



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Prineville District Office  
3050 N.E. 3rd Street  
Prineville, Oregon 97754

IN REPLY REFER TO:  
4160 (OR-054)  
GRN 3605358

FEB 22 2007

CERTIFIED MAIL – 7005 1160000238904394  
Return Receipt Requested

John Rattray  
Box 426  
Condon, OR 97823

## NOTICE OF THE FIELD MANAGERS PROPOSED DECISION

### INTRODUCTION

This document addresses the issuance or renewal of your grazing permit/lease. A proposed decision is required by the Code of Federal Regulations (CFR) 4100 to be served on any affected applicant, permittee or lessee who is affected by the proposed actions, terms, conditions, or modifications relating to issuance of a grazing permit/lease.

### BACKGROUND

The current grazing permit/lease for the Rattray (#2608) grazing allotment will expire on February 28, 2007 and you, the lessee, for this allotment have requested a renewal. An Interdisciplinary team completed a Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) document No. \_\_\_\_\_ for this proposed renewal. The DNA is available from the Prineville District upon request.

### PROPOSED DECISION

Therefore, it is my proposed decision to issue you a grazing lease, authorization No. 3605358, for livestock grazing on the allotments listed below. Your grazing lease shall be for a period of ten years (2007 to 2017) and will reflect the following:

| Allotment Name and Number | Livestock |      | Grazing Period |      | % Public Land | Type Use | AUM's |
|---------------------------|-----------|------|----------------|------|---------------|----------|-------|
|                           | Number    | Kind | Begin          | End  |               |          |       |
| Rattray 2608              | 44        | Cow  | 03/01          | 2/28 | 100           | Active   | 528   |

Due to computer calculation rounding, the above AUMs may not correspond with your actual grazing preference. Your actual grazing preference for the Rattray Allotment is 533 AUMs, of which 533 are active and 0 are suspended.

Additional terms and conditions of the pennitlease would be as follows:

- This allotment falls into one of the Wilderness Study Areas (WSA) **in** the Prineville District. Our wilderness intenn management policy requires that you notify this office before you start any maintenance or construction of range improvements or any surface disturbing activities on public land in this allotment.
- Supplemental protein blocks will not be used in a pasture with riparian sites identified as sensitive by an interdisciplinary team.
- John Day River riparian areas at the confluence of Devils Canyon may be grazed in conjunction with Devils Pasture only between the dates of March 1 and May 1.
- The Rattray Allotment contains public land within the John Day Wild and Scenic River Corridor. As a result, management shall be in accordance with the John Day River Management Plan, Record of Decision, dated February 28, 2001.
- Following peak spring runoff, livestock will either not be turned out, or will be removed from pastures with livestock access to the riverbanks when the seven day moving average of flow at the Service Creek gauging station falls below 2,000 cubic feet per second (cfs).
- Livestock are not authorized to graze public land within a riparian enclosure.
- To protect California Bighom Sheep, no sheep or goat (domestic or non-native) use will be allowed on public land in the above listed allotments.
- The Middle Columbia River Steelhead was listed as threatened under the Endangered Species Act by the National Marine Fisheries Service on March 25, 1999. As a result, this lease is subject to future modifications that may be necessary to achieve compliance with the listing.
- Lessees/permittees are required to submit actual use grazing records within 15 days of completion of the years grazing use.
- Salting of livestock within one-quarter mile of water is prohibited. Supplemental feeding of livestock on public lands is prohibited without prior authorization from the BLM.
- Lessees/permittees are required to maintain all range improvements on public lands for which they have maintenance responsibilities.
- Lessees/permittees are to provide reasonable access across private and leased lands to the BLM for the orderly management and protection of the public lands in accordance with 43 CFR 4130.3-2 (H).

#### **RATIONALE**

Based on the review of DNA No. OR-054-06-134, I have determined that this renewal meets the criteria for a Determination of NEPA Adequacy (DNA) and that no additional environmental analysis is required. The renewal conforms to the applicable land use plan and the NEPA

documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

## **AUTHORITY**

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

<http://www.gpoaccess.gov/cfi-/index.html>

**§4130.2 (a) Grazing permits or leases**

**§4130.3-2 other terms and conditions**

**§4160.1 (a) Proposed decisions**

### **RIGHT OF PROTEST AND/OR APPEAL**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Christina M. Welch, Field Manager, 3050 NE Third Street, Prineville, OR 97754 within IS days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, Pacific Northwest Region, 500 N E Multnomah Street, Suite 607, Portland, OR 97232 and person(s) named, if any, in the *Copies sent to:* section of this decision [43 CFR 4.421(h)].

