

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
JORDAN FIELD OFFICE**

Finding of No Significant Impact (FONSI)

Louse Canyon Geographic Management Area
Environmental Assessment Number OR-030-04-013

BACKGROUND

The Bureau of Land Management (BLM) completed a rangeland health evaluation in 2003 for the Louse Canyon Geographic Management Area (LCGMA). In that evaluation, BLM found that 6 of 22 pastures in the LCGMA failed to meet the standards and guidelines for riparian function and/or water quality. In response to those findings, BLM developed an interim grazing management strategy in conformance with 43 CFR§ 4180.2(c), which states in part: *The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that the existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under 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.* The interim grazing strategy was subsequently challenged and upheld in the United States District Court, District of Oregon (ONDA/WWP v. Taylor, 04-334-KJ).

The BLM then prepared an environmental assessment (EA), and in response to comments received, a Revised EA (2005). Under the direction of the SEORMP, GMA assessments are an administrative mechanism by which BLM would make adjustments to authorized land uses. Based on the LCGMA rangeland assessments of 2000, changes in livestock use are needed in LCGMA grazing allotments in order to resolve certain resource management conflicts. The purpose of the EA and Revised EA is to take a hard look at potential environmental impacts of seven different alternatives to livestock management for LCGMA. An Addendum to the EA was prepared in 2008 to address impacts of potential actions to wilderness character that BLM subsequently identified in the LCGMA. BLM proposes to rehabilitate existing range improvements, construct approximately 50 miles of new division fences and riparian exclosures, construct approximately 15 miles of pipeline, and complete 778 acres of upland vegetation treatment.¹ Because of the design, location, and type of actions proposed, BLM would meet resource management objectives related to sagebrush habitat, riparian habitat, wildlife, livestock grazing use, interim management policy (IMP) within Wilderness Study Areas (WSA), Wild and Scenic Rivers (WSR), and would provide protection appropriate to areas with BLM-identified

¹ Some of the projects, including rangeland project rehabilitation and 778 acres of vegetation treatment, have been completed under the revised EA, prior to litigation and the subsequent addendum to the EA that addressed wilderness character.

wilderness character through avoidance of additional disturbance activities. BLM has concluded that the Proposed Action will not diminish the size or cause an entire BLM inventory unit to no longer meet the criteria for wilderness character. The Proposed Action will occur within an area that has enjoyed a sustained and high level of public interest.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of information contained in the revised EA (including the 2008 addendum to the revised EA), and all other information available to me, it is my determination that implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the SEORMP and Final Environmental Impact Statement (FEIS) (USDI-BLM 2002). The types of impacts to the human environment expected from implementation of the Proposed Action were anticipated and declared within the analysis of the SEORMP/FEIS. The site specific impacts described and analyzed in the revised EA are no greater than those anticipated in the SEORMP/FEIS, in accordance with CEQ regulations Sec. 1502.20 and 1502.21. The EA also incorporates by reference the Louse Canyon Geographic Management Area Evaluation of 2003, which provides the foundation (existing environment) for management alternatives analyzed. The Proposed Action does not propose or analyze any actions which would be of such significance as to require preparation of an EIS and does not include actions of significance which initiated development of the SEORMP/FEIS. Further, the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, preparation of an environmental impact statement (EIS) or a supplement to the existing EIS is not necessary.

The Proposed Action allows BLM to strike a balance between natural values and commodity uses in a manner consistent with the principles of “multiple use” and applicable law. 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.

The finding is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the revised EA and addendum or as articulated in the letters of comment.

Context

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 the Proposed Action. The Proposed Action 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.

Intensity

1) Impacts that may be both beneficial and adverse.

The revised EA and addendum have 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, (BLM TR 1737-14, 1997; 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 areas with BLM-identified 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.

Because of various BLM design features and avoidance of disturbance within WSA or areas with BLM-identified wilderness character, the adverse impacts from water development and fence construction will cause short term adverse surface disturbances, but over the long term site recovery will occur. Under the Proposed Action, BLM will be able to succeed in meeting the Standards for Rangeland Health in all pastures in LCGMA and provide protection of WSA, WSR, and areas with BLM-identified wilderness character, with some limited potential for adverse effects on livestock permittees. Specific mitigation in placement of proposed projects

will ensure that areas with BLM-identified wilderness character will not be adversely affected and BLM has concluded that the Proposed Action will not diminish the size or cause an entire BLM inventory unit to no longer meet the criteria for wilderness character.

