

**Tree Spring Pipeline Extension
Environmental Assessment (EA)
DOI-BLM-OR-V060-2009-041-EA**



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Table of Contents

1	Introduction	1
2	Proposed Action.....	1
3	Purpose of and Need for the Action	1
4	Conformance with the Land Use Plan	1
5	Alternatives Including the Proposed Action.....	2
5.1	<i>Alternative 1- No Action.....</i>	<i>2</i>
5.2	<i>Alternative 2- Leave Pipeline Extension in Place (Proposed Action).....</i>	<i>2</i>
5.3	<i>Alternative 3- Remove troughs and rehab.....</i>	<i>2</i>
5.4	<i>Design Features- common to all action alternatives</i>	<i>2</i>
6	Affected Environment	3
6.1	<i>Vegetation, Soils, and Watershed.....</i>	<i>3</i>
6.2	<i>Noxious Weeds</i>	<i>3</i>
6.3	<i>Wild Horses.....</i>	<i>3</i>
6.4	<i>Special Status Plants.....</i>	<i>3</i>
6.5	<i>Wildlife and Fish.....</i>	<i>3</i>
6.6	<i>Livestock Grazing</i>	<i>3</i>
6.7	<i>Recreation and Visual Resources.....</i>	<i>4</i>
6.8	<i>Wilderness Study Areas.....</i>	<i>4</i>
6.9	<i>Wilderness Characteristics</i>	<i>4</i>
6.10	<i>Cultural Resources.....</i>	<i>5</i>
6.11	<i>Climate.....</i>	<i>5</i>
6.12	<i>Mandatory Elements</i>	<i>5</i>
7	Environmental Consequences.....	6
7.1	<i>Alternative 1 (No Action Alternative).....</i>	<i>6</i>
7.1.1	<i>Vegetation.....</i>	<i>6</i>
7.1.2	<i>Noxious Weeds</i>	<i>7</i>
7.1.3	<i>Wildlife and Fish</i>	<i>7</i>
7.1.4	<i>Livestock Grazing.....</i>	<i>7</i>
7.1.5	<i>Recreation and Visual Resources.....</i>	<i>7</i>
7.1.6	<i>Wilderness Characteristics.....</i>	<i>7</i>
7.2	<i>Alternative 2 Authorization of use of the troughs and pipeline extensions. (Proposed Action).....</i>	<i>7</i>
7.2.1	<i>Vegetation.....</i>	<i>7</i>
7.2.2	<i>Noxious Weeds</i>	<i>8</i>
7.2.3	<i>Wildlife and Fish</i>	<i>8</i>
7.2.4	<i>Livestock Grazing.....</i>	<i>8</i>
7.2.5	<i>Recreation and Visual Resources.....</i>	<i>8</i>
7.2.6	<i>Wilderness Characteristics.....</i>	<i>8</i>

7.3	<i>Alternative 3- remove troughs and rehab</i>	8
7.3.1	Vegetation.....	8
7.3.2	Noxious Weeds.....	8
7.3.3	Wildlife and Fish.....	8
7.3.4	Livestock Grazing.....	9
7.3.5	Recreation and Visual Resources.....	9
7.3.6	Wilderness Characteristics.....	9
8	Best Management Practices (BMP's)	9
8.1	<i>Livestock Grazing Management</i>	9
9	Cumulative Impacts	9
	• Past Actions.....	10
	• Present Actions	10
	• Reasonably Foreseeable Future Actions	10
10	List of Preparers	10
11	Literature Cited	10
12	Finding of No Significant Impact (FONSI)	11
13	Appendix A - Map of Eiguren Pipeline Trespass	13

1 Introduction

During the 2009 grazing season an unauthorized range improvement was installed without Bureau of Land Management (BLM) knowledge. The Tree Spring pipeline extensions are on BLM managed public land in the Chimney Creek pasture of the Eiguren Allotment (T. 35 S., R. 42 E. W.M. sections 17 and 18). Along with the two pipeline extensions, the fence segments were realigned so that the troughs would provide water in the Chimney Creek pasture. (See appendix A locations and length of the pipelines and troughs). Livestock water in the Chimney Creek pasture is mostly supplied by five reservoirs; Bull Canyon Reservoir, Rock Canyon Reservoir, Bull Creek Reservoir, Middle Chimney Creek Reservoir, and Upper Chimney Creek Reservoir. These five reservoirs are filled by tributaries of Rattlesnake Creek and Bull Creek. Three of the five reservoirs; Rock Canyon, Middle Chimney Creek, and Upper Chimney Creek are located in the west and southwest of the pasture. Bull Canyon Reservoir is located in the North and Bull Creek Reservoir is located on the East side of the pasture. During drought year's only Middle Chimney Creek Reservoir will receive and hold water. The other four are usually dry, and if they have water, it is a little in the spring during run off. Due to the limited water supply in the north, livestock distribution is mostly restricted to the south and southeast areas of the pasture. Appropriate livestock distribution is essential for rangeland health objectives. Distribution of livestock has not affected Rangeland health; however, if drought conditions continue, there may be future affects to rangeland health. United states Department of the Interior (USDI)- BLM Grazing Regulations (43 CFR Part 4100) subpart 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration section 4180.1 Fundamentals of rangeland health states: The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

2 Proposed Action

Authorize the use of an unauthorized range improvement project in the Chimney Creek pasture of the Eiguren Allotment (1305) and sign a cooperative agreement to address future maintenance of the project with the permittee authorized for grazing in the Eiguren Allotment.

