United States Department of the Interior

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

IN REPLY REFER TO:

4100 (ORV060) LCGMA
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Mike Harry
Lucky 7 Ranch
PO Box 2323
Elk Grove, CA 95759

NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Harry:

INTRODUCTION

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. The IDTs collected, reviewed and analyzed the available data for the purpose of completing range health evaluations.

BACKGROUND

The Louse Canyon Geographic Management Area (LCGMA) was the first area in the Jordan field office to have an assessment and evaluation completed. The 2001 assessments found that 6 of 22 pastures were not meeting one or more riparian/water quality/ aquatic habitat standards (Standards 2, 4 and 5) for rangeland health and that the failure to meet was directly attributable to livestock grazing. BLM grazing regulations specify that the authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining, through

assessment or monitoring by experienced professionals and IDTs, that a standard is not being achieved and that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standard. After the rangeland health determination was made for the LCGMA, the Jordan Field Manager implemented the interim grazing strategy, which has been in use since 2002 and has been upheld in the United States District Court, District of Oregon (ONDA/WWP v Taylor, 04-334-KJ).

BLM completed the LCGMA Standards of Rangeland Health Evaluation in the fall of 2002 and then released the LCGMA Environmental Assessment EA-OR-030-05-013 for public comment in the fall of 2004. Based upon numerous public comments, a Revised EA was released for comment in early 2005, and was subsequently the basis for issuance of proposed and final decisions implementing the Proposed Action. The final decisions, dated July 7, 2005, were administratively appealed to the Office of Hearings and Appeals (OHA) by Kimble Wilkinson Ranches and Oregon Natural Desert Association/Western Watersheds Project (ONDA/WWP). The Kimble Wilkinson Ranches appeal was dismissed by OHA. OHA denied a petition for stay that ONDA/WWP filed with its appeal, and ONDA subsequently appealed that ruling to IBLA. IBLA also did not rule in favor of ONDA/WWP on the request for stay, at which time ONDA/WWP withdrew their appeal from OHA and filed a complaint in the District Court of Oregon.

Primary points of the complaint included claims of violations of the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA), and most notably, BLM's failures to consider new information provided by ONDA, complete an update of BLM's wilderness inventory and analyze the effects of livestock grazing on wilderness character. BLM asked the District Court to stay the proceedings, during which time BLM would complete an inventory update of wilderness character and, if appropriate, subsequent NEPA analysis. BLM then completed its wilderness inventory update and prepared an addendum to the Revised EA which analyzed the effects of livestock grazing on the wilderness character BLM found to be present in the LCGMA. After this additional NEPA process, BLM is now prepared to issue new grazing decisions related to livestock grazing in the LCGMA.

PROPOSED DECISION

It is my proposed decision to continue to implement the grazing schedules and permit terms and conditions contained in the July 7, 2005 final decision that was the basis for the issuance of your current livestock grazing permit, with some minor adjustments in your rotation system, as analyzed in the Revised EA. It is also my decision to implement the following rangeland projects in the Campbell Allotment to assist in the grazing changes and new grazing schedules contained in this decision and which are part of your current livestock grazing permit:

<u>Campbell Allotment</u>

- Cattle guard: Install one cattle guard near Steer Canyon Reservoir between the Horse Hill North and Lower Louse Canyon pastures. This cattle guard will be installed as identified in the Revised EA. Installation of the cattle guard will alleviate issues with hunters leaving the gate, which is now there, open and allowing livestock to mix between pastures and potentially allowing livestock use in the North Horse Hills and Lower Louse Canyon

pastures outside of the designated seasons of use or causing utilization levels to be exceeded. This cattle guard would provide improved livestock control which in turn, will ensure compliance with the proposed grazing system and ensure proper season of use in the pastures affected. This project is not located in a WSA or a BLM-identified area of wilderness character, its implementation should not preclude the area from potentially meeting the criteria for wilderness character in the future.