The Proposed Action will further reduce the impacts indentified in the 2005 FONSI for the revised EA through the following modifications:

- 3.0 miles of temporary fence will not be constructed around meadows in Upper West Little Owyhee WSA for Exchange and Coffee Pot Springs because the proposal to reroute exposed water lines was eliminated after further site examination in order to avoid further disturbance in the wet meadow system. The lack of additional disturbance alleviated the need for temporary fencing and impacts associated with fence construction and resultant livestock trails around the proposed fences did not occur. The elimination of temporary fence construction will serve to protect the visual and physical resources of the Owyhee WSA.
- For the Starvation Brush Control project, only 778 acres of vegetation manipulation have been completed instead of the original proposed 3,500, no reseeding will be conducted, and 4.0 miles of temporary fence will not be constructed. After completion of the 778 acres of vegetation manipulation, it was determined that the vigorous response by native forbs and grasses eliminated the need for reseeding and exclusionary fencing. Furthermore, it was decided that completing the proposed 3,500 acres of brush control would not provide the benefit initially identified by the permittee and the project was considered complete at 778 acres. The improved health of native vegetation will serve to improve the natural values of the area and provide important habitat diversity.
- Sacramento Hill 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 through placement within a previously disturbed area would not be likely to preclude the area from meeting the criteria for wilderness character in the future. Implementation of the Sacramento Hill Pipeline will result in significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health through improved livestock distribution and reduction or elimination of livestock impacts to riparian resources by development of offsite livestock water. Improved livestock distribution, coupled with conservative upland utilization standards, will continue to provide for upland rangeland health and achievement of upland rangeland health standards.
- Tent Creek Pipeline has been redesigned to be constructed within the previously disturbed areas along existing BLM roads and routes, except for a short distance from the storage tank to Tent Creek Road. The storage tank will be placed horizontally and painted an environmentally compatible color, in accordance with visual resource management (VRM) policy, to reduce visual impacts to the viewshed while meeting VRM Class IV. The redesign of the pipeline route will reduce additional disturbance to

intact sagebrush habitat, eliminate additional impacts to visual resources within the area, and eliminate impacts to a BLM-identified area having wilderness character (within the citizen-proposed Black Butte unit). The short section of pipeline from the storage tank to Tent Creek Road will not be located in a BLM-identified area of wilderness character, and the short linear disturbance required for underground pipe placement will recover within 1 – 3 years. Implementation of the Tent Creek Pipeline will result in significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health through improved livestock distribution and reduction or elimination of livestock impacts to riparian resources by development of offsite water sources.

- Southwest Tent Creek Pasture fence has been rerouted to follow existing roads and routes over 100% of its length rather than crossing through sagebrush habitat, an area identified by BLM as possessing wilderness character, and an area which BLM did not find to possess wilderness character. BLM has concluded that the action would not diminish the size or cause the entire BLM inventory unit to no longer meet the criteria for wilderness character. Materials for fence construction can be delivered without overland travel and impacts from livestock trailing on the fence will be eliminated along the side of the fence adjacent to existing roads and routes. This design change was implemented specifically to mitigate impacts to areas determined by the BLM to possess wilderness character. The South Tent Creek Pasture fence will result in significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health through creation of a new riparian pasture which would only receive use every other year, with reduced numbers of livestock, as opposed to yearly use each year for a 5- month period. This pasture division will also eliminate late season trailing through the newly- created pasture.
- Seven existing spring developments, rather than six², were abandoned and rehabilitated. These springs were found to be non-supportive to current or proposed livestock operations and BLM determined that they were better returned to their natural functioning condition. Upon achievement of natural function, these springs will contribute to naturalness within their associated surroundings and provide improved riparian wildlife habitat. Five of the seven springs which were abandoned and rehabilitated were within BLM-identified areas of wilderness character.
- Nine existing spring developments, rather than 17, were reconstructed to provide for proper function. Upon field examination, some of the original springs identified for reconstruction were either identified for abandonment or only required regular and routine maintenance to achieve proper function. Reduction of the number of springs which were reconstructed eliminated additional disturbance associated with reconstruction activities, including soil, vegetation and visual disturbances. All nine of the spring developments occurred either within a WSA or within BLM-identified areas of wilderness character. These springs were reconstructed prior to completion of the wilderness inventory update for LCGMA which indicates that the presence of these spring developments did not substantially impact the wilderness character of the area.

