



# 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  
(#3606020)

**MAR 05 2012**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7010 3090 0002 2276 3622

Three Valleys Ranch  
c/o Mr. Steve Jay  
P.O. Box 5075  
Bridgeport, OR 97819

## **Notice of Field Manager's Proposed Decision for Modification of Grazing Permit Number 3606020**

Dear Mr. Jay:

### **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 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, the rangeland health standards for the Dixie Creek #01020, Rattlesnake Gulch #01023, Upper Shirttail Creek #01024, North Dixie Creek #01026, and Rye Valley #01037 allotments are not being met on public lands, and existing grazing management practices are significant factors in failing to achieve these standards. In Dixie Creek, Rattlesnake Gulch, Upper Shirttail Creek Allotment, and North Dixie Creek allotments, Standard 2 (watershed function in riparian zones) and Standard 4 (water quality)

were not being met on public lands. In Rye Valley Allotment, Standards 2 and 4 as well as Standard 1 (watershed function in uplands), Standard 3 (ecological processes), and Standard 5 (native species habitat) were not being met on public lands. 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, coordination, and cooperation with permittees, Oregon Department of Fish and Wildlife, and interested publics have been going on.

Permit renewals for allotments determined to have met all standards were addressed in Determinations of NEPA Adequacy (DNAs) for the Pedro Mountain and Shirttail Creek Allotments, which are within the Pedro Mountain Geographical Unit, the review has been completed as documented in the DNA #OR-030-08-004 signed November 17, 2008. For the Baldy Mountain, Clough Gulch, Upper Clough Gulch, Beaver Creek, Spring Gulch, and Fur Mountain Custodial (C-category) Allotments, the review has been completed as documented in DNA #OR-030-07-007 signed September 28, 2007.

The allotments which did not meet all standards, the Dixie Creek, Rattlesnake Gulch, Upper Shirttail Creek, North Dixie Creek, and Rye Valley Allotments, were 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 #01007 School Section, #01016 Table Mountain, #01039 Turner Gulch, and #01044 Juniper Mountain, all within 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 3606020 was renewed under the Appropriations Act in 2011 when it last expired. This decision modifies the current permit which retains an expiration date of February 28, 2014, which coincides with the expiration of the current base property lease.

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

Allotment	Active AUMs	Suspended AUMs	Total AUMs
<b>Dixie Creek 01020</b>	<b>404</b>	<b>236</b>	<b>640</b>
<b>Pedro Mountain 01021</b>	<b>552</b>	<b>272</b>	<b>824</b>
<b>Rattlesnake Gulch 01023</b>	<b>92</b>	<b>0</b>	<b>92</b>
<b>Upper Shirttail Creek 01024</b>	<b>111</b>	<b>33</b>	<b>144</b>
<b>Baldy Mountain 01025</b>	<b>10</b>	<b>0</b>	<b>10</b>
<b>North Dixie Creek 01026</b>	<b>193</b>	<b>0</b>	<b>193</b>
<b>Shirttail Creek 01031</b>	<b>76</b>	<b>4</b>	<b>80</b>

<b>Fur Mountain 01033</b>	<b>48</b>	<b>22</b>	<b>70</b>
<b>Clough Gulch 01034</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Upper Clough Gulch 01035</b>	<b>35</b>	<b>0</b>	<b>35</b>
<b>Rye Valley 01037</b>	<b>263</b>	<b>0</b>	<b>263</b>
<b>Beaver Creek 01038</b>	<b>47</b>	<b>0</b>	<b>47</b>
<b>Spring Gulch 01053</b>	<b>7</b>	<b>0</b>	<b>7</b>
<b>Table Mountain 01016</b>	<b>531</b>	<b>0</b>	<b>531</b>
<b>Turner Gulch 01039</b>	<b>485</b>	<b>190</b>	<b>675</b>
<b>Juniper Mountain 01044</b>	<b>100</b>	<b>0</b>	<b>100</b>
<b>School Section 01007</b>	<b>63</b>	<b>0</b>	<b>63</b>

