



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

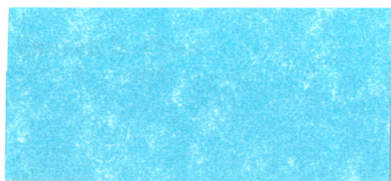
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IN REPLY REFER TO:

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NOTICE OF THE FIELD MANAGER'S PROPOSED DECISION

INTRODUCTION

Subsequent to the approval of revised Bureau of Land Management (BLM) grazing regulations in 1995, BLM State Directors were assigned the task of developing state level rangeland health standards (Title 43 Code of Federal Regulations [CFR] 4180.2). The process of developing standards and defining standard indicators was conducted in consultation with BLM Resource Advisory Councils (RAC's). 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.

On August 12, 1997, Interior Secretary Bruce Babbitt approved the Oregon/Washington BLM Standards and Guides (S&G's) for Rangeland Health. BLM field offices in Oregon/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 are conducted under an interdisciplinary team (IDT) concept where various resource specialists, representing the biological and physical sciences, are involved in the collection, review and analysis of available data.

BLM regulations specify that "the authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining, through assessment or monitoring by experienced professionals and interdisciplinary teams, that a standard is not being achieved and that livestock are a significant contributing factor to the failure to achieve the standards and conform with the guidelines".

This decision is the final step in the evaluation process, where changes to existing grazing management practices will be implemented. Issuing this decision will allow for significant progress to be made toward meeting Standards for Rangeland Health in the Pryor Farms (#2607) grazing allotment, and is issued in compliance with the Two Rivers Resource Management Plan, Record of Decision, Rangeland Program Summary of June 1986 (Two Rivers RMP).

BACKGROUND

Consultation, cooperation, and coordination with both grazing permittees and the interested public are critical components of BLM's range health assessment and evaluation process. On numerous occasions, BLM has communicated with both groups on range health standards and grazing allotment assessments, by way of mailed written materials, public meetings, and onsite visits.

In 2005, an interdisciplinary team used a variety of information sources and the professional judgment of staff specialists to conduct upland and riparian health assessments. The best available rangeland vegetation and soils maps were consulted. Agency-approved technical references and methodology, including protocols outlined in BLM Manual H-4180-1, "Rangeland Health Standards", were used to arrive at conclusions about range health conditions. These assessments were used to determine if Oregon/Washington BLM's "Standards for Rangeland Health" were being met. The Oregon/Washington Rangeland Health Standards are as follows:

- Standard 1 – Watershed Function – Uplands: upland soils exhibit infiltration and permeability rates, moisture storage, and stability that are appropriate to soil, climate, and landform.
- Standard 2 – Watershed Function --Riparian/wetland areas: riparian-wetland areas are in properly functioning physical condition appropriate to soil, climate, and landform.
- Standard 3 – Ecological Processes –Uplands: healthy, productive and diverse plant and animal populations and communities appropriate to soil, climate, and landform are supported by ecological processes of nutrient cycling, energy flow, and the hydrologic cycle.
- Standard 4 – Water Quality: surface water and ground water quality, influenced by agency actions, complies with State water quality standards.
- Standard 5 – Native, Threatened and Endangered (T&E), and Locally Important Species: habitats support healthy, productive, and diverse populations and communities of native plants and animals (including special status species and species of local importance) appropriate to soil, climate, and landform.

As a result of the interdisciplinary team assessments upland sites, as a whole, in the Pryor Farms grazing allotment were determined to be meeting the standards. The assessments that were completed in riparian areas revealed that Hay Creek was functioning-at-risk with no apparent trend and 'current grazing appears to be limiting the ability of riparian vegetation to occupy potential riparian sites'.