² Spring reconstruction and abandonment was implemented under the 2005 revised EA.

- The proposed Rawhide 2 Enclosure Fence in Lower Louse Canyon Pasture will be reduced from 200 acres to approximately 110 acres. The smaller enclosure size will serve to adequately protect the riparian resource, while reducing impacts to soil, vegetation and visual resources of the area. The enclosure will provide for significant progress toward meeting Standards 2, 4, and 5 for Rangeland Health by eliminating livestock impacts to riparian resources.

2) *The degree to which the proposed action affects public health or safety.*

The proposed action will have little or no influence on public health and safety. The same types of rangeland development projects considered are common and well distributed on public lands throughout the Vale District and Jordan Resource Area, BLM. Potential project development impacts to human safety are considered benign.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The project area is relatively uniform, but possesses some unique geological features in the Owyhee WSR canyon, areas identified by BLM as possessing wilderness character, large expanses of unfragmented sagebrush habitat, Greater sage-grouse populations, and likely pygmy rabbit habitat. As such, BLM has carefully weighed the potential environmental impacts of the actions considered and concluded that project-related or livestock-related adverse impacts would be insignificant in nature and of short duration and long-term protection of other values would be provided through improved timing and duration of livestock grazing, protection of intact sagebrush habitats, and maintenance or reconstruction of existing range improvements. The areas identified by BLM as possessing wilderness character would be expected to maintain or improve their condition due to the beneficial changes in livestock grazing that the Proposed Action implements. Changes in seasons-of-use and duration of grazing use, in addition to spring reconstruction/ rehabilitation, improvement of offsite water sources and resultant improvement to livestock distribution, will likely improve the naturalness of these areas with BLM-identified wilderness character by reducing wetted riparian impacts and improving wetted riparian condition and function, improving upland sagebrush and native grass communities, and improving visual resource values. The Proposed Action would provide the same benefits to those areas not identified by the BLM as possessing wilderness character. BLM has acknowledged special resource values involved by designating Wild and Scenic River, Areas of Critical Environmental Concern/Research Natural Areas and WSA, and recognition of wilderness character within LCGMA.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Ordinarily, BLM rangeland management and development actions attract attention and some level of controversy. The LCGMA possesses large acreages currently designated as WSA, areas identified by BLM as having wilderness character, and the presence of designated Wild and Scenic River. Analysis of grazing impacts within LCGMA has already been exposed to public comment in the SEORMP and the proposed action seeks to protect the identified resources of concern to the public.

Some disagreement from BLM grazing permittees may be expected because of changes to timing and duration of grazing operations in the LCGMA. Some disagreement from environmental groups may be expected because of proposed range developments necessary to implement the desired grazing system and perceived conflicts with maintenance and/or enhancement of wilderness character. However, as mentioned above, BLM has concluded that no proposed projects under the Proposed Action within LCGMA would diminish the size or cause a BLM-Identified area of wilderness character to no longer meet the criteria for wilderness character.

BLM's findings of wilderness character have been disclosed to ONDA upon completion of BLM's wilderness character inventory update. Additionally, specific mitigation measures have been implemented to ensure protection of BLM-identified areas with wilderness character. BLM has considered the interest of ONDA and other interested publics in the LCGMA and has strived to best address those interests in implementation of the Proposed Action.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

It is unlikely that the proposed fences and water developments will not serve to improve livestock distribution and use patterns as expected, based on similar actions in similar locations (SEORMP Appendix R). There are no unique or unknown risks associated with BLM proposed actions, including effects on wilderness character.

The science on predicting future climate conditions is continuously and rapidly evolving. Land management actions might contribute atmospheric greenhouse gases; changes in greenhouse gas levels affect global climate, but it is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of the specific climate impacts at a specific location according to the U.S. Geological Survey in a May 14, 2008 memorandum to the U.S. Fish and Wildlife Service.

