



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 3605361

FEB 22 2007

CERTIFIED MAIL - 70051160000238904400

Return Receipt Requested

Tom Rietmann
PO Box 446
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 Van Rietmann (#2611) 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 OR-054-06-133 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. 3605361, 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 | | | |
| Van Rietmann 2611 | 6 | Cow | 03/01 | 07/05 | 100 | Active | 25 |

Due to computer calculation rounding, the above AUMs may not correspond with your actual grazing preference. Your actual grazing preference for the Van Rietmann Allotment is 25 AUMs, of which 25 are active and 0 are suspended.

Additional terms and conditions of the permit/lease would be as follows:

- To protect California Bighorn Sheep, no sheep or goat (domestic or non-native) use will be allowed on public land in the above listed allotments.
- The BLM is in the process of implementing the standards for rangeland health and guidelines for grazing management. This lease is subject to future modification as necessary to achieve compliance with the standards and guides (43 CFR 4180).
- 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.
- Fish and Wildlife Service and the National Marine Fisheries Service are evaluating species for listing that are present within the Central Oregon Resource Area boundary. If these species are listed as threatened and endangered, and are found on federal lands located within this allotment boundary, this lease is subject to future modification to achieve compliance with the listing.
- 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-054-06-133, 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/cfr/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 15 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:

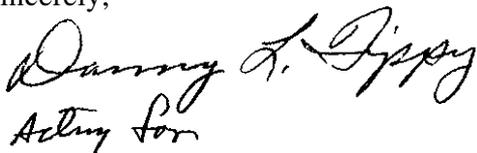
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either Craig Obermiller at 541.416.6761, or myself at 541.416.6731.

Sincerely,



Christina M. Welch
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

Name of Proposed Action: Van Rietmann (#2611) grazing allotment lease renewal.

DNA Number: OR-054-06-133

Project or Serial Number: not applicable

Location of Proposed Action: Approximately fifteen miles northwest of Condon, Oregon; T. 2 S., R. 19 E. (see map).

Purpose of and Need for Action: The current lease is due to expire on February 28, 2007. Mr. Tom Rietmann filed for renewal of the lease on October 29, 2006 based on his current ownership of the base property.

Description of the Proposed Action: The proposed action is to renew the current grazing lease for the Van Rietmann 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 (RPSj, 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.

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 (RPSj, signed June 1986, page 47, "Allotment Number '2611', Selective Management Category 'Maintain', Acres of Public Land '680', Livestock Kind 'Cattle', Grazing Period Begin - End '3/01 - 7/05', Active Use '25'.

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 (RPSj, signed June 1986. Consultation for mid-Columbia steelhead has completed for grazing actions within this allotment. Analysis rated actions within the Van Rietmann allotment as 'May Effect, Likely to Adversely Effect'.

NEPA Adequacy Criteria:

I. 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 Van Rietmann allotment specifically on pages 43 and 47 of the Two Rivers ROD. Grazing use was to be continued in the allotment. No portion of the allotment was proposed for livestock exclusion. The Van Rietmann grazing allotment contains 680 acres of public land, supports 25 AUMs, and was classified as a 'maintain' 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 11 - 25 in the Two Rivers RMP & Draft EIS, 1985) ranged from an emphasis in commodity production to an emphasis of natural values. On the Van Rietmann 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. 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.

New information may become available through the BLM's requirement to assess all public land grazing allotments for compliance with the Standards for Rangeland Health and Guidelines for Grazing Management by means of an evaluation by 2008. The existing grazing authorization contains stipulations that provide for modifications of the grazing management, as needed, to protect public land.

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.

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.

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.

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>Rms 1/8/07</u> |
| Jeff Moss | Fisheries/Special Status Fishes | <u>JDM 1/8/07</u> |
| Craig Obermiller | Rangelands | <u>COO 1/8/07</u> |
| Don Zalunardo | Wildlife/Special Status Animals | |
| John Zancanella | Cultural/Paleontological | <u>JZ 1/8/07</u> |

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 July 5.

Prepared By: 
 Craig Obermiller
 Rangeland Management Specialist

Date: 9 Jan 07

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: 
 Danny L. Ti, Manager
 Central Oregon Resource Area, and
 Environmental Coordinator

Date: 1/17/07

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: 
 Christina M. Welch
 Field Manager
 Central Oregon Field Office

Date: 2/16/07

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