In the fall of 2005, the IDT presented the findings of the assessments to the grazing lessee and members of the interested public. The BLM, grazing lessee, Confederated Tribes of the Warm Springs, Gilliam County Watershed Council Coordinator, and the Soil and Water Conservation District Riparian Buffer Specialist gathered in December 2005 to establish solutions to areas that were not meeting standards. Five alternatives were developed and the lessee committed to getting his rangelands surveyed for forage production. In February 2006 another meeting was held with representatives of BLM, grazing lessee, Confederated Tribes of the Warm Springs, National Oceanic and Atmospheric Administration (NOAA) Fisheries, Natural Resource Conservation Service, Bureau of Indian Affairs, Gilliam County Watershed Council, and the Soil and Water Conservation District. The range of alternatives was further discussed and refined and a field tour was scheduled for April 2006. During the tour the range of alternatives was finalized. The alternatives were analyzed in the Pryor Farms Allotment Management Plan (Environmental Assessment (EA) Number OR-054-07-072) and the Finding of No Significant Impact (FONSI) was signed in August 2007. Each developed alternative was assessed and analyzed to determine if management objectives, as described in the Two Rivers RMP and Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California, 1995 (PACFISH) would be met by the actions proposed for the alternatives. The preferred alternative described in the EA would allow for attainment of all applicable management objectives. The applicable management objectives are consistent with and support the Oregon/Washington Standards for Rangeland Health. Existing grazing management will not meet the standards for rangeland health as described in the assessment.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The BLM has conducted an environmental analysis (EA# OR-054-07-072) for a proposed action to address grazing management in the Pryor Farms (#2607) grazing allotment in Gilliam County. The primary purpose and need of this project is to address the following objectives:

- Conserve Threatened and Endangered Species and the ecosystems upon which they depend, and do not contribute to the need to list a species (Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.), as amended);

- Restore and maintain the chemical, physical, and biological integrity of the Nation's water (Clean Water Act, as amended, 33 U.S.C. 1251);
- Promote healthy sustainable rangeland ecosystems; accelerate restoration and improvement of public rangelands to properly functioning conditions; promote the orderly use, improvement and development of the public lands; establish efficient and effective administration of grazing on public rangelands; and provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands (43 CFR 4100).
- Modify grazing practices (e.g., accessibility of riparian areas to livestock, length of grazing season, stocking levels, timing of grazing, etc.) that retard or prevent attainment of Riparian Management Objectives (RMOs) or likely to adversely affect listed anadromous fish. Suspend grazing if adjusting practices is not effective in meeting RMOs and avoiding adverse effects on listed anadromous fish (PACFISH);
- Maintain current livestock grazing levels and meet riparian and upland vegetation management objectives; manage all streams with fisheries or fisheries potential to achieve a good to excellent aquatic habitat condition (Two Rivers RMP, page 10);
- Implement changes in periods of use, or exclusion through construction of riparian protection fence, or a combination of both to meet objectives; implement intensive management to encourage a change in ecological condition toward climax (Two Rivers RMP, page 14).

The EA is incorporated by reference in this FONSI determination. A no action alternative and four action alternatives were analyzed in the EA.

The project would follow the recommendations of the interested public and the BLM interdisciplinary team that completed the S&G Assessment. A fence would be constructed along both sides of Hay Creek. Water gaps and / or pumps and troughs may be used to provide water to livestock. The existing fence on the ridge separating Tenmile pasture from East pasture (Antelope Canyon) would be extended north to intersect with the fence built along Hay Creek. A rotation grazing system would be implemented that confined use of North Pasture to 60 days per year or less.

Chapter 2 of the EA fully describes the alternatives considered, elaborates on issues raised during scoping and identifies potential impacts related to the different alternatives.

Plan Conformance: The proposed project has been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s): Two Rivers RMP; PACFISH.

Finding of No Significant Impact Determination: Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Two Rivers RMP. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving approximately 800 acres of land administered by the BLM, which by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and the additional criteria as required by the following Instruction Memorandum, Acts and Executive Orders: Instruction Memorandum No. 99-178, the Lacey Act, as amended; the Federal Noxious Weed Act of 1974; the Endangered Species Act of 1973, as amended; Executive Order 13112 on Invasive Species; Executive Order 12898 on Environmental Justice; Clean Water Act of 1987; Safe Drinking Water Act Amendments to the Clean Water Act of 1996; Executive Order 12088 on federal compliance with pollution

control standards, as amended; Executive Order 12589 on Superfund compliance; and Executive Order dated July 14, 1982 on intergovernmental review of federal programs.