- Sacramento Hill Pipeline: Construct approximately 6 miles of new pipeline as an extension of the Steer Canyon/Rawhide Pipeline, with three troughs. 5.5 miles of the pipeline has been redesigned to be constructed within an existing area of disturbance along a road, because the new route would avoid additional disturbance within intact sagebrush habitat, would reduce additional impacts from ongoing use and maintenance of the pipeline, and would eliminate additional impacts to visual resources within the area. While not located within a BLM-identified area of wilderness character, mitigation by placement within a previously disturbed area would not be likely to preclude the area from potentially meeting the criteria for wilderness character in the future. Implementation of the Sacramento Hill Pipeline will provide reliable livestock water sources in the North and South Sacramento Hill pastures, thereby improving livestock distribution and ensuring appropriate livestock utilization patterns in the upland areas. The pipeline will provide reliable water in pastures which currently can only be used in early season due to a lack of reliable water, and will allow implementation of a rest-rotation grazing system for the North and South Sacramento Hill pastures.

- Disaster Spring #2: Construct an exclosure fence around Disaster Spring #2. This spring receives concentrated livestock impacts during fall trailing when permittees are trailing their livestock home. Utilization of adjacent uplands would also be expected to decrease as livestock will not be concentrated on the spring as a water source. This will be a small exclosure (<5 acres). The exclosure will benefit riparian recovery and wildlife values by excluding livestock use and impacts resulting from livestock concentration in the area.

It is my decision to retain the following projects identified in the Revised EA and constructed prior to filing of the complaint in the District Court of Oregon. These projects are necessary to assist in implementation of grazing changes and the new grazing schedules:

- Disaster Spring Abandonment: The trough was removed from this spring in 2004 and the spring was abandoned for livestock water use. The headbox was not removed to avoid additional disturbance at the spring source. Abandonment will allow the spring to function naturally and will improve wildlife value due to the lack of continued dewatering of the natural spring source.

- Disaster Spring #2: The underground pipe issuing from this spring was capped in 2004, allowing water to remain at the spring source. The underground pipe and headbox were not removed to avoid additional disturbance at the spring source. This spring will no longer be used for livestock water use. Abandonment will allow the spring to function naturally and

will improve wildlife value due to the lack of continued dewatering of the natural spring source and through proposed exclusion of livestock use by exclosure (as described above for Disaster Spring #2).

- Bell Spring: This spring was maintained in 2004. It was originally identified for redevelopment but was reduced to maintenance to avoid additional disturbance within a WSA. This spring is, and will continue to be, excluded from livestock use, thus improving wildlife habitat and riparian health.

- Sacramento Hill Division Fence: 4.25 miles of fence was constructed in 2006 to divide the Sacramento Hill Pasture into the North and South Sacramento Hill pastures. This fence will allow these pastures to be used in a rest-rotation grazing strategy, which will allow a full year of rest every other year in each pasture. The rest-rotation system will provide for continued achievement of rangeland health standards as grasses and forbs will be allowed a full year, every other year to complete all physiological functions and maintain health and vigor. This fence is not within existing WSA or an area with BLM-identified wilderness character.

- Starvation Seeding Drift Fence: 3 miles of fence was constructed in 2006. This fence was constructed to aid livestock movement during trailing in the fall. This fence is not within existing WSA or an area with BLM-identified wilderness character. The fence is designed to benefit overall rangeland health by providing greater livestock control during trailing activities and reducing the impacts of livestock grazing to the pasture overall when trailing occurs.

- Star Valley Road Fence: 11 miles of fence was constructed in 2006 to divide the Horse Hill Pasture into the North and South Horse Hill pastures. This fence will provide for better livestock distribution and permittee control of proper utilization levels. This fence is not within existing WSA or an area with BLM-identified wilderness character.

