



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Vale District Office
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Vale, Oregon 97918



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NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION

Rand Collins
Owyhee Grazing Assoc., LLC.
1195 Corta Lane
Jordan Valley, OR 97910

Dear Mr. Collins:

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 IDT's 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, 2002 and then released the LCGMA Environmental Assessment EA-OR-030-05-013 for public comment in the fall, 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 characteristics. BLM asked the District Court to stay the proceedings, during which time BLM would complete an inventory update of wilderness characteristics 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 characteristics 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. It is also my decision to implement the following rangeland projects in the Louse Canyon Community, Ambrose Maher, and Anderson allotments to assist in the grazing changes and new grazing schedules contained in this decision and which are part of your current livestock grazing permit:

Louse Canyon Community Allotment

- West Little Owyhee River Gap Fences: Construct 4 gap fences to limit livestock access to the West Little Owyhee River protect and improve riparian resources on side drainages to the river. These fences are identified on Map 16 of the Revised EA as the North Owyhee Gap, the Mid Anderson Gap, the South Anderson Gap and the South Anderson Gap 2 fences. These fences will be constructed as identified in the Revised EA. These fences

would be constructed within the Wild and Scenic River corridor or within WSA,. These fences are consistent with the non-impairment criteria of the Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of the West Little Owyhee Wild and Scenic River in the Upper West Little Owyhee WSA through the exclusion of livestock impacts to riparian areas within the river canyon.

- Four Springs Exclosure: Fence 4 undeveloped springs in the Lower Louse Canyon Pasture to protect the springs from livestock impacts. This fence will be constructed to exclude approximately 110 acres, differing from the Revised EA acreage of 200 acres. Field examination has revealed that 110 acres will provide necessary protection while reducing net construction of new fence. The exclosure will provide for significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health by eliminating livestock use in the riparian area around the springs and thus eliminating livestock impacts to riparian resources. The exclosure would not be constructed within WSA or a BLM-identified area with wilderness character.
- Lower Pole Creek Exclosure: Construct 3 miles of fence to exclude 1.5 miles of riparian vegetation on Pole Creek from livestock impacts. This exclosure will allow significant progress toward Standards 2, 4 and 5 by allowing riparian recovery through the exclusion of livestock impacts. The exclosure would not be constructed within WSA or a BLM-identified area with wilderness character.
- Rawhide Spring Pipeline Extension: A .75 mile extension from the existing Rawhide Pipeline would be constructed into the north end of the Pole Creek Seeding to offset livestock water loss from the Lower Pole Creek Exclosure. This pipeline extension will ensure appropriate livestock distribution by providing a reliable water source in the northwest portion of the pasture. This pipeline would not be constructed in WSA or a BLM-identified area of wilderness character. This pipeline will help to allow significant progress toward Standards 2, 4 and 5 by providing offsite water and eliminating livestock impacts on Pole Creek.
- Upper Pole Creek Exclosure: Approximately 2 miles of fence would be constructed to in the Lower Louse Canyon Pasture to protect the riparian area from late season livestock use. The exclosure would not be constructed in WSA on in a BLM-identified area with wilderness character. This exclosure would result in significant progress toward meeting Standards 2, 4 and 5 by limiting livestock grazing to early season use. This project will be constructed as identified in the Revised EA.

Anderson Allotment

- Bull Flat/Spring Pasture Division Fence: Approximately .5 miles of fence would be constructed along Toppin Creek to close existing gaps between the Bull Flat and Spring pastures. This fence would be constructed in WSA but the effects of the fence would be

offset by allowing implementation of a rest-rotation grazing system in these two pastures which would afford rest to each pasture on an every other year basis, thereby improving rangeland vigor and health.

- No projects were proposed in the Ambrose Maher Allotment.

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.