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), 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.

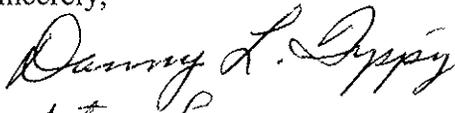
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 40472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either Craig Obermiller at 5410416.6761, or myself at 541.416.6731.

Sincerely,



*Danny L. Gypsy*  
*Acting for*

Christina M. Welch  
Field Manager, Central Oregon Resource Area

Prineville District  
**Land Use Plan Conformance and  
Determination of NEPA Adequacy (DNA)**  
Review and Approval

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Name of Proposed Action: Rattray (#2608) grazing allotment lease renewal.

DNA Number: OR-054-06-134

Project or Serial Number: not applicable

Location of Proposed Action: Approximately twelve miles southwest of Condon, Oregon; T. 4 and 5 S., R. 19 and 20 E. (see map).

Purpose of and Need for Action: The current lease is due to expire on February 28, 2007.

Description of the Proposed Action: The proposed action is to renew the current grazing lease for the Rattray grazing allotment for a term of ten years. The management actions and present Terms and Conditions for the allotment would remain unchanged.

Plan Conformance:

The above project has been reviewed and found to be in conformance with one or more of the following BLM plans:

*Two River Resource Management Plan, Record of Decision. Rangeland Program Summary (RPS), signed June 1986. The Land Use Plan was evaluated in 1998 and found to still provide valid guidance for land use and resource allocations and directions. Rattray Coordinated Resource Management Plan, March 1998. Record of Decision. John Day River Management Plan, Two Rivers, John Day. and Baker Resource Management Plan Amendments. signed February, 2001.*

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions

*Two River Resource Management Plan. Record of Decision. Rangeland Program Summary (RPS), signed June 1986, page 47 and 48. Record of Decision, John Day River Management Plan, Two Rivers, John Day. and Baker Resource Management Plan Amendments. signed February 2001, page 226.*

Applicable NEPA document and related documents:

The following NEPA documents and related documents address the proposed action:

*Two River Resource Management Plan, Record of Decision, Rangeland Program Summary (RPS), signed June 1986. Consultation for mid-Columbia steelhead has been completed for grazing actions within this allotment, analysis rated actions within the Rattray allotment as 'May Effect, Likely to Adversely Affect'. Interim Management Policy for Lands Under Wilderness Review, H-8550-1, dated July 1995.*

**NEPA Adequacy Criteria:**

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

*Yes. Livestock grazing in general was addressed on pages 58 - 72 and 105 - 107 of the Draft Two Rivers Resource Management Plan EIS, 1985 (Two Rivers Draft), pages 17 - 20 of the Final Proposed Two Rivers Resource Management Plan, EIS 1985, and on the Rattray allotment specifically on pages 43, 44, 47, and 48 of the Two Rivers ROD. Grazing use was to be continued in the allotment. No portion of the allotment was proposed for livestock exclusion. In the Two Rivers ROD the Rattray grazing allotment consisted of four allotments, #2608, 2609, 2610, and 2647. Since then the grazing leases have been consolidated into one and a land exchange increased the amount of public land in the grazing preference. According to the John Day River EIS the allotment now contains 7982 acres of public land, supports 534 AUMs, and is classified as an 'improve' allotment.*

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

*Yes. Alternatives in the planning document (pages II - 25 in the Two Rivers RMP & Draft EIS, 1985) ranged from an emphasis in commodity production to an emphasis on natural values. On the Rattray allotment alternative E proposed decreasing authorized use to 0 AUMs. The John Day River EIS, completed less than 10 years ago, analyzed the following alternatives with respect to grazing: the existing situation, riparian-oriented grazing, riparian exclusion, and no grazing. The range of alternatives is appropriate given the current issues. No new alternatives or concerns have been raised by the public since completion of the EIS.*