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

<b>Allotment</b>	<b>No. of Livestock</b>	<b>Kind</b>	<b>Begin Period</b>	<b>End Period</b>	<b>% Public Land</b>	<b>Type Use</b>	<b>Active AUMS</b>
<b>Dixie Creek 01020</b>	<b>74</b>	<b>Cattle</b>	<b>5/1</b>	<b>10/13</b>	<b>100</b>	<b>Active</b>	<b>404</b>
<b>Pedro Mountain 01021</b>	<b>91</b>	<b>Cattle</b>	<b>6/1</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>547</b>
<b>Rattlesnake Gulch 01023</b>	<b>16</b>	<b>Cattle</b>	<b>5/1</b>	<b>10/22</b>	<b>100</b>	<b>Active</b>	<b>92</b>
<b>Upper Shirttail Creek 01024</b>	<b>20</b>	<b>Cattle</b>	<b>5/1</b>	<b>10/13</b>	<b>100</b>	<b>Active</b>	<b>109</b>
<b>Baldy Mountain 01025</b>	<b>10</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/31</b>	<b>100</b>	<b>Active</b>	<b>10</b>
<b>North Dixie Creek 01026</b>	<b>32</b>	<b>Cattle</b>	<b>6/1</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>193</b>
<b>Shirttail Creek 01031</b>	<b>25</b>	<b>Cattle</b>	<b>4/16</b>	<b>6/14</b>	<b>100</b>	<b>Active</b>	<b>49</b>
<b>Shirttail Creek 01031</b>	<b>25</b>	<b>Cattle</b>	<b>10/15</b>	<b>11/14</b>	<b>100</b>	<b>Active</b>	<b>25</b>
<b>Fur Mountain 01033</b>	<b>7</b>	<b>Cattle</b>	<b>4/10</b>	<b>10/31</b>	<b>100</b>	<b>Active</b>	<b>47</b>
<b>Clough Gulch 01034</b>	<b>2</b>	<b>Cattle</b>	<b>11/1</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>2</b>
<b>Upper Clough Gulch 01035</b>	<b>35</b>	<b>Cattle</b>	<b>11/1</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>35</b>
<b>Rye Valley 01037</b>	<b>200</b>	<b>Cattle</b>	<b>10/20</b>	<b>11/28</b>	<b>100</b>	<b>Active</b>	<b>263</b>
<b>Beaver Creek 01038</b>	<b>48</b>	<b>Cattle</b>	<b>4/16</b>	<b>5/15</b>	<b>100</b>	<b>Active</b>	<b>47</b>

<b>Spring Gulch 01053</b>	<b>1</b>	<b>Cattle</b>	<b>5/1</b>	<b>11/14</b>	<b>100</b>	<b>Active</b>	<b>7</b>
<b>School Section 01007</b>	<b>42</b>	<b>Cattle</b>	<b>4/16</b>	<b>5/31</b>	<b>100</b>	<b>Active</b>	<b>64</b>
<b>Table Mtn. 01016</b>	<b>120</b>	<b>Cattle</b>	<b>5/2</b>	<b>6/30</b>	<b>100</b>	<b>Active</b>	<b>237</b>
<b>Table Mtn. 01016</b>	<b>120</b>	<b>Cattle</b>	<b>9/10</b>	<b>11/21</b>	<b>100</b>	<b>Active</b>	<b>288</b>
<b>Turner Gulch 01039</b>	<b>65</b>	<b>Cattle</b>	<b>4/18</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>485</b>
<b>Juniper Mtn. 01044</b>	<b>14</b>	<b>Cattle</b>	<b>4/18</b>	<b>11/20</b>	<b>100</b>	<b>Active</b>	<b>100</b>

The allotments were all listed as 100% public land, but exchange-of-use was, in the past, added to annual grazing authorizations to account for the amount of grazing on private land included within allotments.

### **PROPOSED DECISION**

**It is my proposed decision to implement the proposed action (Alternative 3) in EA #OR-030-08-004 which requires modifying Grazing Permit Number 3606020 as explained below.** It is also my decision to implement the following rangeland projects in the North Dixie Creek Allotment and Dixie Creek Allotment to assist in implementing the grazing changes and new grazing schedules contained in this decision.