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigations to reduce impacts to the physical, ecological, and social environment were incorporated in the design of the proposed action. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Two Rivers RMP.
2. **The degree to which the selected alternative will affect public health or safety.** The proposed action is designed to adjust the grazing system. There are no known effects to public health or safety.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been inventoried and potential impacts mitigated in the design of the proposed action. There are no effects on park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There are no effects which are expected to be highly controversial.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the effects of the proposed action is described in the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** Mitigations to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives. One listed fish species occupies habitat within the project boundary, no other species occupies habitat adjacent and immediately downstream within watersheds of the project boundary. The project has been designed to meet PACFISH objectives. No other threatened or endangered plants or animals were observed in the area. Endangered Species Act Consultation is

ongoing with the NOAA Fisheries, an agency representative has been involved in project design. Formal consultation will be completed before the final decision is signed.

10. **Whether the action threatens a violation of a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.** The project does not violate any known Federal, State, Local or Tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the project is consistent with applicable land management plans, policies, and programs.
11. **Comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only).** There are no floodplains, wetlands or water resource projects that would be adversely affected by this project.
12. **Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.** There are no unresolved conflicts not already approved in land use plans.
13. **Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).** This project does not have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).
14. **Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). Have significant adverse effect on Indian Trust Resources.** This project does not restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). This project does not have significant adverse effects on Indian Trust Resources.
15. **Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species).** This project does not contribute to the introduction, existence, or spread of: Federally listed noxious weeds or invasive non-native species.
16. **Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects).** This project does not have a direct or indirect adverse impact on energy development, production, supply, and/or distribution.

PROPOSED DECISION

Therefore, it is my proposed decision to implement the projects described under Alternative C, the Coordinated Resource Enhancement Program (CREP) and the rotation grazing system of Alternative B, Menske Double Rotation as described in EA# OR-054-07-072. This decision includes authorization of your livestock grazing use on the Pryor Farms grazing allotment #2607 for operator number 3605357 with a term of 10 years beginning in 2009 and expiring in 2019.

A fence would be constructed and maintained in accordance with 43 CFR §4120.3 along both sides of Hay Creek. Existing topographic barriers would be utilized where feasible to decrease costs of construction and maintenance. Water gaps and / or pumps and troughs would provide water to livestock. Maintenance and reconstruction of existing range improvements would be pursued. Riparian vegetation plantings would be designed to meet the requirements of the CREP specifications.

The pasture sizes, public and private land holdings are summarized in Table 1 below. Pasture boundaries are shown on Map 1.

Table 1. Land ownership in pastures of the Pryor Farms allotment under CREP.

Pasture	Pasture Size (acres/AUMs)			% Federal	% Tribal	
<u>Name</u>	<u>Tribal</u>	<u>Public</u>	<u>Private</u>	<u>Total</u>	<u>Land</u>	<u>Land</u>
North	225/29	544/62	321/40	1090/131	47	22
Tenmile	931/135	116/22	1826/241	2873/398	6	34
East	284/41	140/25	933/132	1357/198	13	21
Total	1440/205	800/109	3080/413	5320/727	15	28

While the grazing rotation schedule is meant to remain flexible within the lease dates of March 1 to February 28 in order to accommodate changing conditions, your current grazing authorization will be modified to a version of the Menske Double Rotation grazing schedule:

Pasture	AUs	Every year	AUMs
North	141	6/1 - 6/15	69
	141	7/16 - 8/15	139
Tenmile	141	6/16 - 7/1	74
	141	8/16 - 9/15	144
East	141	7/2 - 7/15	65
	141	9/16 - 10/15	139

Other terms and conditions of your new term grazing permit will be:

- Adjustments in livestock numbers or any other changes from your normal grazing schedule must be approved in advance by the authorized officer.
- Lessees are required to submit actual use grazing records within 15 days of completion of the year's grazing use.
- Lessees are required to maintain all range improvements for which they have maintenance responsibilities.
- Salting of livestock within one-quarter mile of water is prohibited. Supplemental feeding of livestock on public lands is prohibited without prior authorization from the BLM.
- This permit is subject to modification as necessary to achieve compliance with the Standards for Rangeland Health and Guidelines for Livestock Management (43 CFR 4180).
- Lessees/permittees are to provide reasonable access across private and leased lands to the BLM for the orderly management and protection of the public lands as allowed in 43 CFR 4130.3-2(h).
- To protect California bighorn sheep, no sheep or goat (domestic or non-native) use will be allowed on public land in this allotment.
- The middle Columbia River steelhead were listed as threatened under the Endangered Species Act by the National Marine Fisheries Service on March 25, 1999. As a result, this lease is subject to future modification that may be necessary to achieve compliance with the listing.

