



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Baker Field Office
P.O. Box 947
Baker City, Oregon 97814

IN REPLY REFER TO:

4100
(#3606105)

MAR 05 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7010 3090 0002 2276 3615

Bunch Family Trust
c/o Mr. Rodd Bunch
P.O. Box 206
Durkee, OR 97905

Notice of Field Manager's Proposed Decision for Modification of Grazing Permit Number 3606105

Dear Mr. Bunch:

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 rangeland 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 assessment and Allotment Evaluations for the Pedro Mountain Geographic Unit were completed in 2007, and the Determinations were completed in 2008. As stated in these documents, Standard 2 (watershed function, riparian) of the rangeland health standards is not being met for public lands in

Hollowfield Canyon Allotment #01030, and existing grazing management practices are significant factors in failing to achieve these standards. Therefore, action must be taken (mandated by 43 CFR 4180) that will result in significant progress toward fulfillment of the standards. Interim management actions taken after the 2008 Determinations already have changed some of the grazing practices and made progress in the interim while the processes of interdisciplinary environmental analysis with public input pursuant to the National Environmental Policy Act (NEPA) and consultation, cooperation, and coordination with permittees, Oregon Department of Fish and Wildlife, and interested publics set out in BLM's grazing regulations have been going on.

Permit renewals for allotments determined to have met all standards were addressed in Determinations of NEPA Adequacy (DNAs). The interdisciplinary review has been completed for the Pearce Gulch Allotment #01065 in the Baker Miscellaneous Geographic Unit as documented in the DNA #OR-030-07-007 signed September 28, 2007, as and the Shirttail Creek Allotment #01031 in the Pedro Mountain Geographic Unit as documented in the DNA #OR-030-08-004 signed November 17, 2008. The only allotment which did not meet all standards, the Hollowfield Canyon Allotment, was addressed in an Environmental Assessment (EA). This was the EA #OR-030-08-004 for Pedro Mountain Geographic Unit originally issued on March 5, 2009 and re-released on October 3, 2011, with revisions in response to comments. This EA and FONSI are incorporated into this Proposed Decision by reference.

Allotments #01068 Morgan Mountain and #01069 Sisley Creek in the Baker Miscellaneous Geographic Unit are still under review, and management of these allotments will not be addressed in this decision. Your permit will not be fully processed until assessment, evaluation, and NEPA analysis of all these allotments are completed.

Pending completion of the permit renewal processing for all the different geographic units, your Permit Number 3606105 was renewed under the Appropriations Act in 2003 when it last expired. This decision modifies the current permit which retains an expiration date of February 28, 2013.

Table 1. The current permitted use for ALL your allotments is:

Allotment	Active AUMs	Suspended AUMs	Total AUMs
Hollowfield Canyon 01030	42	0	42
Shirttail Creek 01031	76	0	76
Pearce Gulch 01065	6	0	6
Morgan Mountain 01068	195	217	412
Sisley Creek 01069	455	500	955

Table 2. The mandatory terms and conditions of your old term permit for these allotments, prior to this decision, were:

Allotment	No. of Livestock	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Hollowfield Canyon 01030	21	Cattle	6/22	8/21	100	Active	42
Shirttail Creek 01031	38	Cattle	4/22	5/21	100	Active	37
Shirttail Creek 01031	38	Cattle	10/15	11/14	100	Active	39
Pearce Gulch 01065	2	Cattle	10/1	12/31	100	Active	6
Morgan Mountain 01068	109	Cattle	10/1	11/23	100	Active	194
Sisley Creek 01069	78	Cattle	10/1	11/30	96	Active	150

PROPOSED DECISION

It is my proposed decision to implement the proposed action (Alternative 3) in EA #OR-030-08-004 (the 2011 EA) which requires modifying Grazing Permit Number 3606105 as explained below.

It is also my decision to implement the following rangeland project in the Hollowfield Canyon Allotment to assist in implementing the grazing changes contained in this decision. The environmental impacts of this project were adequately addressed in the EA, and further NEPA analysis will not be necessary for this project.

Hollowfield Canyon Allotment

The Hollowfield Juniper Falling Project will provide for significant progress in achieving Standard 2 by protecting the greenline along the riparian zone with fallen junipers and simultaneously reducing juniper encroachment along the riparian zone. This project will help achieve the desired greenline stubble height under the fall grazing schedule by protecting bank-stabilizing plants from being heavily grazed. The fallen juniper trees will also protect vulnerable portions of the streambank from trampling.

