United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Vale District Office
100 Oregon Street
Vale, OR 97918

SEP 2 3 2014

IN REPLY REFER TO:
4160 (ORV040)
3603026

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7013 0600 0001 8138 5665

Davis Land & Livestock Co.
Attn: Guss E. Young
251 W. Idaho Ave #72
Ontario, OR 97914

Notice of Field Manager's Proposed Decision for Renewal of Grazing Permit Number 3603026

Dear Mr. Young:

Purpose:
The Bureau of Land Management (BLM) issued revised grazing regulations in 1995, which set forth the process of establishing Standards for Rangeland Health (Title 43 Code of Federal Regulations [CFR] 4180.2). Oregon/Washington BLM Standards and Guides (S&Gs) for Rangeland Health were approved on August 12, 1997. The purpose for setting standards and identifying their indicators was to provide BLM with a rational basis for determining whether current management is meeting the Fundamentals of Rangeland Health as described under 43 CFR 4180.1.

BLM field offices in Oregon and Washington were subsequently directed to conduct assessments and then use that assessment information to craft range health evaluations in relation to the state standards. These evaluations were conducted using interdisciplinary teams (IDTs) with various resource specialists, representing the biological and physical science disciplines.

Instruction Memorandums OR-2006-057 (State Office) and OR-2006-01 (District) provide additional guidance and a consistent procedure for streamlining the permit renewal process specific to small-scale, low priority grazing allotments in Oregon and Washington. Small-scale, low priority allotments are defined as Custodial ("C") allotments and low priority Maintain ("M") category allotments that have little or no known resource conflicts and have typically been identified as low priority for rangeland monitoring in existing Resource Management Plans (RMPs). The "C" category allotments usually consist of small parcels of public land, often intermingled with larger parcels of non-federally owned lands. Low priority "M" category allotments are those producing near their potential under current management.

I assembled an interdisciplinary team (IDT) to assess the condition of the Cow Valley Allotment against the standards and guidelines for rangeland health. Based upon their assessment, I determined that all 5 standards are being met under the existing authorized grazing use. The IDT then completed a NEPA review of this proposal to issue a grazing authorization (permit) in the allotment. Based upon their review I determined that completing an Environmental Impact Statement (EIS) is not necessary.

Proposed Decision:
Therefore, under the authority of 43 Code of Federal Regulations (CFR) 4130.2(a), 43 CFR 4130.2(d) and 43 CFR 4160.1(a), it is my proposed decision to renew grazing permit 3603026 for the Cow Valley Allotment (#00115) Allotment for a period of 10 years (3/1/2015 – 2/28/2025).

The mandatory terms and conditions of the permit will continue as:

Allot #	Livestock #	Kind	Begin Period	End Period	Public Land %	Type Use	AUMS	AUMS Suspended
00115	43	Cattle	04/1	4/30	100	Active	42	37

Other terms and conditions of the proposed permit are:

1. The number of livestock and season of use on this permit are for computation purposes only. The number of livestock and seasons of use on BLM-managed lands may vary as long as livestock grazing use does not become a significant causal factor in failing to maintain the standards and guidelines for rangeland health.
2. The permit holder shall allow authorized representatives of the BLM reasonable access across private and leased lands at any time for the purpose of inspection and official business (43 CFR 4130.3-2).
3. Your permit is subject to modification as necessary to maintain compliance with the standards for rangeland health and guidelines for livestock management (43 CFR 4180).

Rationale for the Proposed Decision:
My decision to issue this grazing authorization (permit) is in conformance with the applicable Land Use Plans (LUP) because it is specifically provided for in the following LUP decisions:

- Southeast Oregon Resource Management Plan (SEORMP), its Record of Decision (ROD) and its Final Environmental Impact Statement (FEIS)/Rangeland Program Summary (July 1989)

- Ironside EIS (RPS) (1981)

- Definition of "C" category allotments and custodial management. (SEORMP FEIS PG. 96)

- Custodial management ~ Management of a group of similar allotments with minimal expenditure of appropriated funds to continue protecting existing resource values (SEORMP ROD pg. 137)

- Allotment Summary table for "C" category allotments state: Pasture dominated by private land and managed custodial with no specified management objective (SEORMP Appendix E).

Additionally, my decision is in accordance with the following Oregon/Washington and Vale District guidance:

- **IM OR-2006-057** Streamlined Processes for Renewing Grazing Permits/Leases on Small-Scale, Low Priority Allotments in Oregon and Washington.

- **IM OR-2006-01** Streamlined Processes for Renewing Grazing Permits/Leases on Small-Scale, Low Priority Allotments in Vale District

According to the guidance provided in the IM's listed above, the "C" category allotments generally contain the following criteria to be eligible for permit renewal:

• Small size: public lands in the allotment consist of 640 acres or less in one parcel, or 1,280 acres or less in several parcels; and/or constitute less than 50% of the allotment.

• Isolated: limited or no public access.

• Limited manageability: public parcel(s) are intermingled and unfenced with larger acreages of private and/or State lands.

• Allotments have low resource production potential or are producing near their potential under existing management strategies.

• Limited or no known resource use conflicts/controversies exist.

• Present management appears satisfactory or is the only practical/feasible option under existing resource conditions.

As documented in the 1998 BLM/SHPO Protocol for Managing Cultural Resources, Section 106 requirements are exempt for Livestock Use Allocation Procedures (Appendix B) if; no land disturbing developments or increased grazing levels are proposed. The current management practices for the identified "C" allotments were reviewed by the Archaeologist whom determined the existing management strategies will continue, with the intent to meet or exceed the SORMP (2002) goals and objectives, and no proposals for land disturbing projects or increases in animal units are planned with this DNA; allowing the Vale BLM to utilize the 1998 Protocol direction.

Authority:
43 CFR 4130.2(a) states: "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. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use and conservation use. These grazing permits and leases shall also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2."

43 CFR 4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless…."

43 CFR 4160.1(a) states: "Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public."

Protest and/or Appeal:
Within 15 days after receipt of this decision, 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 the Authorized Officer: Pat Ryan, Field Manager, Malheur Resource Area, Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918. The protest, if filed, should clearly and concisely state the reasons as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), *in the absence of a protest*, this proposed decision will become the final decision of the Authorized Officer without further notice. 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.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.471 and 4.479, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. The appeal and petition for a stay must be filed in the office of the Authorized Officer (given above and on the letterhead).

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470. A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall 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.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the *Copies sent to:* sections of this decision are considered to be persons "named in the decision from which the appeal is taken." Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.471 (b)(1) & 43 CFR 4.413(a)) and the appropriate Office of the Solicitor (see 43 CFR 4.471 (b)(2) & 43 CFR 4.413 (c)): **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205** within 15 days after the original documents are filed with this office.

For privacy reasons, if the decision is posted on the internet, the *Copies sent to:* section will be attached to a notification of internet availability and persons named in that section are also considered to be persons "named in the decision from which the appeal is taken."

Any person named in the decision, *Copies sent to:* section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.472 (b) for procedures to follow.

If you have any questions, please contact me at (541) 473-3144.

Sincerely,

Thomas Patrick "Pat" Ryan
Field Manager
Malheur/Jordan Resource Areas

cc: *Copies Sent to:* section