



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 (OR054) 06-139
GRN 3605047

CERTIFIED MAIL - 7003 2260 0000 1987 6832
Return Receipt Requested

Carl A. Weaver
50500 S. Camp Creek Road
Prineville, OR 97754

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 for the Owens Water Community Allotment(s), #0042 will expire on 4/29/07 and you, the permittee, for this allotment have requested a renewal. An Interdisciplinary team completed a Land Use Plan Conformance and Determination of NEPA Adequacy (DNA) document #OR-054-06-139 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 permit/lease, authorization #3605047, for livestock grazing on the below listed allotment. Your grazing permit shall be for a period of ten years 2007-2017 and will reflect the following:

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUM's
	Number	Kind	Begin	End			
Owens Water Community	50	Cattle	4/16	7/28	100	Active	171

Due to computer calculation rounding, the above aum's may not correspond with your actual grazing preference. Your actual grazing preference is shown below.

Owens Water Community

Total animal unit months (aums) are 560, of which 171 are Active and 388 are Suspended.

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

◆ The BLM is in the process of implementing the standards for rangeland health and guidelines for grazing management. This lease/permit is subject to future modification as necessary to achieve compliance with the standards and guidelines (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 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 as allowed in 43 CFR 4130.3-2 (H).

+The 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.

RATIONALE

Based on the review of DNA # OR-054-06-139, I determined that this renewal meets the criteria for a Determination of NEPA Adequacy (DNA) and that no additional environmental analysis is required. Further more, the renewal conforms to the applicable land use plan and that the NEPA documentation fully covered 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.gppaccess.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 Welch, Central Oregon Field Manager, 3050 NE Third St., 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 _____ 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 _____ 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 [43 CFR 4.421(h)] in the *Copies sent to:* section of this decision.

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, feel free to contact either Don Zalunardo at 541-416-6714 or myself at 541-416-6731.

Sincerely,



Christina 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: Renewal of a Grazing Permit that includes the Owens Water Community # 0042 Allotment in the Central Oregon Resource Area.

DNA Number: OR-054-06-139

Location of Proposed Action: Sixty miles southeast of Prineville Oregon.

Purpose of and Need for Action: The current permit will expire and the permittee has requested a renewal (Carl Weaver., GRN# 3605047).

Description of the Proposed Action: Renew a grazing permit for the permittee in the above listed allotments for a term of ten years.

Plan Conformance:

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

Brothers/La Pine Resource Management Plan (RMPI/ Record of Decision ROD) dated July, 1989. Allotment Evaluation and Recommendations for the Owens Water Community Allotment #0042, dated 10/26/90.

Coordinated Resource Management Plan for the Owens Water Community Allotment #0042, dated 6/16/88.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the LUP decisions referenced in the *NEPA Adequacy Criteria* section of this document.

Applicable NEPA document and related documents:

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

1. Draft Brothers/ La Pine Resource Management Plan (RMP) / Environmental Impact Statement (EIS), October 1987.
2. Brothers/La Pine Resource Management Plan (RMP)/ Record of Decision ROD) dated July, 1989.
3. Periodic Prineville District Land Use Plan Evaluation and Environmental Analysis Procedures Review dated April 1998.

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 is discussed in pages 74-91 in the RMP/ROD. Livestock grazing specific to the Owens Water Community # 0042 Allotment was addressed on page 76 of the RMP / ROD

referenced above. Grazing use in the Owens Water Community, 4389 acres, was to be continued with active AUM's remaining the same at 241. (Carl Weaver has 171 of these 241 AUM's.). There are no proposed changes for any of these allotments from what is shown the RMP/ROD in the current proposed action.

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 (page 8 of the RMP/ROD) ranged from emphasis of commodity production to emphasis of natural values, which included the elimination of all livestock grazing as an alternative. The range appears to be appropriate given the current issues.

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. New information which would enter into the analysis includes the Standards for Rangeland Health & Guidelines for Grazing Management (43 CFR 4180, available for review at the Prineville District BLM). The BLM is required to assess all public land grazing allotments for compliance with the Standards & Guidelines; this allotment is scheduled for evaluation in 2008. Until completion of the evaluation for this allotment, the new term lease will contain stipulations that will provide for modifications of the grazing of the public lands, if needed, on completion of the evaluation. The Fish and Wildlife Service is evaluating species for listing that are present within the RMP/ROD area boundary. If these species are listed as threatened or endangered and are found on federal lands located within this allotment the permit is subject to future modifications to achieve compliance with the listing.

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 Brothers/La Pine RMP/ROD addressed impacts of continued grazing and provided objectives and recommendations to facilitate maintenance of existing ecological condition trends (page 76 of RMP/ROD). This approach is still considered valid as this document was formally 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 Draft Brothers/La Pine RMP/EIS. The RMP/EIS (pages 90-102) stated grazing would produce a slight short-term negative impact on soils, water quality, vegetation, a beneficial impact on wildlife, 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 documents?

Yes. Although the RMP/EIS does not specifically address cumulative impacts of grazing it does address long term impacts of the action with the assumption that the grazing activity would continue (impact analysis is on pages 90-102 of Draft RMP/EIS). 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 documents adequately for the current proposed action?

Yes. Many of the individuals/organizations on our current "interested publics" list are the same as those on the mailing list for the RMP/EIS referenced above. The Description of the Proposed Action for this DNA is/will be posted on the Prineville Districts' internet page. A copy of this conformance worksheet will be mailed to all individuals and organizations that request it on the intranet.

Interdisciplinary Analysis:

<u>Name</u>	<u>Resource Represented</u>	<u>Initials/Date</u>
Steve Castillo	Forestry	SC 1/2/07
John Fisher	Wild life, Special Status Animals	JF 1/2/07
Heidi Mottl	Recreation	HEM 1/22/07
Jeff Moss	Fisheries, Riparian	JM 1/19/07
John Zancanella	Cultural Resources	JZ 1/8/07
Ron Halvorson	Botany, Special Status Plants	RH 1/9/07
Michelle McSwain	Hydrology, Riparian, Watershed	MM 1/8/07
Don Zalunardo	Range, Livestock Grazing	DZ 1/8/07
Larry Thomas	Soils, Hazardous Materials	LT 1/8/2007
Dan Tippy	National Environmental Policy Act	DT 1/27/07

Mitigation Measures:

The following mitigation measures will be implemented as part of the proposed action: A Manual Supplement, entitled "Rangeland Monitoring in Oregon and Washington", was developed and adopted by the BLM as a guidance document. The Prineville District also developed a district-monitoring plan. Both of these documents receive periodic review and revision. These documents provide a framework and minimum standards for choosing the timing and study methods to collect information needed to issue decisions which affect grazing management as well as watershed, wildlife and threatened and endangered species.

Recommendation:

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 BLMs" compliance with the requirements of NEPA

Prepared By: Don Zalunardo
Range Management Specialist

Date 1/3/07

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. Dwyer Date 2/27/07
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: Christina M. Welch Date 2/27/07
Field Manager

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