It is also my decision to impose new terms and conditions on your grazing permit as described in this decision.

The AUMs of permitted public land use for all these allotments shall remain the same under the new permit as under the old permit. Exchange of use for private or leased lands did not appear on your old grazing permit. The decision has been made to continue to show your exchange of use on your annual grazing authorizations for Shirttail Creek #01031 because some of this is leased land which may not always be available. But in Hollowfield Canyon #01030 the exchange of use will be changed to percent federal range.

Table 3. The mandatory terms and conditions of the new term permit are:

Allotment	No. of Livestock	Kind	Begin Period	End Period	% Public Land	Type Use	Active AUMS
Hollowfield Canyon 01030	31	Cattle	10/1	11/30	46	Active	42
Shirrtail Creek *01031	38	Cattle	4/22	5/21	100	Active	38
Shirrtail Creek *01031	25	Cattle	10/1	11/15	100	Active	38
Pearce Gulch 01065	2	Cattle	9/16	12/16	100	Active	6
Morgan Mountain 01068	109	Cattle	10/1	11/23	100	Active	194
Sisley Creek 01069	78	Cattle	10/1	11/30	96	Active	150

*Allotment #01031, Shirrtail Creek, would be either spring or fall but not both in any single year. Therefore, the annual grazing authorization would show all 76 AUMs as either spring or fall, not half spring and half fall.

Minor adjustments to the permitted seasons of use in Shirrtail Creek Allotment #01031 and Pearce Creek Allotment #01065 have been made in order to better show the date flexibility which is being allowed under current management, which is meeting all rangeland health standards.

The 2011 EA specifies the total AUMs available and the periods of use within which grazing may be authorized in Hollowfield Canyon Allotment, and Table 3 shows these same numbers. The term permit has to show all available periods of use on one schedule but not exceed the yearly AUMs allotted. The period of use shown in Table 3 for Hollowfield Canyon Allotment will be considered the outer limits of allowable use under the ten-year permit. Although dates might be adjusted within this time frame, total days of use would not exceed 1 ½ months and AUMs of use would not exceed the amount shown in Table 1. The additional 14 days of flexibility provided by the 2011 EA (pages 20 and 107 of the EA) for Hollowfield Canyon Allotment would be allowed only under a signed allotment management plan or management agreement.

Other terms and conditions of the new permit are:

1. Wildlife escape ramps must be installed and maintained in all water troughs.
2. Modifications to the grazing permit may be implemented to protect cultural resources under the National Historic Preservation Act.
3. All range projects must be inspected and maintained prior to turnout of livestock. Failure to properly complete your assigned maintenance in a timely manner will be cause for denial of authorization to either place permitted livestock on the allotment or move into the next pasture of the grazing sequence. You are also required to maintain your proportionate share of range projects whether you graze livestock or take non-use.

4. Permittee shall provide the BLM with any changes in their property ownership or control of their grazing permit or lease as soon as possible.
5. Use will be in accordance with the allotment management plan, current grazing system, or instructions issued.
6. Permit is subject to modification as necessary to achieve compliance with the standards for rangeland health and guidelines for livestock management (43 CFR 4180).
7. Unless otherwise stated, when BLM determines, based on its monitoring results, that utilization approaches or is at 50% on upland grasses and 30% on riparian shrubs and notifies the permittee, the permittee will be required to move his livestock to the next pasture in the grazing schedule or off the allotment. The permittee must ensure that all livestock are removed immediately or within a time period specified by BLM's authorized officer through 43 CFR 4150.2.
8. If BLM, based on its monitoring results, determines that the end-of-season riparian stubble height targets of 3-4 inches in allotment #01030 have been exceeded for two consecutive years, BLM will notify the permittee in writing and the permittee will be limited the third year to only graze the amount of private land AUMs.
9. Salting/mineral stations shall not be located on or within ¼ mile from cultural resources or riparian areas.
10. Custodial allotment #01065 is listed as 100% public land for billing purposes only. With respect to Condition #1 above, you are responsible for installing and maintaining wildlife escape ramps on the following water developments in the Pedro Mountain Geographic Unit. By October 1, 2012, you are required to have escape ramps installed in the troughs on these projects:

Rangeland Improvement Number	Project Name	Allotment Number	Location
740163	Cottonwood Spring	01031	T.12S., R.43E., Sec. 15 NENE
744301	Harrison Creek Spring	01031	T.12S., R.43E., Sec. 4 SESE
744400	Shirttail Creek Stock Tank	01031	T.12S., R.43E., Sec. 10 SENW

RATIONALE FOR THE PROPOSED DECISION

The actions in this Proposed Decision respond to the Purpose and Need explained in the 2011 EA: to modify livestock grazing management practices in order to make significant progress towards meeting rangeland health. Modification of the grazing permit is in conformance with the applicable Land Use Plan.