#### North Dixie Creek Allotment

The North Dixie Creek Exclosure Project will provide for significant progress in achieving Standards 2 and 4 by allowing riparian recovery through the exclusion of livestock impacts from the only portion of the North Dixie Creek Allotment that did not meet Standard 2 because it was rated Functioning at Risk with no apparent trend. The rest of the streams in the allotment, 87.4% of the stream mileage in the allotment, were meeting Standard 2.

#### Dixie Creek Allotment

The reconstruction of a portion of the old Thornton Gulch Fence, BLM Project #744308, referred to in the 2011 EA as Pedro Deer Creek Gap Fence Project, will provide for significant progress in achieving Standards 2 and 4 by providing better control of when livestock graze the allotment, preventing unauthorized use coming from summer pasture across the allotment boundary which is currently unfenced, except for remnants of the old fence.

There are other fences identified in the EA which would be private land boundary fences and thus are not part of this decision.

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

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

<b>Allotment</b>	<b>No. of Livestock</b>	<b>Kind</b>	<b>Begin Period</b>	<b>End Period</b>	<b>% Public Land</b>	<b>Type Use</b>	<b>Active AUMS</b>
<b>Dixie Creek 01020</b>	<b>122</b>	<b>Cattle</b>	<b>4/22</b>	<b>6/30</b>	<b>71</b>	<b>Active</b>	<b>199</b>
<b>Dixie Creek 01020</b>	<b>251</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/31</b>	<b>71</b>	<b>Active</b>	<b>199</b>
<b>Pedro Mountain 01021</b>	<b>459</b>	<b>Cattle</b>	<b>6/16</b>	<b>10/15</b>	<b>30</b>	<b>Active</b>	<b>552</b>
<b>Upper Shirttail Creek 01024</b>	<b>70</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>79</b>	<b>Active</b>	<b>55</b>
<b>Upper Shirttail Creek 01024</b>	<b>70</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/31</b>	<b>79</b>	<b>Active</b>	<b>56</b>
<b>North Dixie Creek 01026</b>	<b>200</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>39</b>	<b>Active</b>	<b>77</b>
<b>North Dixie Creek 01026</b>	<b>113</b>	<b>Cattle</b>	<b>9/28</b>	<b>12/16</b>	<b>39</b>	<b>Active</b>	<b>116</b>
<b>Shirttail Creek 01031</b>	<b>25</b>	<b>Cattle</b>	<b>4/16</b>	<b>6/14</b>	<b>100</b>	<b>Active</b>	<b>49</b>
<b>Shirttail Creek 01031</b>	<b>25</b>	<b>Cattle</b>	<b>10/15</b>	<b>11/14</b>	<b>100</b>	<b>Active</b>	<b>25</b>
<b>Fur Mountain 01033</b>	<b>7</b>	<b>Cattle</b>	<b>4/7</b>	<b>11/1</b>	<b>100</b>	<b>Active</b>	<b>48</b>
<b>Clough Gulch 01034</b>	<b>6</b>	<b>Cattle</b>	<b>4/6</b>	<b>12/1</b>	<b>100</b>	<b>Active</b>	<b>47</b>
<b>Rye Valley 01037</b>	<b>88</b>	<b>Cattle</b>	<b>4/23</b>	<b>5/31</b>	<b>96</b>	<b>Active</b>	<b>108</b>
<b>Rye Valley 01037</b>	<b>87</b>	<b>Cattle</b>	<b>11/1</b>	<b>12/9</b>	<b>96</b>	<b>Active</b>	<b>107</b>
<b>Rye Valley 01037</b>	<b>25</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>96</b>	<b>Active</b>	<b>24</b>
<b>Rye Valley 01037</b>	<b>25</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/30</b>	<b>96</b>	<b>Active</b>	<b>24</b>
<b>Beaver Creek 01038</b>	<b>48</b>	<b>Cattle</b>	<b>4/16</b>	<b>7/3</b>	<b>38</b>	<b>Active</b>	<b>47</b>
<b>Spring Gulch 01053</b>	<b>1</b>	<b>Cattle</b>	<b>4/16</b>	<b>11/14</b>	<b>100</b>	<b>Active</b>	<b>7</b>
<b>School Section 01007</b>	<b>42</b>	<b>Cattle</b>	<b>4/16</b>	<b>5/31</b>	<b>100</b>	<b>Active</b>	<b>64</b>
<b>Table Mtn. 01016</b>	<b>120</b>	<b>Cattle</b>	<b>5/2</b>	<b>6/30</b>	<b>100</b>	<b>Active</b>	<b>237</b>
<b>Table Mtn. 01016</b>	<b>120</b>	<b>Cattle</b>	<b>9/10</b>	<b>11/21</b>	<b>100</b>	<b>Active</b>	<b>288</b>
<b>Turner Gulch 01039</b>	<b>65</b>	<b>Cattle</b>	<b>4/18</b>	<b>11/30</b>	<b>100</b>	<b>Active</b>	<b>485</b>
<b>Juniper Mtn.</b>	<b>14</b>	<b>Cattle</b>	<b>4/18</b>	<b>11/20</b>	<b>100</b>	<b>Active</b>	<b>100</b>

