practices addressed within the range of alternatives considered both livestock management and Greater Sage-Grouse habitat objectives.

The allotment is meeting Rangeland Health Standard 5 and will continue to do so under Alternative 2 (EA pages 35-38).

There are no known leks within 1 mile of existing 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 35-36).

No riparian or wetland areas exist in the allotment (see Table 3.1, page 16 of EA).

As noted above, the EA evaluated the potential impacts of proposed range improvements on sage-grouse and determined that the project trough, well, and pipeline design will minimize the potential for mosquito reproduction and associated risk of transmitting West Nile virus (see page 8, 36-38 of EA).

All water troughs associated with the pipeline will be built or retrofit with small animal escape ramps (see pages 8 and 12 of EA).

### **Conformance with Conducting Wilderness Characteristics Inventory on BLM Lands (2012)**

An inter-disciplinary team completed wilderness characteristics inventories within the allotment in accordance with the current inventory guidance that existed at the time (USDI-BLM 2007a, 2008a). While *Conducting Wilderness Characteristics Inventory on BLM Lands* (BLM 2012c) was not available at the time the inventories in the area 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 wilderness characteristics to be present within the either allotment (BLM 2008c, 2011b, and 2012d) (see Table 3.1, page 16 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

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

7/9/13  
Date