It is expected that livestock grazing in the Pryor Farms Allotment authorized by this proposed decision, and outlined above, will not be fully achievable until all of the rangeland improvement projects in this decision have been completed. Until these projects are constructed, which allow for the protection of riparian areas that were not meeting the Standards for Rangeland Health, your annual grazing authorization will restrict grazing in the North Pasture to April 1 to June 1.

Funding has been identified as a priority for the full implementation of the preferred alternative, and construction of rangeland improvement projects is expected to begin this grazing season after the appropriate cultural and botanical surveys have been completed. All projects are expected to be completed and livestock grazing is expected to occur as described in this decision by the beginning of the 2009 grazing season.

Livestock management fences will be constructed in a way that allows for freedom of movement for bighorn sheep, mule deer, and pronghorn and minimizes potential for injury or mortality. In accordance with BLM Manual Handbook H-1741-1, Interior allotment fences will conform to the following material and spacing requirements; top strand – barbed wire - no higher than 38”, second strand – barbed wire at 26”, bottom strand – smooth wire at 16”.

Wildlife escape ramps will be installed in new and existing livestock water tanks to minimizing potential for small animal drowning mortalities.

Cultural Resources

Cultural resource surveys will be conducted prior to all surface disturbing activities and project installations. Project location adjustments necessary to avoid site specific adverse impacts to cultural resources will be accommodated.

RATIONALE

Based on the Pryor Farms rangeland health assessment findings of 2005, changes in livestock use are needed in grazing allotment in order to resolve certain resource management conflicts. Where existing grazing management practices on public lands are significant factors in failing to achieve the standards for rangeland health and conform to the guidelines, BLM is taking action with this proposed decision to move toward the attainment of Standards.

The Pryor Farms Allotment does not meet Standard 2 (watershed function, riparian) and current grazing management is a significant factor. The Hay Creek channel lacked sufficient numbers of woody species such as willow, alder, and cottonwood for recruitment and recovery. Hay Creek’s channel is incised and laterally expanded. The braiding and mid-channel bars present indicate that flooding has carried excess bedload down the valley. In the Hay Creek channel, the bedload is highly mobile. Riparian vegetation is the key to binding mobile bank materials and restricting bank erosion. Grazing is currently limiting the ability of the vegetation to capture sediment and reduce the sediment/bedload transport rates.

The Pryor Farms Allotment does not meet Standard 4 (water quality) and current grazing management is a significant factor. Hay Creek has been identified as ‘water quality limited’ by the Oregon Department of Environmental Quality under section 303(d) of the Clean Water Act. The primary factor for this determination is summer stream temperatures relative to salmonid fish species rearing habitat. Although complete restoration of BLM land in this allotment is not anticipated to result in Hay Creek water quality meeting state standards, the current grazing in this allotment is not moving Hay Creek towards attainment of the State Water Quality Standards. This allotment is not meeting Standard 1 for areas adjacent to Hay Creek, and is not meeting Standard 2 along Hay Creek.

The Pryor Farms Allotment also does not meet Standard 5 (native, T&E, or locally important species) for riparian and current grazing management practices are a significant factor. The steelhead is listed as a threatened species under the Endangered Species Act. Hay Creek functions as steelhead spawning and rearing habitat. The primary anadromous fish population rehabilitation strategy for the BLM in the Columbia basin is PACFISH. The Pryor Farms grazing system does not comply with PACFISH because the grazing practices (late spring through fall grazing in riparian zones) have been determined to retard or prevent attainment of Riparian Management Objectives (RMOs) and are likely to adversely affect listed anadromous fish. The National Oceanic and Atmospheric Administration, National Marine Fisheries Service has determined through Section 7 consultation that current management is likely to adversely affect listed anadromous fish or their designated critical habitat.