- Starvation Brush Control Vegetation Treatment: Approximately 778 acres of sagebrush were mowed in this pasture to reduce canopy and improve grass composition. The original acreage target was 3500 acres, but will be left at 778 acres. It was also proposed that seeding with native species would be required, but grass and forb response following treatment determined that seeding would not be required, and demonstrated that further treatment would not be necessary. This treatment did not occur within existing WSA or an area with BLM-identified wilderness character. This vegetation treatment did not cause the planning area to exceed the 85% threshold for sagebrush disturbance as identified in the ROD and no additional treatments are proposed.

I have determined that this proposed decision and the changes to livestock grazing and associated rangeland projects, will result in significant progress toward fulfillment of Standard 2, 4, and 5 that were not met in the LCGMA and for which BLM found existing grazing management practices or levels of grazing use on public lands to be significant factors in failing to achieve the standards.

This determination is based on BLM's finding that, under this proposed decision, riparian pastures will receive early season grazing use or riparian areas will be protected through exclusion. Exclusion or early season grazing use has been shown to allow riparian vegetation to provide adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils (BLM TR 1737-14, 1997). Further, the changes in grazing contained in this proposed decision will improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge, and streambank stability. Riparian pastures will receive light utilization (21 to 40% utilization, with a long-term target of 30%). Abandonment of 7 springs from use for livestock water will allow those springs to return to a naturally functioning condition without the spring source being diverted for livestock water use.

Overall reductions in grazing duration throughout the planning area by approximately 50% will allow upland vegetation to maintain or improve plant vigor, allow for seed production and dispersal, and maintain healthy, productive, and diverse populations of native plant species which are resistant to invasive species establishment and development of a repetitive fire cycle. Conservative utilization standards for native upland pastures will ensure that they continue to meet the Standards for Rangeland Health by providing for adequate residual vegetation, which will serve to support infiltration, maintain soil moisture storage, and stabilize soils.

Native pastures, without riparian concerns, that are in a rest-rotation grazing system will have a maximum allowable utilization limit of 50%, but will receive complete rest every other year, thereby ensuring plant vigor and health. Native pastures without riparian concerns which receive use yearly will have a maximum allowable utilization limit in the light category (21 – 40%), which will allow plants to maintain vigor and health. Limited fencing and pipeline development (in the context of the large planning area) will provide for continued health of wildlife habitats and populations in the area, while providing livestock management tools to improve livestock distribution and alleviate livestock pressure on existing riparian resources.

To the extent possible, fencing and pipeline construction has been reduced in linear extent throughout the planning area and, with the exception of riparian exclosures, those projects yet to be constructed have been redesigned to be constructed within existing areas of disturbance, thereby minimizing or eliminating disturbance within intact sagebrush habitat and areas with BLM-identified wilderness character.

Together, all these actions will allow the area to make significant progress toward meeting the Standards for Rangeland Health because it will result in measurable improvement to riparian resources which were identified as not meeting Standards 2, 4, and 5, with due recognition of the effects of climatic extremes, fire, and other unforeseen naturally occurring events or disturbances. Kimble Wilkinson Ranch traditionally used elevation change and naturally-occurring water in its pastures of use to determine livestock movement, distribution, grazing duration, and time of use. Livestock will naturally move up in elevation when temperatures increase at lower elevation and grass plants mature and dry out, or will remain on critical riparian areas. These climatic factors will cause livestock to over-utilize riparian vegetation late in the season as riparian vegetation remains green and more palatable later into the season. Late-season riparian use has been demonstrated to be detrimental to riparian health and recovery (BLM TR 1737-14, 1997). This historical grazing management required limited livestock management action on the part of the livestock permittee

and required little development or maintenance of range improvements and resulted in livestock impacts to riparian habitats which has resulted in the current failure to meet Standards 2, 4, and 5.