3 Purpose of and Need for the Action

The unauthorized development of the Tree Spring pipeline extension is an unusual circumstance. Normally, the BLM would determine and evaluate if there is an adjustment needed to facilitate meeting resource objectives at this specific location. Indeed, there are resource objectives needing addressed, and these are described in the introduction above. Under normal circumstances, once this need is identified, the BLM would analyze alternative ways to solve it. We might determine that a structural rangeland project like the Tree Spring pipeline extension is one appropriate alternative way to meet resource objectives. In this case, however, the pipeline extension has already been constructed. Therefore, the BLM needs to determine if the pipeline extension is an acceptable way to address the resource needs in the Chimney Creek pasture of the Eiguren Allotment (1305). If the pipeline extension is the correct modification, the BLM will decide to authorize its use by the permittee. Alternately, the BLM might decide that the pipeline extension is not an appropriate solution and disable the use of it while leaving it in place. One other optional decision that the BLM may choose is the removal of the unauthorized facility altogether.

4 Conformance with the Land Use Plan

The RMP's objective for livestock grazing is *Objective: Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations (RMP at 56).*

"Structural rangeland projects will be implemented to facilitate meeting resource objectives rather than making additional forage available" (RMP at 59). Appropriate animal distribution facilitates meeting resource objectives and public land use allocations.

43 CFR 4120.3-2(a) states the Bureau of Land Management may enter into a cooperative range improvement agreement with any person, organization, or any other government entity for the installation, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives.

5 Alternatives Including the Proposed Action

The objective of analyzing alternative actions is to provide a comparison of effects to the human environment across a range of management options which could meet the purpose and need.

This section describes the proposed action and the no action alternative.

5.1 *Alternative 1- No Action*

Implementing the no action alternative would mean leaving the 2 new troughs and the pipeline extensions in place. The fence lines would also remain as they are now to prevent further ground disturbance. Areas where ground disturbance occurred would be seeded with native grass seed and a perennial forb mix. Disturbed areas in Winter Area South pasture would be fenced using hot wire and would be rested the following spring to allow the seeding to establish. Use would not be authorized for the unauthorized range improvement project.

5.2 *Alternative 2- Leave Pipeline Extension in Place (Proposed Action)*

The Proposed Action is to authorize the use of the 2 troughs and the pipeline extension in the Chimney Creek pasture of the Eiguren Allotment (1305) and sign a new cooperative agreement, giving all maintenance responsibilities to the permittee authorized for grazing in the Eiguren Allotment. In areas where vegetation was disturbed, the area would be seeded with native grass seed and a perennial forb mix. Disturbed areas in Winter Area South pasture would be fenced using hot wire and would be rested the following spring to allow the seeding to establish. The permittee responsible for installing the 2 troughs and pipeline extension would be accountable for all rehab costs.

5.3 *Alternative 3- Remove troughs and rehab*

Alternative 3 would provide for removal of the two new troughs from the site and disconnect the pipeline extension from the main line of the Tree Spring Pipeline. The fence lines that were moved would be moved back to the original fence line and the rock cribs would be deconstructed. Areas where ground disturbance occurred would be seeded with native grass seed and a perennial forb mix. Disturbed areas in Winter Area South pasture would be fenced using hot wire and would be rested the following spring to allow the seeding to establish.

5.4 *Design Features- common to all action alternatives*

Rangeland projects and improvements are constructed as a portion of adaptive management to reduce resource management conflicts and to achieve multiple use management objectives. Standard design elements and procedures for rangeland improvements are summarized in Appendix S (Southeastern Oregon Resource Management Plan and Record of Decision SEORMP/ROD). They have been standardized over time to mitigate impacts and will be adhered to in the construction and maintenance of rangeland projects within the planning area.

- Existing roads would be used for access.
- A survey for sensitive species was conducted in August of 2009 and again in July 2010. No special status plants were observed. Mitigation recommendations were determined. (Botanical Survey dated August 07, 2009 and July 21, 2010).
- A Class III cultural survey completed on 08/20/2009 found that there are no cultural resources present. (Cultural Resources Survey dated August 20, 2009).
- The disturbed area where the pipeline was put in would be seeded with a native grass seed and perennial forb mix. This applies to all alternatives.

- Yearly monitoring would be done to see if noxious weed species have moved into disturbed areas. If monitoring shows that weeds have moved in then appropriate action would be taken to eradicate the species by means of spot treatment.

6 Affected Environment

This section presents relevant resource components of the existing environment which constitute baseline information.