<b>01044</b>							
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The 2011 EA specifies the total AUMs available and the periods of use within which grazing may be authorized in the Dixie Creek, Rattlesnake Gulch, Upper Shirrtail Creek, North Dixie Creek, and Rye Valley Allotments, and Table 3 shows these same numbers. The **normal** maximum allowable use in the basic schedule will be as shown below, alternating either spring or fall use in some allotments, not half spring and half fall as shown on the term permit. The term permit has to show all available periods of use on one schedule but not exceed the yearly AUMs allotted.

Table 4. Normal numbers of livestock and periods of use where different from Table 3.

<b>Allotment</b>	<b>No. of Livestock</b>	<b>Kind</b>	<b>Begin Period</b>	<b>End Period</b>	<b>% Public Land</b>	<b>Type Use</b>	<b>Active AUMS</b>
<b>Dixie Creek 01020</b>	<b>243</b>	<b>Cattle</b>	<b>4/22</b>	<b>6/30</b>	<b>71</b>	<b>Active</b>	<b>397</b>
<b>Dixie Creek 01020</b>	<b>501</b>	<b>Cattle</b>	<b>9/28</b>	<b>10/31</b>	<b>71</b>	<b>Active</b>	<b>398</b>
<b>Pedro Mountain 01021</b>	<b>608</b>	<b>Cattle</b>	<b>7/1</b>	<b>9/30</b>	<b>30</b>	<b>Active</b>	<b>552</b>
<b>Upper Shirrtail Creek 01024</b>	<b>143</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>79</b>	<b>Active</b>	<b>111</b>
<b>Upper Shirrtail Creek 01024</b>	<b>138</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/31</b>	<b>79</b>	<b>Active</b>	<b>111</b>
<b>North Dixie Creek 01026</b>	<b>400</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>39</b>	<b>Active</b>	<b>154</b>
<b>North Dixie Creek 01026</b>	<b>400</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/30</b>	<b>39</b>	<b>Active</b>	<b>154</b>
<b>Fur Mountain 01033</b>	<b>3</b>	<b>Cattle</b>	<b>5/1</b>	<b>9/30</b>	<b>100</b>	<b>Active</b>	<b>15</b>
<b>Rye Valley 01037</b>	<b>175</b>	<b>Cattle</b>	<b>4/23</b>	<b>5/31</b>	<b>96</b>	<b>Active</b>	<b>215</b>
<b>Rye Valley 01037</b>	<b>175</b>	<b>Cattle</b>	<b>11/1</b>	<b>12/9</b>	<b>96</b>	<b>Active</b>	<b>215</b>
<b>Rye Valley 01037</b>	<b>51</b>	<b>Cattle</b>	<b>6/1</b>	<b>6/30</b>	<b>96</b>	<b>Active</b>	<b>48</b>
<b>Rye Valley 01037</b>	<b>51</b>	<b>Cattle</b>	<b>10/1</b>	<b>10/30</b>	<b>96</b>	<b>Active</b>	<b>48</b>

All allotments except for Custodial (C) allotments will now be authorized on a percent public land basis. This means that the exchange-of-use will no longer be authorized separately from the grazing permit, but the private land AUMs will instead go into calculating the percent public land. Custodial allotments, where billing is based strictly on AUMs on public land, and where livestock numbers and seasons of use are flexible as long as public land resource objectives are met, will remain calculated as 100% public land for billing purposes. Minor adjustments to the permitted seasons of use in custodial allotments in your permit have been made in order to better

show the date flexibility which is being allowed under current management, which is meeting all

standards, and to show the correct number of public land AUMs involved. The custodial allotments listed above are #01033, #01034, and #01053. Beaver Creek #01038, which had been a Custodial allotment, has been reclassified as a Maintain (M) allotment because of its riparian values.