Lucky 7 Ranch traditionally used elevation change and naturally-occurring water in its pastures of use to determine livestock movement, distribution, grazing duration and time of use. Livestock will naturally move up in elevation when temperatures increase at lower elevation and grass plants mature and dry out, or will remain on critical riparian areas. These same climatic factors will cause livestock to over-utilize riparian vegetation late in the season as riparian vegetation remains green and more palatable later into the season. Late-season riparian use has been demonstrated to be detrimental to riparian health and recovery (BLM TR 1737-14, 1997).

This historical grazing management required limited livestock management action on the part of the livestock permittee and required limited development or maintenance of range improvements and resulted in livestock impacts to riparian habitats which has resulted in the current failure to meet Standards 2, 4 and 5.Lucky 7 Ranch has had an excellent history of range improvement maintenance and is expected to continue to maintain existing and new improvements in a working and functional condition.

I have determined that implementation of the proposed grazing management strategy for Lucky 7 Ranch will result in a meaningful and positive change to grazing management practices and will have a resultant positive effect on rangeland health. Livestock will no longer be allowed to "naturally" drift upward in elevation as temperature and grass growth determines livestock movement.

Pastures will be used at designated times which will ensure rangeland vegetation vigor and health (SEORMP Appendix R, 2002). Riparian areas found to not be meeting Standards 2, 4 and 5 will receive protection from livestock or will be grazed in a manner consistent with recognized grazing practices that improve riparian heath and would result in significant progress toward meeting Standards 2, 4 and 5 (BLM TR 1737-14, 1997).

It is expected that livestock grazing in the Campbell Allotment under the schedule and rotation identified in this Proposed Decision, and outlined below, will not be fully achievable until all of the rangeland improvement projects are constructed and the preferred alternative moves closer to full implementation. Until these projects are constructed, which allow for the protection of riparian areas that were not meeting Standards for Rangeland Health, your annual grazing authorization will be in accordance with the interim grazing strategy (LCGMA Standards of Rangeland Health Evaluation, Table 7, 2002) and as reflected in your turnout statements from 2002 to present.

In the interim, you must still manage your livestock to meet the utilization limits stated in this decision and meet other terms and conditions of your permit. Once all of the previously mentioned rangeland improvement projects have been constructed, your standard authorized grazing use will be as follows:

- **Peacock and Twin Springs Pastures** – 1296 head, 3/1 – 3/15; 1598 head 3/16 – 5/31. These pastures will be used in a rest-rotation system, and each pasture will receive a full year of rest every other year. Maximum allowable utilization levels are 50%. Use will

occur prior to the critical growing season and native grasses and forbs will complete their physiological cycles and will set and disperse seed every year. Rest every other year will allow additional accumulation of litter and improve watershed functions of infiltration and soil stability. Current upward trend would continue and rangeland health standards will continue to be met. A portion of Peacock and Twin Springs North pastures have BLM-identified areas of wilderness character. Historical grazing did not preclude this finding and improvements to the grazing system will not be deemed by BLM to diminish the size or cause the entire BLM inventory unit to no longer meet the criteria for wilderness character. Twin Spring Middle Pasture has designated WSA but will be grazed in a manner and degree less than that permitted in 1976. The revised EA analyzed two potential grazing systems for your use in these pastures. I am adopting the rest-rotation option.

- **North and South Sacramento Hill Pastures** – 300 head, 3/16 – 5/10. These pastures will be used in a rest-rotation system and each pasture will receive a full year of rest every other year. Maximum allowable utilization levels are 50%. Use will occur prior to the critical growing season and native grasses and forbs will complete their physiological cycles and will set and disperse seed every year. Rest every other year will allow additional accumulation of litter and improve watershed functions of infiltration and soil stability. Healthy and productive rangeland vegetation would be maintained or improved. North and South Sacramento Hill pastures contain designated WSA but will be grazed in a manner and degree less than that permitted in 1976. The revised EA analyzed two potential grazing systems for your use in these pastures. I am adopting the rest-rotation option.