6.1 *Vegetation, Soils, and Watershed*

Vegetation in the Chimney Creek pasture of the Eiguren Allotment consists of shrub steppe plant communities dominated by sagebrush species and bunchgrasses. The vegetation type which covers a majority of the allotment is dominated by Wyoming big sagebrush (*Artemisia tridentata* ssp *wyomingensis*), with an understory of perennial grass species, primarily bluebunch wheatgrass (*Pseudoroegneria spicata*), Crested Wheatgrass (*Agropyron cristatum*), Sandberg bluegrass (*Poa secunda*), and Thurber's needlegrass (*Stipa thurberiana*). The area has some degree of invasion by annual species including cheatgrass (*Bromus tectorum*) due to past fire activity. The soils are generally stoney, silty, shallow soils. There are no perennial streams in the allotment only intermittent. Rattlesnake Creek, which runs from the south to the north end of the allotment runs from early spring until May. In August of 2006 the Jordan Resource Area Interdisciplinary Team (JRA ID Team) assessed the rangeland health in the Chimney Creek pasture. An official determination has not yet been signed however all Range Health Standards evaluated were being met.

6.2 *Noxious Weeds*

Cheatgrass (*Bromus tectorum*), is an aggressive annual grass that is present throughout the area. Halogeton (*Halogeton glomeratus*), an aggressive annual weed is also present throughout the area. White top (*Lepidium draba*), a deep rooted perennial is present throughout the Rattlesnake Creek drainage. White top is increasing along the road in the valley bottom and establishes where there is available moisture.

6.3 *Wild Horses*

The proposed project area is located outside of an established HMA.

6.4 *Special Status Plants*

There are no known vascular plants listed as threatened, endangered, a candidate species, or a species of concern by U.S. Fish and Wildlife Service (USFWS) or The Oregon Natural Heritage Program (ONHP) that occur within the project site.

6.5 *Wildlife and Fish*

The project areas contain no critical or essential habitat for threatened or endangered species.

6.6 *Livestock Grazing*

The Eiguren Allotment (1305) is an individual allotment meaning that there is one permittee that grazes this allotment. The active grazing preference in the allotment is 5,799 animal unit months (AUMs). The allotment has been under an Allotment Management Plan (AMP) since 1984. The season of use is from 02/01 to 11/30. This flexibility allows livestock numbers to vary during the grazing season as long as utilization of key species and AUM levels are not exceeded.

The grazing system is a deferred rotation alternating every year until July 15 (deferred rotation grazing involves two or more pastures with alternating pastures not grazed until after seed set). Winter Area North, Winter Area South, Bull Creek Seeding, and Beber Seeding are all used early in the spring as turn out pastures. The three native range pastures: Eiguren North, Eiguren South, and Chimney Creek constitute a major portion of the Eiguren Allotment. Chimney Creek pasture is used twice annually. Once in April for 15 to 20 days after range readiness is achieved (4" of new growth) and again in the fall after seed ripe. Use early in spring provides animals with a mix of old and new growth on herbaceous, thereby, substantially reducing use on current year's growth. Maximum recorded utilization level on this pasture is 60%, and that is after seed ripe. Eiguren North and South are on a deferred rotation schedule. However, depending on reservoir water, some years the pastures are used the same time as the previous season.

Eiguren Allotment grazing permit identify annual grazing authorization as follows:

<i>Permittee</i>	<i>Operator Number</i>	<i>Active grazing authorization</i>
Richmar LLC	3600281	5,799 AUMs
	Total	5,799 AUMs

Estimated potential carrying capacity of the pastures in Eiguren Allotment, identified in the 1984 AMP, is as follows:

<i>Pasture</i>	<i>Est. Grazing Capacity</i>
Beber Seeding	131 AUMs
Bull Creek Seeding	1,478 AUMs
Chimney Creek	1,269 AUMs
Eiguren (North and South)	3,242 AUMs
Winter Area (North and South)	2,462 AUMs
Total	8,582 AUMs

6.7 Recreation and Visual Resources

Dispersed outdoor recreation in and near Eiguren Allotment consists primarily of occasional off highway vehicle use within designated open areas, and the hunting of upland birds and big game animals. Visual resources management (VRM) classification of the recreation site and surrounding area is class IV. The objectives of VRM Class IV are as follows:

- Provide for management activities that require major modification of the landscape. These management activities may dominate the view and become the focus of viewer attention. However, every effort should be made to minimize the impact of these projects by carefully locating activities, minimizing disturbance, and designing the projects to conform to the characteristic landscape. (RMP at J-1)

6.8 Wilderness Study Areas

Lands within Vale District were inventoried for wilderness values between 1978 and 1981, in accordance with the Federal Land Policy and Management Act of 1976. The inventory resulted in the designation of some lands as Wilderness Study Areas (WSA). Only subsequent legislation can designate these or other public lands as Wilderness Areas or release lands from WSA designation. The project site is not within a WSA, therefore there is no effect to the resource.