- Louse Canyon Pasture Division Fence: This fence was constructed in 2006 to split the Louse Canyon Pasture into two pastures: Lower Louse Canyon and Middle Louse Canyon pastures. This fence was originally proposed to be 8 miles long, but was reconfigured and constructed at 3.25 miles long. This division fence has isolated critical riparian areas into the Middle Louse Canyon Pasture and will allow for early season use of these riparian areas, will eliminate late season use, and substantially shorten the duration of use, while providing more flexibility for upland use in the Lower Louse Canyon Pasture. The division fence will not be utilized to increase utilization of upland forage beyond the utilization standard of 21 to 40% in Lower Louse Canyon Pasture, and will result in significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health in Middle Louse Canyon Pasture by providing for a season of use which will allow most individual grasses to recover and produce seed in any given year..
- Cavieta Pipeline Extension: 1.25 miles of pipeline was constructed in 2006 and one trough was installed. This trough has not been charged/utilized as a condition of the Stipulated Agreement between BLM and ONDA/WWP, but is necessary for the long-term grazing strategy to provide off-site water, thereby improving livestock distribution to upland areas. This pipeline extension and trough will provide a critical water source in a previously under-watered area and will draw livestock away from other areas with reliable water which are currently impacted by livestock concentration.
- Exchange and Coffeepot Springs Pipelines: The pipelines and troughs were rehabilitated in 2006 and restoration work was completed to remedy erosion and damage caused by the original pipeline construction. Maintenance responsibility for the pipelines will be reassessed by BLM personnel, taking into account total maintenance responsibility and benefit relative to each permittee, and will be assigned as appropriate through an Assignment of Range Improvements. Assignments will be specific to individual permittees and will specify individual maintenance responsibilities. Maintenance will be enforced as a term and condition of grazing permits. Future meadow restoration, such as headcut armoring, seeding or exclusion fencing, may be implemented as necessary to ensure continued meadow function. Implementation of the new grazing schedule and full implementation of projects will further reduce livestock impacts to these meadows by reducing the duration of grazing, improving livestock distribution to better utilize upland forage resources by providing additional livestock water sources and maintenance of pipelines, and establishing a light utilization standard of 21 to 40%, with a long-term target of 30%. It was decided at the time of project implementation that protective fencing

identified in the Revised EA would create more disturbance than benefit, and was not constructed.

- Spring Maintenance/Reconstruction/Abandonment: 14 springs were identified in the Louse Canyon Community Allotment which required maintenance or reconstruction. Field examination in 2006 resulted in only 8 springs being reconstructed (Bend Spring, Chato Spring, Indian Spring, Jack Creek Spring, Little Bog Spring, Lone Tree Spring, New Road Spring, and Pedroli Spring). Reconstruction generally involved headbox repair and trough relocation out of associated riparian areas. Three other springs were identified for simple maintenance (Coffeepot Spring, Three Week Spring, and Lime Spring) consisting of trough replacement or maintenance of overflow pipes. Two springs were excluded from reconstruction or maintenance due to lack of existing access roads (Horse Hill Spring, Monopoly Spring). Seven springs were abandoned and rehabilitated (Edge Spring, Unknown Springs 1 and 2, Spare Spring, Disaster, Disaster 2, and Unknown Spring 3 below Deer Creek Cow Camp). These spring maintenance/reconstruction/abandonment actions will ensure that water developments are in working order and strategically placed to help ensure that the grazing schedules set out in this proposed decision are workable and can be implemented.
- No projects were reconstructed or maintained in the Ambrose Maher Allotment.

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.

The Owyhee Grazing Association traditionally used a loose grazing rotation, but pasture dates were not defined and discrete pasture management is lacking. 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 little development or maintenance of range improvements and resulted in livestock impacts to riparian habitats which have resulted in the current failure to meet Standards 2, 4 and 5.

I have determined that implementation of the proposed grazing management strategy for the Owyhee Grazing Association will result in a meaningful and positive significant change to grazing management practices and will have a resultant and 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 health and which will result in significant progress toward meeting Standards 2, 4 and 5 (BLM Technical Reference 1737-14, 1997).

It is expected that livestock grazing in the Louse Canyon Community Allotment, Anderson Allotment, and Ambrose Maher 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:

- **Ambrose Maher Allotment** – 50 head 2/12 – 5/15, annually; 812 head, 10/1 – 10/13, annually. Maximum allowable utilization level is in the light category of 21 to 40%. This allotment would be used early season with approximately 50 bulls. The entire herd would return in late season for a short time. Grazing would avoid the critical growing period, and grasses and forbs would complete their physiological cycles and set and disperse seed each year. No changes in grazing use would occur in this allotment, and rangeland vegetation would continue to maintain its current health and vigor. Ambrose Maher Allotment contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **North Pasture** – 766 head, 2/15 – 3/25, annually. Maximum allowable utilization level is in the light category of 21 to 40%. Overall use in the Anderson Allotment is shortened by approximately 40 days. Early season use will allow livestock to utilize standing forage from the previous year's growing season. Use would occur prior to the critical growing period while rangeland vegetation is quiescent, and rangeland vegetation would continue to maintain its current health and vigor. North Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Spring and Bull Flat Pastures** – 766 head, 3/26 – 5/02, every other year; 766 head, 5/3 – 5/15, every other year; 815 head, 5/16 – 6/6, every other year. Maximum allowable utilization level is 50%. These pastures will be used in a deferred rotation system, so that each pasture receives early use every other year. Bulls from the Ambrose Maher pasture are added to the herd on 5/16. By using a deferred rotation system, each pasture would receive deferment from grazing during the critical growing period every other year. This will ensure range health and productivity. Forage plants would complete growth without interruption of the carbohydrate storage cycle and the physiological needs of the plants would be met. Upper Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.

- **Middle Louse Canyon Pasture** – 812 head, 6/7 – 7/15, annually. Maximum allowable utilization level is in the light category 21 to 40%, with a long-term target of 30%. The duration of grazing in this pasture will be reduced from approximately 200 days to 45 days. The removal date for livestock still allows time for rangeland vegetation recovery and seed production on many individual plants. Upland trend for this pasture has remained constant, so a shortened grazing period and 40% utilization can be expected to move trend into an upward status. Division of the Lower and Middle Louse Canyon pastures will allow more consistent livestock utilization across these pastures by preventing over-utilization of riparian resources in the Lower Louse Canyon Pasture and limiting the duration of use in both pastures, thereby providing for proper utilization levels and season-of-use in both pastures. Middle Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Lower Louse Canyon Pasture** – 812 head, 7/16 – 8/31, annually. Grazing use will occur after the critical growing season and the period of use is substantially reduced from approximately 200 to 45 days duration as this pasture was originally part of the Middle Louse Canyon Pasture. Maximum allowable utilization level is in the light category of 21 to 40%. Grasses and forbs would complete their carbohydrate storage cycles, set and disperse seed, and rangeland vegetation would maintain or currently authorized. Critical riparian resources will be protected by the Chipmunk Spring and Four Springs enclosure, and will allow significant progress toward meeting Standards 2, 4 and 5, which were found not to be met in this pasture, with livestock use being a significant causal factor. Lower Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Pole Creek Seeding** – 812 head, 9/1 – 9/30, annually. Maximum allowable utilization level is 60%. Use will occur well after the critical growing period for forage plants. This use period would allow grasses and forbs to complete the carbohydrate storage cycle and set and disperse seed each year. Rangeland vegetation would improve in health and vigor.

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 Louse Canyon Community Allotment is used by several livestock permittees, including Kimble Wilkinson Ranch, Nouque Ranch and Owyhee Grazing Association. As such, one or more permittees may use pastures in common and may have similar or different grazing dates. However, 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 but 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 the Owyhee Grazing Association will occur within existing WSA or in areas with BLM-identified wilderness character, with the exception of the West Little Owyhee River Gap Fences. These fences are consistent with the non-impairment criteria of the Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of the West Little Owyhee Wild and Scenic River in the Upper West Little Owyhee WSA through increased protection from unauthorized livestock use and livestock impacts in the river's riparian areas.

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 the Owyhee Grazing Association provides more restrained grazing use in the Louse Canyon Community Allotment, Anderson and Ambrose Maher Allotments, and will require additional inputs from the Owyhee Grazing Association 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. Further, it 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 (BLM TR 1737-14, 1997).

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 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 enclosures, 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, 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 new proposed projects in existing WSAs, with the exception of the West Little Owyhee Gap Fences, will serve to continue to protect their associated wilderness character. These fences are consistent with the non-impairment criteria of the Interim Management Policy for Lands Under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of high scenic value associated with the Owyhee river canyon in the Owyhee River Canyon WSA through the exclusion of livestock impacts to riparian areas within the river canyon.

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 characteristics 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 allow 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 characteristics 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 amount 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), subpart 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 filing 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,

A handwritten signature in black ink that reads "Carolyn R. Freeborn". The signature is written in a cursive style with a large, looping 'C' and 'F'.

Carolyn R. Freeborn
Field Manager
Jordan Resource Area