- **North and South Horse Hill Pastures** – 300 head, (from Sacramento Hill), 5/11 – 5/30, annually; 1896 head (1598 head from Peacock/Twin Springs), 6/1 – 7/15. Maximum allowable utilization levels are in the light category of 21 to 40%, with a long-term target of 30%. The duration of grazing in these pastures will be reduced from 90 days to 45 days. The number of livestock in each pasture will be managed to control impacts to riparian vegetation and ensure appropriate livestock distribution. The most intense grazing will occur from 6/1 to 7/15, but the reduction in duration of grazing and pasture division will benefit forage grasses, allowing most individual plants to set seed because most plants will not be grazed repeatedly. Given the elevation of these pastures and the size of the pastures, rangeland vegetation would be expected to retain it health and vigor despite utilization during the critical growing season. Elevation of the pastures should allow some regrowth of vegetation after livestock are removed. Horse Hill South Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.

- **Starvation Seeding Pasture** – 1498 head, 7/16 – 10/15, annually. Maximum allowable utilization levels are 60%. Grazing use would occur after the critical growing season and plants would complete their carbohydrate storage cycles and set and disperse seed. Health and vigor of rangeland vegetation would be maintained or improved by the late season of use. Actual livestock removal would begin on 9/15 so livestock numbers would be reduced by approximately 500 head per week up to the 10/15 end date.

- **Starvation Brush Control Pasture** – 400 head, 7/16 – 10/15, annually. Maximum allowable utilization levels are in the light category of 21 to 40%. Grazing use would occur

after the critical growing season and plants would complete their carbohydrate storage cycles and set and disperse seed. Health and vigor of rangeland vegetation would be maintained or improved.

In the event that the maximum allowable utilization is reached in any pasture prior to the identified end date, livestock must be moved to the next available pasture or removed from the allotment entirely.

The Campbell Allotment is used exclusively by Lucky 7 Ranch, except for fall trailing from the Steer Canyon Seeding by Kimble Wilkinson Ranch. However, some pipelines are utilized by permittees from the Campbell Allotment and the Louse Canyon Community Allotment. Permittees will be held responsible for control and movement of their livestock and may be subject to unauthorized use actions under 43 CFR 4150, 4160 and 4170, in the event that they exhibit an inability or unwillingness to provide proper control of their livestock. Likewise, failure by any permittee to regularly and properly maintain their assigned range improvements may result in a reduction or elimination of grazing use in any or all pastures affected by the lack of maintenance. Upon implementation of all proposed projects, project maintenance on a whole will be assessed by the BLM and assigned (or reassigned) through an Assignment of Range Improvements on a fair and equitable basis, based on location and benefit to individual affected permittees.

No projects proposed to implement the new grazing system for Lucky 7 Ranch will occur within existing WSA or in areas with BLM-identified wilderness character. Only projects consistent with the proposed grazing management strategy will be implemented and all projects have been reviewed and modified to minimize impacts and disturbance to the environment.

RATIONALE

The actions defined in this proposed decision allow BLM to strike a balance between natural values and commodity uses in a manner consistent with the principles of "multiple use" as defined by the Federal Land Management and Policy Act (FLPMA) of 1976. Specific resource objectives are identified in the Southeast Oregon Resource Management Plan and Record of Decision (SEORMP ROD). Where appropriate, these ROD objectives are repeated through the impact analysis section of the revised EA and addendum along with indications of how these objectives would be met. For the Proposed Action, these ROD objectives, as well as more specific objectives identified in the GMA Evaluation, would be achieved through a variety of management actions, mitigation measures, projects, and land treatments without creating any significant impacts. Specifically, the actions defined in the proposed decision meet the ROD objectives for: rangeland vegetation; water resources and riparian/wetland areas; fish and aquatic habitat; wildlife and wildlife habitat; special status animal species; rangeland/grazing use; visual resources; areas of critical environmental concern; and wild a scenic rivers (ROD pages 28 – 111).