6.9 Wilderness Characteristics

Wilderness characteristics outside of existing WSAs were recently documented in the process of updating existing inventory information. As defined by the Wilderness Act of 1964, primary wilderness characteristics which must be present for an area to be characterized as meeting required wilderness criteria are sufficient size, naturalness, and outstanding opportunities for solitude and/or for primitive and unconfined recreation. Supplemental values are defined by the Wilderness Act as a secondary wilderness characteristic and are not required to be present for an area to meet minimum wilderness criteria. The updated inventory identified the original wilderness inventory units described and evaluated between 1978 and 1981, documented any changes in resource conditions in regard to the four wilderness characteristics since the original inventory, evaluated information provided within a citizen proposal, and produced summaries showing whether the elements of wilderness criteria and supplemental values did or did not exist. This process was conducted by an interdisciplinary team of resource management professionals with the aid of spatial data, existing decision documents, input from experienced staff, field verification of information, and data included with the citizen proposal. While BLM has no

legal, regulatory, or procedural mandate to manage for wilderness characteristics outside of existing WSAs, the agency has the discretion to manage for the maintenance of the characteristics where they are found to exist.

Wilderness characteristics inventory updates were completed for this unit in 2010 by the Jordan Resource Area interdisciplinary team. It was then determined that the area or a portion of the area has wilderness character. The project area is within Rattlesnake Creek Unit OR-036-028. At the time of the determination the unauthorized range improvement project was considered. It was then decided that because of the close proximity to the road and the fence line, authorizing this project does not detract from outstanding opportunities for solitude, recreation, or the naturalness of the overall unit.

6.10 Cultural Resources

A Class III pedestrian survey was conducted on 06/10/2009. No cultural resources were found during that survey and the cultural resources survey report was submitted to the State Historic Preservation Office on August 20, 2009.

6.11 Climate

Eiguren Allotment is composed of rolling hills shrub-steppe rims and deep rocky canyons along the major watercourses. Elevations within the allotment range from approximately 4,450 feet to 5,300 feet. Semi desert shrub-steppe vegetation communities result from cold winters and hot dry summers. The long term average annual precipitation is between ten and fourteen inches, dependent on elevation, aspect, and typical storm tracks. Precipitation occurs primarily as snow fall during the winter with occasional mid-summer thunder storms. The proposed action does not increase or decrease the active AUMs on the Allotment therefore there is no need to analyze greenhouse gas emission levels. Climate would not be affected by the “no action” alternative 1, the proposed action alternative 2 or alternative 3. No further analysis of climate will be completed.

6.12 Mandatory Elements

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EA's and EIS's:

Element	Relevant Authority	BLM Manual	
Air Quality	The Clean Air Act as amended (42 USC 7401 et seq.)	MS 7300	Not affected
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)	MS 1617	Not present
Cultural Resources	National Historic Preservation Act as amended (16 USC 470)	MS 8100	Analyzed in this document. Not affected.
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.)		Not present
Floodplains	E.O. 11988, as amended, Floodplain Management, 5/24/77	MS 7260	Not present
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC 1996)	MS 8100	None known
Threatened or Endangered Species	Endangered Species Act of 1973 as amended (16 USC 1531)	MS 6840	Not present
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) Comprehensive Environmental Response, Compensation, and	MS 9180 MS 9183	Not present nor will any be generated by the proposed action or alternatives

	Liability Act of 1980 as amended (42 USC 9615)		
Water Quality Drinking/Ground	Safe Drinking Water Act as amended (42 USC 300f et seq.) Clean Water Act of 1977 (33 USC 1251 et seq.)	MS 7240 MS 9184	Not affected
Wetlands/Riparian Zones	E.O. 11990, Protection of Wetlands, of May 24, 1977	MS 6740	Not affected.
Wild and Scenic Rivers	Wild and Scenic Rivers Act as amended (16 USC 1271)	MS 8014	Not present
Wilderness and Wilderness Study Areas	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.) Wilderness Act of 1964 (16 USC 1131 et seq.)	MS 8500	Not affected beyond that identified in the recreation and visual resources narratives.
Environmental Justice	E.O. 12898 of February 11, 1994		Minority populations and low income populations not affected
Actions to Expedite Energy Related Projects	E.O. 13212 of May 18, 2001		Proposed action is not energy related nor will it affect production, transmission, or conservation of energy.

Elements not present or not affected by the proposed action will not be further analyzed within this environmental assessment.

7 Environmental Consequences

This chapter is organized by alternatives to illustrate the differences between the proposed action, alternatives, and the “no action” alternative.

Livestock water in the Chimney Creek pasture is mostly supplied by five reservoirs; Bull Canyon Reservoir, Rock Canyon Reservoir, Bull Creek Reservoir, Middle Chimney Creek Reservoir, and Upper Chimney Creek Reservoir. These five reservoirs are filled by tributaries off of Rattlesnake Creek and Bull Creek. Three of the five reservoirs; Rock Canyon, Middle Chimney Creek, and Upper Chimney Creek are located in the west and southwest of the pasture. Bull Canyon Reservoir is located in the North and Bull Creek Reservoir is located on the East side of the pasture. During drought year’s only one reservoir, Middle Chimney Creek is the only one that fills. The other four are usually dry and if they have water, it is a little in the spring during run off. There is no water supply on the north end on the pasture so livestock use is very limited in this area. The north end of the pasture borders the Winter Area South pasture and Bull Creek seeding, and a road with the Tree Spring pipeline running down it. Tree Spring pipeline runs year round even during drought years. Appropriate livestock distribution is essential for rangeland health objectives. Adding additional water sources in the northwest area of Chimney Creek pasture will help to distribute the livestock more evenly and will take livestock off of areas that are currently concentration points due to water availability. Authorization of the two pipeline extensions will not only maintain and promote rangeland health but it will also provide additional water sources for wildlife.