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

*Yes. The Two Rivers RMP & EIS was formally evaluated in 1998 and found to provide valid guidance for land use and resource allocations and directions. Additionally, in 2004 public lands on the allotment were reviewed for conformance with the Standards for Rangeland Health and Guidelines for Grazing Management (43 CFR 4180, available for review at the Prineville District BLM). An interdisciplinary team of BLM specialists found that grazing management conformed to guidelines and that current livestock management was not contributing to conditions on public lands not meeting standards. The BLM has prepared a Biological Assessment (BA) and indicated livestock grazing in this allotment is 'likely to adversely affect' populations of the Mid Columbia steelhead, now listed as threatened. The National Marine Fisheries Service (NMFS) has issued a Biological Opinion and they have concurred with the findings of the BA. Further consultation between NMFS and the BLM is ongoing. There is no new information and the circumstances are unchanged.*

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

*Yes. The Two Rivers RMP & EIS addressed impacts of continued grazing and provided objectives and recommendations to facilitate maintenance of existing ecological condition trends (page 14-*

17). *This approach is still valid. The Two Rivers RMP ROD was evaluated in 1998 and found to still provide valid guidance for land use and resource allocations and directions. In addition, the recent John Day River Management Plan ROD contains plan amendments that update the Two Rivers, John Day, and Baker Resource Management Plans.*

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

*Yes. Impacts resulting from grazing are essentially unchanged from those analyzed in the Two Rivers RMP & Draft EIS. The Draft EIS (pages 57-72) stated grazing would produce no change, or slight to moderate, generally positive, impacts on soils, water quality, vegetation, cultural resources and wildlife habitat, and no impact on air quality, water, forest land, wild horses, recreation, Areas of Critical Environmental Concern, visual resources, energy and minerals, or socio-economics. Further detail is provided for the current actions in the John Day River FEIS, Volume 1, Chapter 5.*

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

*Yes. The Two Rivers RMP does not specifically address the cumulative impacts of grazing but does address long term impacts of the action with the assumption that the grazing activity would continue. Recommendations and objectives in the document reflect the impacts and expected improvements that would continue with the ongoing grazing. The proposed action is substantially unchanged from those analyzed impacts. The John Day River FEIS addresses cumulative impacts on pages 336 - 338.*

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

*Yes. Many of the individuals and organizations on the current "interested publics" list are the same as those on the mailing list for the NEPA documents referenced in this plan conformance document.*

Interdisciplinary Analysis:

Identify those team members conducting or participating in the preparation of this worksheet.

| <u>Name</u>      | <u>Resource Represented</u>     | <u>Initials/Date</u> |
|------------------|---------------------------------|----------------------|
| Ron Halvorson    | Special Status Plants           | <u>RHS</u> 13 01     |
| Jeff Moss        | Fisheries/Special Status Fishes | <u>JM</u> 05         |
| Craig Obermiller | Rangelands                      | <u>CWO</u> 1 7       |
| Don Zalunardo    | Wildlife/Special Status Animals |                      |
| John Zancanella  | Cultural/Paleontological        | <u>JZ</u> 1/8/07     |

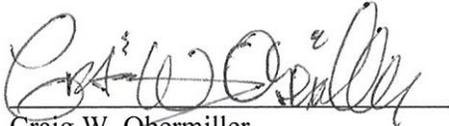
Mitigation Measures:

The following mitigation measures will be implemented as part of the proposed action:

*No mitigation measures have been identified.*

Recommendation:

*Issue a ten year grazing lease showing authorized grazing period of March 1 to February 28.*

Prepared By:  Date: 2 Jan 01  
 Craig W. Obermiller  
 Rangeland Management Specialist

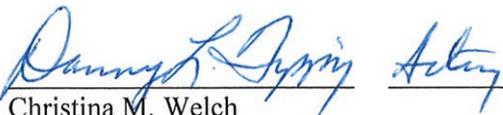
Plan Conformance/DNA Determination:

The proposed action and any specified mitigation measure(s) has been determined to meet the criteria for a Determination of NEPA Adequacy (DNA). No additional environmental analysis required. All cultural, T&E plant, and T&E wildlife specialists have provided clearances for the proposed project.