The proposed decision to implement a variety of projects and to implement a new grazing system for Lucky 7 Ranch provides more restrained grazing use in the Campbell Allotment, and will require additional inputs from Lucky 7 Ranch to manage their livestock grazing use. Specifically, the proposed decision will require additional and more frequent pasture moves to achieve successful implementation of the grazing system. Likewise, construction of additional range projects and a

greater reliance upon existing range projects will likely increase the maintenance responsibilities of the permittee. However, the BLM does not believe that these changes will be so onerous as to make the permittee's livestock grazing operation economically unsustainable. Sustainable livestock operations in LCGMA will continue to provide economic support and sustainability to local communities, such as Mc Dermitt, NV and Jordan Valley, OR.

The proposed management changes for riparian and upland rangeland vegetation provide for sustainable grazing use, while resulting in significant progress toward meeting Standards 2, 4 and 5 through appropriate timing and duration of livestock grazing, in conformance with 43 CR 4180.2(c). The most significant changes are the elimination or changes to timing and duration of livestock use in wetted riparian areas. The duration of livestock use on upland rangeland vegetation is significantly reduced and timing of use has been adjusted to best meet the biological and physical requirements of upland rangeland vegetation.

These changes are achieved both through implementation of proposed range improvements and development of a new grazing system which favors maintenance or improvement of rangeland health. While some other alternatives in the Revised EA may have provided for lesser levels of livestock grazing, the Proposed Action meets all other resource objectives while providing for continuing livestock operations.

This determination is based on BLM's finding that, riparian pastures will receive early season grazing use or riparian areas will be protected through exclusion. Exclusion or early season grazing use has been shown to allow riparian vegetation to provide adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils (BLM TR 1737-14, 1997). Further, the changes in grazing contained in this proposed decision will improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge, and streambank stability. Riparian pastures will receive light utilization (21 to 40% utilization, with a long-term target of 30%). Abandonment of 7 springs from use for livestock water will allow those springs to return to a naturally functioning condition without the spring source being diverted for livestock water use.

Overall reductions in grazing duration throughout the planning area by approximately 50% will allow upland vegetation to maintain or improve plant vigor, allow for seed production and dispersal, and maintain healthy, productive, and diverse populations of native plant species which are resistant to invasive species establishment and development of a repetitive fire cycle. Conservative utilization standards for native upland pastures will ensure that they continue to meet the Standards for Rangeland Health by providing for adequate residual vegetation, which will serve to support infiltration, maintain soil moisture storage, and stabilize soils.

Native pastures, without riparian concerns, that are in a rest-rotation grazing system will have a maximum allowable utilization limit of 50%, but will receive complete rest every other year, thereby ensuring plant vigor and health. Native pastures without riparian concerns which receive use yearly will have a maximum allowable utilization limit in the light category (21 – 40%), which will allow plants to maintain vigor and health.
Limited fencing and pipeline development (in the context of the large planning area) will provide for continued health of wildlife habitats and populations in the area, while providing livestock

management tools to improve livestock distribution and alleviate livestock pressure on existing riparian resources. To the extent possible, fencing and pipeline construction has been reduced in linear extent throughout the planning area and, with the exception of riparian exclosures, those projects yet to be constructed have been redesigned to be constructed within existing areas of disturbance, thereby minimizing or eliminating disturbance within intact sagebrush habitat and areas with BLM-identified wilderness character.

Together, all these actions will allow the area to make significant progress toward meeting the Standards for Rangeland Health because it will result in measurable improvement to riparian resources which were identified as not meeting Standards 2, 4, and 5, with due recognition of the effects of climatic extremes, fire, and other unforeseen naturally occurring events or disturbances.