7.1 Alternative 1 (No Action Alternative)

7.1.1 Vegetation, Soils, and Watershed

Under the no action alternative, impacts to vegetation would be light meaning herbaceous forage plants may be topped, skimmed, or grazed in patches. The areas where ground disturbance occurred would be seeded with native grass seed and a perennial forb mix. Impacts to soils and watersheds values would be minimally changed from those which have occurred in recent years, since neither the season nor the intensity of livestock use would be changed.

7.1.2 Noxious Weeds

In the areas where ground disturbance occurred it is possible that some noxious weeds have established. The surrounding area currently has areas of cheat grass infestations. Record of Decision (ROD) Objectives for noxious weeds would still be met through continued monitoring. (ROD 2002 p. 41).

Objective 3: Control the introduction and proliferation of noxious weed species and reduce the extent and density of established weed species to within acceptable limits.

Rationale: FLPMA and PRIA direct BLM to “manage public lands according to the principles of multiple use and sustained yield” and “manage the public lands to prevent unnecessary degradation . . . so they become as productive as feasible.” “The Carlson-Foley Act” (Public Law 90-583) and the “Federal Noxious Weed Act” (Public Law 93-629) direct weed control on public land. The introduction and spread of noxious weeds within the planning area cause a decline in rangeland condition, expose soils to accelerated rates of erosion, reduce productivity, reduce dominance of individual species and communities of native plants, and reduce economic returns to individuals and society.

Monitoring: In cooperation with the State of Oregon, Malheur County, adjoining counties, and private landowners, inventories to identify the distribution and density of identified noxious weeds will continue. Inventories will be repeated as necessary in subsequent years following control actions to identify effectiveness.

Management Actions: The distribution and density of noxious weeds will be reduced through the application of approved control methods in an integrated program in cooperation with the State of Oregon, Malheur County, Harney County, and other adjoining counties, adjoining private landowners, and other affected agencies and interests (see Map SS-1). Control methods will include preventive management to maintain competitive vegetation cover and reduce the distribution and introduction of noxious weed seed; manual and mechanical methods to physically remove noxious weeds; biological methods to introduce and cultivate factors that naturally limit the spread of noxious weeds; cultural practices; and application of chemicals. Target species will include those identified by county, state and BLM weed priority lists.

7.1.3 Wildlife and Fish

Under the No Action alternative habitat conditions would remain the same.

7.1.4 Livestock Grazing

Under the No Action alternative livestock grazing would remain the same. Distribution of livestock would remain as it currently is with most use occurring in the south and southeast areas of the Chimney Creek pasture.

7.1.5 Recreation and Visual Resources

Opportunities to ride off highway vehicles and hunt would be unchanged by leaving the pipeline extension, troughs, and the fence line in place. The visual resources would be unchanged or maintained under the no action alternative.

7.1.6 Wilderness Characteristics

Under the no action wilderness characteristics will not be affected.

7.2 Alternative 2: Authorization of use of the troughs and pipeline extensions. (Proposed Action)

7.2.1 Vegetation, Soils, and Watershed

Impacts to vegetation would be light. The areas where ground disturbance occurred would be seeded with native grass seed and a perennial forb mix. Overall utilization would stay the same while livestock distribution improves. Impacts to soils and watersheds values would be minimally changed from those which have occurred in recent years, since neither the season nor the intensity of livestock use would be changed.

7.2.2 Noxious Weeds

In areas where ground disturbance occurred it is possible that some noxious weeds have established. The area currently has small infestations of cheat grass. If this alternative is implemented, noxious weeds would likely persist around disturbed areas due to the presences of livestock and wildlife. To minimize this effect design features of the proposed action will be followed as described on page 3. ROD Objectives for noxious weeds would still be met through continued monitoring. (ROD 2002 p. 41).

7.2.3 Wildlife and Fish

No negative impacts to wildlife would result by authorizing use of the pipeline extensions. The troughs would provide alternative watering sources for wildlife such as bighorn sheep and sage grouse.

7.2.4 Livestock Grazing

Established levels of livestock grazing use within the Chimney Creek pasture would remain unchanged with implementation of the proposed action. Seasons of use and grazing schedules defined within the 1984 allotment management plan would be unchanged. The livestock operator for the Eiguren Allotment would sign a new cooperative agreement giving him/her maintenance and responsibility of the newly installed pipeline extension and troughs.