Reviewed By:  Date: 1/17/07  
 Danny L. Tippey, Assistant Field Manager  
 Central Oregon Resource Area, and  
 Environmental Coordinator

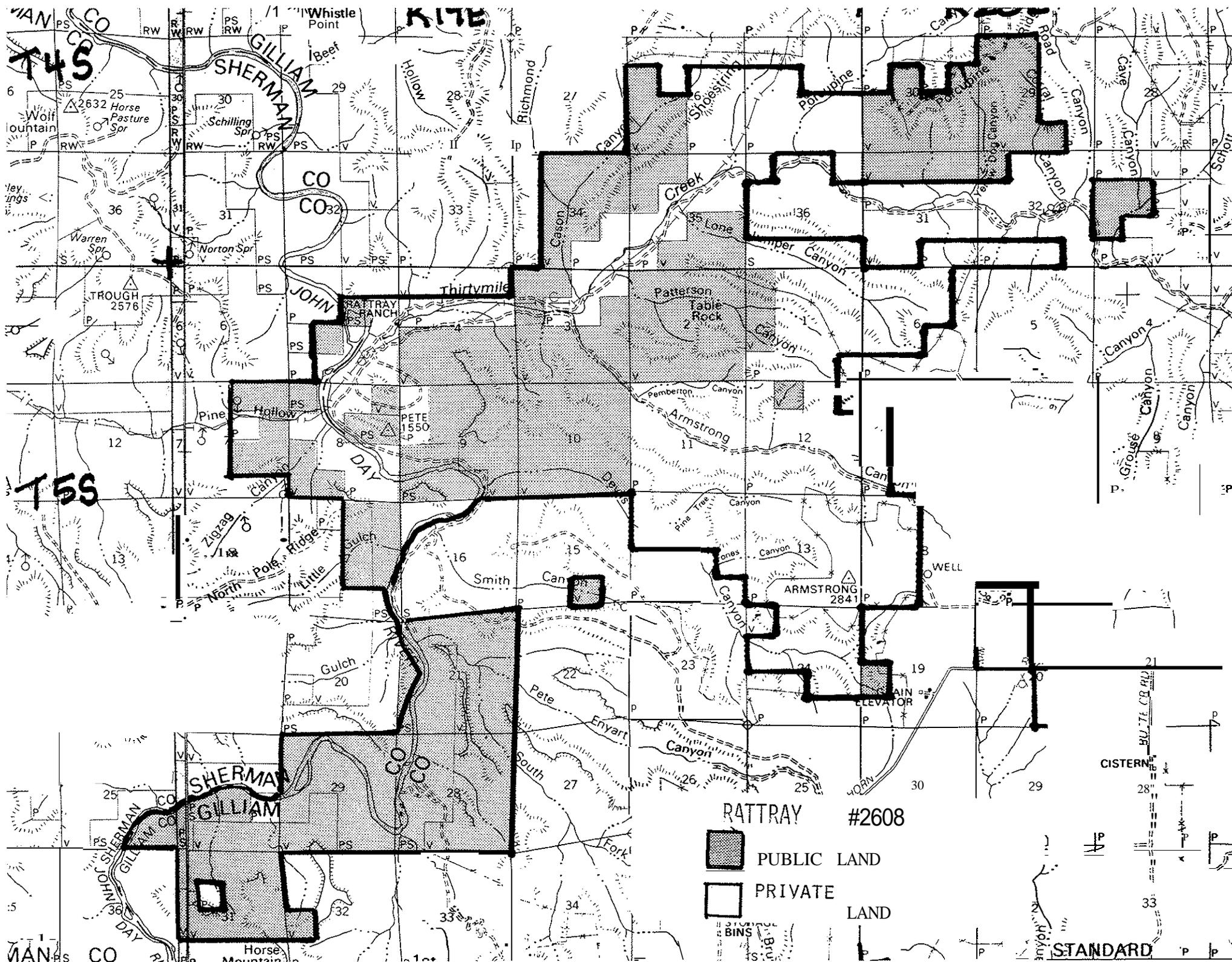
Approval:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA

Approved By:  Date: 2/16/07  
 Christina M. Welch  
 Field Manager  
 Central Oregon Field Office

Attachments: allotment maps

**Note: The signature on this Worksheet is part of an interim step in the BLM's internal decision process and cannot be appealed**



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RATTRAY #2608

-  PUBLIC LAND
-  PRIVATE LAND

STANDARD