The 14 days of flexibility provided by the 2011 EA (pages 20 and 107 of the EA) would be allowed only under a signed allotment management plan or management agreement.

Table 4 shows the usual period of use in Pedro Mountain Allotment #01021 that is already current management, which has been in effect since the 1981 management agreement, and which has been shown to be meeting all standards under current management.

The above includes the consolidation of three allotments (#01025 Baldy Mountain, #01034 Clough Gulch, and #01035 Upper Clough Gulch) into one allotment, #01034 Clough Gulch. Also, as explained in the 2011 EA, there will be a reduction in your permitted use in the Dixie Creek Allotment #01020 and in the Rattlesnake Gulch Allotment #01023. Rattlesnake Gulch will now be considered a pasture within the Dixie Creek Allotment #01020, and these two allotments are now consolidated into one, as shown above and the details of which are summarized below:

Table 5. Permitted use in the two allotments reduced in AUMs (compare to Table 1) will now be:

<b>Allotment #</b>	<b>Active AUMs</b>	<b>Suspended AUMs</b>	<b>Total AUMs</b>	<b>Private AUMs</b>
<b>Old 01020</b>	<b>343</b>	<b>297</b>	<b>640</b>	<b>115</b>
<b>Old 01023</b>	<b>55</b>	<b>37</b>	<b>92</b>	<b>48</b>
<b>New 01020</b>	<b>398</b>	<b>334</b>	<b>732</b>	<b>163</b>

The North Dixie Creek Allotment #1026 will continue to be maintained as a separate allotment for now, at least until the completion of the proposed North Dixie Creek Fence on the private property boundary. After the fence is completed, consideration will be given to adding the North Dixie Creek pastures onto an adjacent allotment.

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 or 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. End-of-season stubble height targets will be 3-4 inches. If BLM, based on its monitoring results, determines that these targets have been exceeded for two consecutive years in Rye Valley Allotment, BLM will notify the permittee in writing and the permittee will be precluded from grazing the allotment in the third year. In Upper Shirttail, Dixie Creek (including Rattlesnake Gulch as long as no fence exists between the two), and North Dixie Creek Allotments, if BLM, based on its monitoring results, determines that the end-of-season riparian stubble height targets of 3-4 inches 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. River Pasture of Fur Mountain Allotment, with 33 AUMs, requires advance authorization by BLM before use; otherwise, it remains in nonuse.
10. Salting/mineral stations shall not be located on or within ¼ mile from cultural resources or riparian areas.
11. Custodial allotments #01033, #01034 and #01053 are listed as 100% public land for billing purposes only.

#### **INTERIM TERMS AND CONDITIONS**

1. In North Dixie Creek Allotment, until the Lower North Dixie fence is completed, 20% of the grazing preference in the allotment would be kept in nonuse; annual active use in North Dixie would not exceed 154 AUMs. Also grazing would be restricted to two weeks spring and fall each year, or four weeks in either spring or fall, with fall use to end no later than October 31. Cattle would be removed once a 3-4 inch stubble height is reached even if the allotted time has not expired.
2. Until the Rattlesnake Gulch Fence is completed, the Rattlesnake Gulch Allotment would be grazed the same dates as the Dixie Creek Allotment, Upper Deer Creek Pasture.
3. Until the Pedro Deer Creek Gap fence (Thornton Gulch Fence reconstruction) is completed, the fall grazing (10/1 to 10/31) in Dixie Creek Allotment would be subject to cancellation in the Upper Deer Creek Pasture (if unauthorized use during the summer occurs due to lack of this fence and it results in exceeding utilization targets).
4. You are responsible for installing and maintaining wildlife escape ramps on the following water developments. By October 1, 2012, you are required to have escape ramps installed in the troughs on at least 12 (50%) of these projects. By July 1, 2013, you are required to have escape ramps on all 24 of these projects.