7.2.5 Recreation and Visual Resources

Opportunities to ride off highway vehicles and hunt would be unchanged by authorizing use of the pipeline extensions and troughs. As well as leaving the fence line in place. Visual impacts resulting from proposed authorization of the pipeline extensions would be consistent with the management objectives for VRM Class IV. Visual impacts from disturbance of vegetation and soil resources would be temporary until the areas could be re-seeded with native vegetation.

7.2.6 Wilderness Characteristics

Wilderness characteristics inventory updates were completed for this unit in 2010 by the Jordan Resource Area interdisciplinary team. It was then determined that the area or a portion of the area has wilderness character. The project area is within Rattlesnake Creek Unit OR-036-028. At the time of the determination the unauthorized range improvement project was considered. It was then decided that because of the close proximity to the road and the fence line, authorizing this project does not detract from outstanding opportunities for solitude, recreation, or the naturalness of the overall unit. Under the proposed action wilderness characteristics will not be affected.

7.3 *Alternative 3- remove troughs and rehab*

7.3.1 Vegetation, Soils, and Watershed

Alternative 3 would have the most ground disturbance of all three alternatives. Under this alternative the troughs would be removed and fence lines put back to the original fence line. The pipeline would remain buried but would be unhooked from the main line of the Tree Spring pipeline. Distribution of livestock would remain as it currently is. The area would be re-seeded with native forage in areas where ground disturbance occurred. Impacts to soils and watersheds values would be minimally changed from those which have occurred in recent years, since neither the season nor the intensity of livestock use would be changed.

7.3.2 Noxious Weeds

Ground disturbance and dispersal of noxious weeds and undesirable species is anticipated to be greater under this alternative. ROD Objectives for noxious weeds would still be met through continued implementation of the Vale District Five-Year Noxious Weed Control Plan (ROD, 2006).

7.3.3 Wildlife and Fish

Under this alternative habitat conditions would remain the same.

7.3.4 Livestock Grazing

Under this alternative livestock grazing would remain the same. Distribution of livestock would remain as it currently is with most use in the south and southeast areas of the Chimney Creek pasture.

7.3.5 Recreation and Visual Resources

Opportunities to ride off highway vehicles and hunt would be unchanged by removing the pipeline extension, troughs, and moving the fence line back to its original location. Visual impacts from disturbance of vegetation and soil resources would be temporary between the time of removal of the troughs and moving the fence lines back until the area is rehabbed.

7.3.6 Wilderness Characteristics

Under alternative 3 wilderness characteristics will not be affected.

8 Best Management Practices (BMP's)

Best management practices (BMP's, Appendix O, SEORMP/ROD) are those land and resource management techniques designed to maximize beneficial results and minimize negative impacts of management actions.

8.1 Livestock Grazing Management

Rangeland projects and improvements are constructed as a portion of adaptive management to reduce resource management conflicts and to achieve multiple use management objectives. Standard design elements and procedures for rangeland improvements are summarized in Appendix S (SEORMP/ROD). They have been standardized over time to mitigate impacts and will be adhered to in the construction and maintenance of rangeland projects within the planning area.

9 Cumulative Impacts

The Council on Environmental Quality (CEQ) defines cumulative effects as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions (40 CFR 1508.7). A June 2005 CEQ memorandum states:

The environmental analysis required under NEPA is forward-looking, in that it focuses on the potential impacts of the proposed action that an agency is considering. Thus, review of past actions is required to the extent that this review informs agency decision making regarding the proposed action. This can occur in two ways:

First, the effects of past actions may warrant consideration in the analysis of the cumulative effects of a proposal for agency action. CEQ interprets NEPA and CEQ's NEPA regulations on cumulative effects as requiring analysis and a concise description of the identifiable present effects of past actions to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the agency proposal for action and its alternatives may have a continuing, additive and significant relationship to those effects. In determining what information is necessary for a cumulative effects analysis, agencies should use scoping to focus on the extent to which information is "relevant to reasonably foreseeable significant adverse impacts," is "essential to a reasoned choice among alternatives," and can be obtained without exorbitant cost (40 CFR 1502.22). Based on scoping, agencies have discretion to determine whether, and to what extent, information about the specific nature, design, or present effects of a past action is useful for the agency's analysis of the effects of a proposal for agency action and its reasonable alternatives. Agencies are not required to list or analyze the effects of individual past actions unless such information is necessary to describe the cumulative effect of all past actions combined. Agencies retain substantial discretion as to the extent of such inquiry and the appropriate level of explanation (Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 376-77 [1989]). Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.

Second, experience with and information about past direct and indirect effects of individual past actions may also be useful in illuminating or predicting the direct and indirect effects of a proposed action. However, these effects of

past actions may have no cumulative relationship to the effects of the proposed action. Therefore, agencies should clearly distinguish analysis of direct and indirect effects based on information about past actions from a cumulative effects analysis of past actions.

The scope of the cumulative impact is the Chimney Creek pasture and the Winter Area South pasture of the Eiguren Allotment. All ground disturbing activities would be rehabbed with native forage species and existing roads would be used for access.

- **Past Actions**

The identifiable present effects of past actions include presence of perennial pepperweed and cheat grass (invasive weeds). As stated in the environmental consequences section of this EA, the effects of the proposed action, when added to the effects of past actions, would result in a sum of effects less than those observed currently. By re-seeding the area with native grass seed mix and perennial forbs they would eventually out-compete the presence of invasive weeds.