The Baker Resource Management Plan (RMP) of July 1989 provides management direction for Pedro Mountain Geographic Unit under Vegetation Allocation, both Upland and Riparian, which states that BLM will restrict livestock grazing through seasons of use, utilization levels and livestock numbers.

The most recent RMP Planning Update of February 2000 states:

“After an S&G assessment is completed, and if it is determined that the standards are not being met (and livestock grazing was a significant factor), appropriate action must be taken to address the problem. This action may include modifying the grazing system or season of use; reducing permitted numbers; constructing additional fencing or developing additional water facilities; deferring use on a pasture; or establishing different utilization standards.”

The proposed action described in the 2011 EA will allow for attainment of all applicable RMP objectives listed in the EA. The majority of the Hollowfield Canyon Allotment consists of private land owned by the permittee, no new issues or new demands for the use of the public lands involved have been identified, and the current multiple use allocation of resources in this allotment remains appropriate.

The proposed action is consistent with and supports the Oregon/Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management. Specifically, it would allow improvement of riparian areas to address the only standard not met, Standard 2 (watershed function for riparian zones). It was rated not met because less than one-half mile of one small headwater drainage was rated Functioning at Risk with trend not apparent. The fall period of use set for this allotment would avoid intense use of riparian zones in hot weather, and that is why the normal fall use is specified for beginning October 1. This period of use provides for no grazing during the entire growing season which can increase riparian vegetation and allow for establishment of more riparian vegetation. Maintaining riparian stubble heights of 3-4 inches would make significant progress toward achieving proper functioning condition in riparian areas. The stubble height also helps conform to livestock grazing management guidelines to provide adequate cover and plant community structure to promote streambank stability, debris and sediment capture, and floodwater energy dissipation. Falling junipers along the riparian zone will assist in accomplishing these objectives (as explained above in the proposed decision to implement the project). The utilization targets also are to conform to guidelines to provide adequate cover (live plants, plant litter and residue) to promote infiltration, conserve soil moisture and to maintain soil stability in upland areas.

AUTHORITY

My authority for this Proposed Decision is found in statutory and regulatory authorities contained in the Taylor Grazing Act as amended, the Federal Land Policy and Management Act of 1976, as amended, and Title 43 of the Code of Federal Regulations (CFR), Part 4100 (2005), including but not limited to sections: 4110.2-2 Specifying permitted use; 4110.3 Changes in permitted use; 4120.3-1 Conditions for range improvements; 4130.2 Grazing permits or leases; 4130.3 Terms and conditions; 4130.3-1 Mandatory terms and conditions; 4130.3-2 Other terms and conditions; 4130.3-3 Modification of permits or leases; 4160.1 Proposed decisions; 4160.2 Protests; 4160.3 Final decisions; and 4180.2 Standards and guidelines for grazing administration.

PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested public may protest a proposed decision under 43 CFR 4160.1 and 4160.2, in person or in writing to Ted Davis, Field Manager, Baker Resource Area, Bureau of Land Management, P.O. Box 947, 3285 11th Street, Baker City, Oregon 97814 within 15 days after receipt of this proposed decision. The protest, if filed, should clearly and concisely state the reasons as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), *in the absence of a protest*, this proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3(b), *upon a timely filing of a protest*, after a review of protests received and other information pertinent to the case, the Authorized Officer shall issue a final decision.

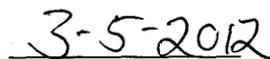
Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in writing to the office of the Authorized Officer (given above and on the letterhead). The appellant must also serve a copy of the appeal by certified mail to the Office of the Solicitor, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and persons named [43 CFR 4.421(h)] in the "Copies sent to" section of this decision.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470. 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.

If you wish to file a petition for a stay, see 43 CFR 4.471(a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) Relative harm to the parties if the stay is granted or denied.
- (2) Likelihood of the appellant's success on the merits.
- (3) Likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.


 Ted Davis, Field Manager
 Baker Resource Area


 Date

Copies sent to: Confederated Tribes of the Umatilla Indian Reservation
 Hells Canyon Preservation Council
 Oregon Wild
 ODFW