With proposed projects and grazing systems identified for the LCGMA, slightly more than 94% of all remaining big sagebrush would remain as complex shrubland habitat capable of supporting sage-grouse and other sagebrush-dependent species, well above the 85% threshold identified in the SEORMP and the Revised EA. Livestock turn out and trailing in the planning area would be substantially similar to that which as occurred in LCGMA for decades and the sage-grouse population is, nevertheless, on a stable to upward trend over the last decade. Impacts to lek activity may be reduced below historic levels because permittees will be directed to avoid trailing through leks from February through April.

Although BLM has indicated that, to meet resource objectives, more days of trailing would occur under the proposed action compared to the current situation, the amount of habitat impacted by trailing would not be expected to increase appreciably compared to current management. Impacts as described in the Proposed Action of the Revised EA would generally be consistent with most of the desired wildlife habitat conditions for sage-grouse and communities of terrestrial wildlife described in the SEORMP (see SEORMP, Chapter 2, page 68 – 69 and Appendix F, F-3 Grazing Use Considerations for Upland Habitats).

Compared to current management, woody and herbaceous plant community composition, distribution, and structure on streams would be expected to gradually improve wildlife habitat conditions over the long term where summer and fall grazing use previously occurred on an annual basis. Herbaceous cover and forage values in perennial wet meadows would be expected to gradually improve for small animals, such as landbirds, and large mammals, such as pronghorn. In riparian area exclosures, habitat recovery would be advance as rapidly as site capability would allow.

The lack of proposed projects in existing WSAs will serve to continue to protect their associated wilderness character. Mitigation measures for projects proposed within areas with BLM-identified wilderness character will also serve to protect the identified wilderness character, primarily through placement in existing areas of disturbance, avoidance, and reduction in total proposed projects. Proposed changes to livestock grazing should improve wilderness character through improved timing and duration of livestock use in both WSA and areas with BLM-identified wilderness character. The proposed grazing systems will continue to exclude livestock grazing use in the identified areas of concern on the West Little Owyhee and the Owyhee Wild and Scenic River segments (ONDA v. Palma, Civil No. 98-97-RE).

The presence of several important and sensitive resource values, such as intact sagebrush habitat, riparian habitat, WSA, Wild and Scenic River (WSR), and land with BLM-identified wilderness character as described in the revised EA and Addendum, required that BLM make a well-reasoned and justified decision to support the management actions considered. Potentially conflicting management directives and regulatory requirements relative to riparian management, Greater sage-grouse management, and WSAs were all involved and carefully considered in the crafting of this Proposed Decision. The Proposed Decision has been shaped with involvement from BLM grazing permittees, Oregon Natural Desert Association (ONDA), Western Watersheds Project (WWP), and BLM range, wildlife, and hydrology staff.

This Proposed Decision has considered both the beneficial and adverse impacts of rangeland management actions involving fence construction, water development, and timing and duration of livestock grazing. The proposed changes in timing and duration of livestock grazing have been proven to provide for riparian recovery in other grazing systems, (SEORMP Appendix R), and the limited fencing and water developments will also serve to improve livestock distribution upon implementation. On the whole, and when fully implemented, the Proposed Action will result in progress toward achievement of potential for wetted riparian vegetation in the short term (1-3 years) and anticipated recovery of potential in the long term (5-10 years), dependent upon climatic conditions such as rainfall and temperature. The improvement will occur as a result of either eliminating livestock use within wetted riparian areas or eliminating late season livestock use within wetted riparian areas. The proposed changes to livestock use in wetted riparian areas will allow for recovery and/or development of appropriate riparian vegetation and improved hydrologic functions. BLM believes that this improvement in riparian condition will result in significant progress toward fulfilling Standards 2, 4 and 5 of the Oregon/Washington Rangeland Health Standards and will also thus meet BLM's obligations under 43 CFR 4180.2(c).