Table 6. Water Developments

<b>Rangeland Improvement Number</b>	<b>Project Name</b>	<b>Allotment Number</b>	<b>Location</b>
744006	School Section Spring	01007	T.13S., R43E., Sec. 36 SESW
744007	Education Spring	01007	T.13S., R43E., Sec. 36 SESE
740412	Abram Spring #2	01016	T.13S., R43E., Sec. 35 SENW
740599	Mun Spring	01016	T.13S., R43E., Sec. 23 SWSE
740605	Buck Spring	01016	T.13S., R43E., Sec. 34 SENE
744328	Table Rock West Pipeline	01016	T.13S., R43E., Sec. 26 SWNE
740120	Potter Spring	01020	T.13S., R42E., Sec. 14 SENE
740368	Johnson Spring #1	01024	T.12S., R43E., Sec. 28 SENW
740369	Johnson Spring #2	01024	T.12S., R43E., Sec. 21 SWSW
740615	Brown Gulch Spring #1	01037	T.12S., R43E., Sec. 33 SWSE
740616	Brown Gulch Spring #2	01037	T.13S., R43E., Sec. 4 NENW
740618	Cosens Spring	01037	T.13S., R43E., Sec. 4 SENE
740619	Justus Spring	01037	T.13S., R43E., Sec. 4 NESE
740620	Dry Gulch Spring	01037	T.13S., R43E., Sec. 3 SWSW
740625	Summit Spring	01039	T.12S., R43E., Sec. 34 NESW
740628	Cloverleaf Spring	01039	T.12S., R43E., Sec. 35 SESE
740391	Clover Leaf Spring #2	01039	T.12S., R43E., Sec. 35 SESE
740621	First Canyon Spring #1	01039	T.12S., R43E., Sec. 2 NWSW
740622	First Canyon Spring #2	01039	T.13S., R43E., Sec. 3 NWNE
740626	Colton Spring	01039	T.13S., R43E., Sec. 2 NWNW
740627	Juniper Spring	01039	T.12S., R43E., Sec. 35 NWSW
740629	Fence Spring	01039	T.12S., R43E., Sec. 26 NESW
740630	Suitter Spring	01039	T.12S., R43E., Sec. 35 NESW
744571	Opal Mine Spring	01037	T.13S., R43E., Sec. 10 SWNE

### **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. 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 remains appropriate.

The proposed action is consistent with and supports the Oregon/Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management. The changes in periods of use would result in fewer days of intense use of riparian zones in hot weather, and they would give more days for the riparian vegetation to recover following grazing. They would provide periodic deferral from grazing until after critical growth periods, which would promote plant vigor, reproduction, and productivity. Further, riparian utilization targets and a riparian protection fence would be employed to help achieve proper functioning condition in riparian areas, and to conform with livestock grazing management guidelines to provide adequate cover and plant community structure to promote streambank stability, debris and sediment capture, and floodwater energy dissipation. Reductions in AUMs available for grazing in Dixie Creek and Rattlesnake Gulch Allotments, due to the steeper slopes not being suitable for grazing, would also help to reduce the AUMs harvested from riparian zones.

Proposed fencing would prevent unauthorized grazing, which would also reduce adverse impacts from livestock grazing within riparian areas.

The upland utilization targets 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.

Rangeland trend studies completed in 2010-2011 (the interim strategy was implemented in 2007-2008) indicate significant progress is being achieved toward meeting Standards 1, 3, and 5 in Rye Valley Allotment, and range trend is also upward in Upper Shirrtail Creek Allotment, which provides strong evidence that the management outlined in this decision is working. Riparian monitoring in 2010 and 2011 on drainages where Standard 2 had been unmet (in Dixie Creek and Rye Valley Allotments) indicates that the interim strategy of early spring or late fall use is helping to achieve end-of-season stubble heights of over 4 inches.

### **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 11<sup>th</sup> 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

3-5-2012  
Date

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