- **Present Actions**

Within the geographic scope of this analysis, no known present actions—by the BLM or other parties were in progress at the time this EA was written. Prior to the addition of the two new pipeline extensions, the Tree Spring pipeline fed 8 troughs. The addition of the two troughs has the potential to increase the estimated water requirement by 1,000 gallons to fill the troughs. Water to the troughs is controlled by valves therefore not all of the troughs are used at the same time. The addition of the troughs and pipeline are not expected to place additional water requirements on the system. Water is being relocated providing better distribution of the livestock. For this reason, there are no effects from present actions that have a cumulative relationship with the effects of this proposed action.

- **Reasonably Foreseeable Future Actions**

At the time this EA was written, the BLM has considered projects related to the geographic scope of this analysis, namely associated with livestock management activity planning within the Barren Valley/ Rattlesnake Geographic Management Area (GMA). Barren Valley/ Rattlesnake GMA have been assessed for compliance with standards of rangeland health and determinations were completed in 2006. The determinations will be followed by an evaluation/assessment that will then be followed by a NEPA document that will evaluate all of the direct and indirect effects of a number of alternative actions that may be proposed at that time. A complete list of possible future activities within the GMA is not known at this time. NEPA documentation associated with alternative actions for Barren Valley/ Rattlesnake GMA will again analyze current effects resulting from past, current, and reasonable foreseeable future actions including the residual effects of this proposed action.

10 List of Preparers

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Eric Mayes	Planning and Environmental Coordinator
Carolyn Freeborn	Field Manager, Jordan Resource Area

11 Literature Cited

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USDI-BLM. 2002. Southeastern Oregon Resource Management Plan and Record of Decision (SORMP and ROD). U.S. Bureau of Land Management, Vale District, Oregon. 1 v.

Heady, Harold and James Bartolome (1977) The Vale rangeland and rehabilitation program: The desert repaired in southeastern Oregon.

USDI-BLM. 2001. Proposed Southeastern Oregon Resource Management Plan and Final Environmental Impact Statement. U.S. Bureaus of Land Management, Vale District, Oregon. Volume 1 (of 3).

USDI- BLM Grazing Regulations (43 CFR Part 4180- Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

**Vale District Bureau of Land Management
Tree Spring Pipeline Extension
Environmental Assessment
DOI-BLM-OR-V060-2009-041-EA**

Finding of No Significant Impact (FONSI)

The FONSI is a document that explains the reasons why an action will not have a significant effect on the human environment and why, therefore, an environmental impact statement will not be required (40 CFR 1508.13). This FONSI is a stand-alone document but is attached to this EA and incorporates the EA by reference. The FONSI does not constitute the authorizing document: the decision record is the authorizing document.

“Significance” as used in NEPA requires considerations of both context and intensity (40 CFR 1508.27). For context, significance varies with the setting of the proposed action. For a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. For this proposed action and alternatives, the effects are confined to the immediate area within the Chimney Creek pasture and the Winter Area South pasture of the Eiguren Allotment (1305). For this reason, the analysis of effects is in the context of this site. These effects are described and analyzed in the EA.

Intensity refers to the severity of effect. The BLM would conduct the actions described using the BMPs referenced in the EA and limiting effects to the immediate vicinity of the pipeline extensions.

The proposed action is to authorize the use of an unauthorized range improvement project in the Chimney Creek pasture of the Eiguren Allotment (1305) and sign a cooperative agreement to address future maintenance of the project with the permittee authorized for grazing in the Eiguren Allotment.

Any land management action involving ground disturbance invariably, and by definition, entails environmental effects. BLM has determined, based upon the analysis of environmental impacts contained in the referenced EA (DOI-BLM-OR-VO60-2009-041-EA), that the potential impacts resulting from the proposed action would not be significant and that, therefore, preparation of an environmental impact statement is not required.

BLM finds that the project’s affected region is localized and the effects of implementation are relevant to compliance with existing land use plans. There would be no adverse societal or regional impacts and no significant adverse impacts to the environment. BLM has evaluated the environmental effects, together with the proposed Design Features of the proposed action, against the tests of significance found at 40 CFR 1508.27. BLM has determined that if the decision were made to implement the proposed action and implement identified BMPs:

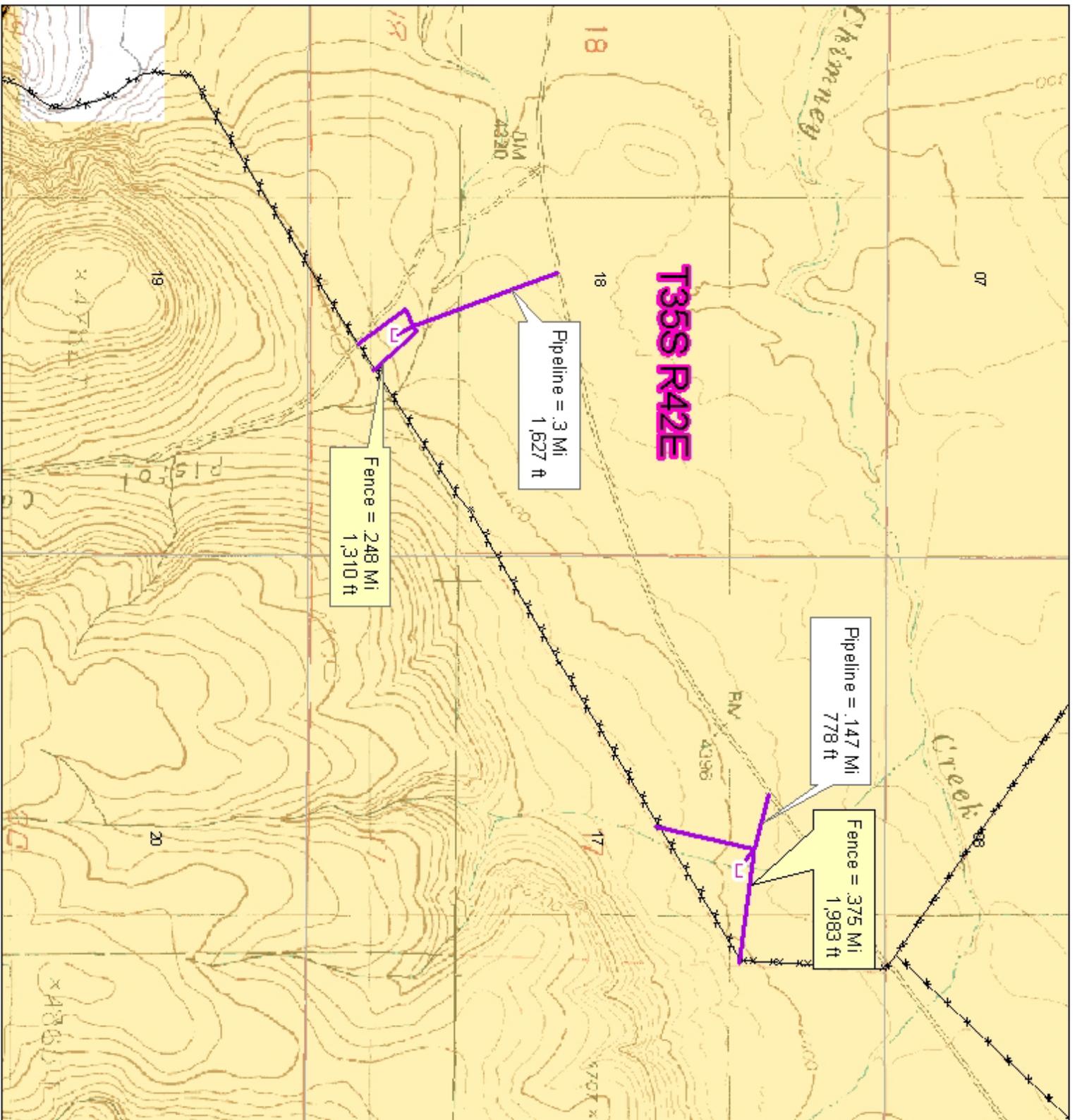
1. The proposed action would cause no significant impacts, either beneficial or adverse.
2. The proposed action would have no adverse effect on public health or safety.

3. The proposed action would not affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, or ecologically critical areas.
4. The proposed action would have no highly controversial effects.
5. The proposed action would have no uncertain effects and would not involve unique or unknown risks.
6. The proposed action is not related to any other action being considered by BLM.
7. The proposed action would have no adverse effect to scientific, cultural, or historical resources, including any property listed on or potentially eligible for listing on the National Register of Historic Places.
8. The proposed action would not significantly adversely affect any endangered or threatened species or any habitat critical to an endangered or threatened species as a result of distance from known locations of special status plant species and limitations to the seasonality of construction activity outside critical periods for raptor nesting.
9. The proposed action does not violate any Federal, State, or local law or requirement imposed for the protection of the environment.

The proposed action to authorize the use of an unauthorized range improvement project in the Chimney Creek pasture of the Eiguren Allotment (1305) and sign a cooperative agreement to address future maintenance of the project with the permittee authorized for grazing in the Eiguren Allotment is consistent with the Southeastern Oregon Resource Management Plan and Record of Decision (2002).

Carolyn R. Freeborn
Field Manager, Jordan Resource Area

Date



Figuren PL Trespass

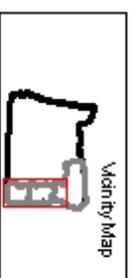
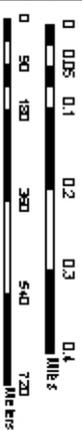
Legend

- Trough
- PL and Fence
- Bureau of Land Management
- Private

Fence = .623 Mi (3293 ft)

Pipeline = .447 Mi
(2,405 x 20 ft)

Troughs = Tire troughs with
cement and float valve



U.S. Department of Interior
Bureau of Land Management



Vale District

November 10, 2010

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