Addressing effects on greenhouse gas levels within the scope of NEPA is difficult due to the lack of explicit regulatory guidance on how to meaningfully apply existing NEPA regulations to this evolving issue, and due to the continuously evolving science available at varying levels. While it is not considered here to be a measure of a significance threshold, the Environmental Protection Agency (EPA) requires only those annual emission sources that exceed 25,000 metric tons of carbon dioxide equivalent for industrial and agricultural sectors (40 CFR 98.2) be reported to them. Further the Council on Environmental Quality (CEQ) published a NEPA draft guidance document for public comments in conjunction with NEPA's 40th Anniversary Celebration.

Although the draft guidance, like the EPA standard, does not apply to land management agencies, the CEQ draft guidance also suggests that 25,000 metric tons of carbon dioxide equivalents is an indicator that an assessment may be meaningful to decision makers and the public. Assuming a methane emission rate of 8 kilograms of methane per animal unit month (AUM) (See 2005 Revised EA Supplement), the annual green house gas emissions from livestock under Alternative 1 (which provides for the highest level of permitted AUMs), the annual greenhouse gas emissions from livestock would be 6,218 metric tons of carbon dioxide equivalent, well below the current EPA reporting requirements. It must also be noted that were livestock not permitted in LCGMA, they would likely be grazed somewhere else in the near

vicinity and would produce a like amount of green house gas emissions. Current U.S. emissions of all greenhouse gases total approximately 7 billion metric tons of carbon dioxide equivalent; current global emissions of all greenhouse gases total 25 billion metric tons of carbon dioxide equivalent.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The BLM proposed action does not set a precedent for future actions that might occur within the analysis area. Where appropriate, BLM has in the past chosen to protect riparian resources from cattle by either installing fence enclosures or requiring specific livestock grazing permit terms and conditions. BLM has also previously chosen to protect intact sagebrush habitats through avoidance of additional developments and livestock impacts. BLM has also previously chosen to protect WSA resources through avoidance of development. Actions allowed in this revised EA and Addendum are therefore no different from those that have occurred in the past or those that may occur elsewhere in the future. BLM has also chosen to modify two projects proposed in the revised LCGMA EA to avoid incursion into areas with BLM-identified wilderness character.

Because of the important and sensitive resource values present, each and every other potential management proposal for the LCGMA or individual allotments within the LCGMA will be subjected to additional environmental analyses, as required by NEPA, unless such a proposal was adequately analyzed in the Revised EA and Addendum. Each future action will have to stand on its own merits and with due consideration given to the cumulative effect of all other previous management actions taken.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

There are no reasonably foreseeable livestock management-driven rangeland developments proposed for the analysis area or changes to livestock grazing levels or duration beyond that analyzed in the revised EA and the RMP/EIS. Because of the limited number of proposed projects within the context of the extent of the planning area (21 projects in a 523,000-acre project area), the proposed projects will not result in significant adverse cumulative impacts, particularly in the context of the RMP/EIS. The footprints of the proposed fences and pipelines as linear features are extremely limited and are located within the project area in such a dispersed pattern so as to not create cumulatively significant impacts. Likewise, the 778 acres of vegetation treatment is not cumulative to any other action within the project area.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural or historical resources.

No districts, sites, highways, structures or objects listed or eligible for listing in the National Register of Historic Places (NRHP) were identified in the analysis area and revised EA and addendum. The proposed action will not cause the loss or destruction of any significant scientific, cultural, or historical resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

There are no federal threatened or endangered species or designated critical habitat associated with the analysis area. Thus, there will be no conflicts with the ESA as a result of BLM actions. Design criteria for protection of intact sagebrush habitats will help to ensure compliance with the ESA in the event of future listing of Greater sage-grouse or pygmy rabbits.

10: *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The proposed action addresses violations of 43 CFR 4180 and constitutes “appropriate action” that will result in significant progress toward fulfilling the Standards for Rangeland Health that BLM found were not met within the LCGMA due to current livestock grazing practices or levels of use pursuant to 43 CFR 4180.2(c).



Carolyn R. Freeborn
Field Manager
Jordan Field Office



Date