These ecological benefits will, in turn, contribute to improved conditions that will benefit areas with BLM-identified wilderness character within the LCGMA. These improvements will benefit wilderness character in the same time frames as described for wetted riparian vegetation. Upland vegetation will continue to meet Standards for Rangeland Health under implementation of the Proposed Action through improved pasture rotations and utilization standards, which will provide for healthy, resilient native vegetation with a natural resistance to wildfire and invasive annual species. As illustrated in the response to comments to the EA Addendum, the Proposed Action provides varying reductions in grazing duration in all vegetation types within areas with BLM-identified wilderness character in the LCGMA, and provides similar reductions in grazing duration within existing WSAs, with the exception of the Anderson Allotment in the Owyhee Canyon WSA. However, the 7 day increase in grazing use within this allotment still provides for a forage allocation below active permitted use and at a level that would be ecologically sustainable because of the proposed early season of use. The 7 day extension of grazing duration does not represent a grazing level in excess of the manner and degree of grazing which occurred in 1976.

AUTHORITY

This authority for this proposed decision is contained in Title 43 of the Code of Federal Regulations (CFR), subart 4180.2 which states in part:

> 43 CFR 4180.2(c)(1*) If a standards assessment indicates to the authorized officer that the rangeland is failing to achieve standards or that management practices do not conform to the guidelines, then the authorized officer will use monitoring data to identify the significant factors that contribute to failing to achieve the standards or to conform to the guidelines. If the authorized officer determines through standards assessment and monitoring that existing grazing management practices or levels of grazing use on the public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section, the authorized officer will, in compliance with applicable laws and with consultation requirements of this part, formulate, propose, and analyze appropriate action to address the failure to meet standards or to conform to the guidelines.* 43 CFR 4180.2(c)(3) *The authorized officer will take appropriate action as defined in this paragraph by the deadline established in paragraphs (c)(1) and (c)(2) of this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction, and development of water.*

As contained within 43 CFR 41890.2(c) (3), this proposed decision is in conformance with all other applicable subparts of 43 CFR 4100. Furthermore, this proposed decision is in conformance with the Taylor Grazing Act of 1934, as amended, the Federal Land Policy and Management Act of 1976, as amended, the Public Rangelands Improvement Act of 1978, and all public land orders, Executive orders, and agreements which authorize the Secretary to administer livestock grazing on lands specified under the Taylor Grazing Act or other authority as specified.

RIGHT OF PROTEST AND/OR APPEAL

If you wish to protest this decision in accordance with 43 CFR § 4160.2, you are allowed fifteen (15) days from receipt of this notice to file such a protest with:

> Field Manager, Jordan Resource Area
> Vale District Bureau of Land Management
> 100 Oregon Street
> Vale, Oregon 97918

A protest may be made in person or in writing and should specify the reasons clearly and concisely as to why you think the proposed decision is in error. Upon the timely filling of a protest, the authorized officer shall reconsider the proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case.

At the conclusion of this review of the protest, the authorized officer shall serve a final decision on the protestant, or his agent, or both, and the interested public in accordance with 43 CFR § 4160.3 (b).

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice. Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. A period of 45 days from your receipt of the proposed decision is provided for filling an appeal and petition for stay of the decision pending final determination on appeal, as provided in 43 CFR § 4.470 and 43 CFR § 4160.4.

Any appeal should state clearly and concisely as to why the final decision is in error. All grounds of error not stated shall be considered waived and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Jordan Resource Area
Vale District Bureau of Land Management
100 Oregon Street
Vale, Oregon 97918

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filled with the appeal. In accordance with 43 CFR § 4.21 (b) (1), a petition for a stay must show sufficient justification based on the following:

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

Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the authorized officer, the appellant must also serve copies on:
1) All other person(s) named in the address heading of this decision; and
2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c):

Office of the Solicitor
US Department of the Interior
Pacific NW Region
805 SW Broadway, Suite 600
Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

Sincerely,

Carolyn R. Freeborn

Carolyn R. Freeborn
Field Manager
Jordan Resource Area