The grazing strategy and projects that have been proposed were designed to allow public lands in the Pryor Farms Allotment to make significant progress toward attainment of the standards that were not met. This will be accomplished by constructing new rangeland improvement projects that will allow for a new grazing system

to be implemented. The assessments that were conducted and the determinations made in 2005 found that upland conditions in the Pryor Farms Allotment, as a whole, are in a healthy condition, function properly, and meet standards for rangeland health. All action taken by this proposed decision is to maintain quality upland conditions and improve riparian health and function.

This proposed decision will allow for fencing to separate the uplands north of Hay Creek, where the majority of public land lies, from the rest of the allotment. This fencing allows for the protection of Hay Creek riparian areas, allowing greater flexibility in how uplands are grazed. The amount of time per year that livestock spend in a pasture would be reduced from that of the current grazing system. The amount of forage harvested would decrease approximately 15%. Livestock dispersal throughout the uplands would increase due to crowding and rapid consumption of forage in the preferred areas. Grazing would begin June 1, towards the end of the critical growing season for native upland grass species. Because the initial rotation would be two weeks per pasture, forage utilization would be light to moderate in each pasture. The second rotation would begin July 16, during seed shatter, when upland soils are near their driest. The hot season dormancy following seed shatter is among the safest times to graze upland vegetation since most or all of the growth for the season is completed and carbohydrate reserves in the roots and crowns should be nearing their peak.

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

4100.0-2 Objectives.

The objectives of these regulations are to promote healthy sustainable rangeland ecosystems; to accelerate restoration and improvement of public rangelands to properly functioning conditions; to promote the orderly use, improvement and development of the public lands; to establish efficient and effective administration of grazing of public rangelands; and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands. These objectives shall be realized in a manner that is consistent with land use plans, multiple use, sustained yield, environmental values, economic and other objectives stated in 43 CFR part 1720, subpart 1725; the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a-315r); section 102 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740).

§4100.0-3 Authority.

- (a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);
- (b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.);
- (c) Executive orders transfer land acquired under the Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1012), to the Secretary and authorize administration under the Taylor Grazing Act.
- (d) Section 4 of the O&C Act of August 28, 1937 (43 U.S.C. 118(d));
- (e) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and
- (f) Public land orders, Executive orders, and agreements authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

§4100.0-8 Land use plans.

The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).

§4110.2-4 Allotments.

After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having

lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands.

§4110.3 Changes in permitted use.

The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer.

§4120.2 Allotment management plans and resource activity plans.

Allotment management plans or other activity plans intended to serve as the functional equivalent of allotment management plans may be developed by permittees or lessees, other Federal or State resource management agencies, interested citizens, and the Bureau of Land Management. When such plans affecting the administration of grazing allotments are developed, the following provisions apply:

- (a) An allotment management plan or other activity plans intended to serve as the functional equivalent of allotment management plans shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by such a plan, and the interested public. The plan shall become effective upon approval by the authorized officer. The plans shall --
 - (1) Include terms and conditions under §§4130.3, 4130.3-1, 4130.3-2 4130.3-3, and subpart 4180 of this part;
 - (2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;
- (c) The authorized officer shall provide opportunity for public participation in the planning and environmental analysis of proposed plans affecting the administration of grazing and shall give public notice concerning the availability of environmental documents prepared as a part of the development of such plans, prior to implementing the plans. The decision document following the environmental analysis shall be considered the proposed decision for the purposes of subpart 4160 of this part.
- (d) A requirement to conform with completed allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans shall be incorporated into the terms and conditions of the grazing permit or lease for the allotment.
- (e) Allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans may be revised or terminated by the authorized officer after consultation, cooperation, and coordination with the affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by the plan, and the interested public.

§4120.3-1 Conditions for range improvements.

- (a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.
- (b) Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into a cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.
- (d) The authorized officer may require a permittee or lessee to install range improvements on the public lands in an allotment with two or more permittees or lessees and/or to meet the terms and conditions of agreement.
- (e) A range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.
- (f) Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.

§4130.2 Grazing permits or leases.

- (a) Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits and leases shall also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2.
- (b) The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.
- (c) Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources.
- (d) The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years...

§4130.3 Terms and conditions.

Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

§4130.3-1 Mandatory terms and conditions.

- (a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.
- (b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.
- (c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

§4130.3-2 Other terms and conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

- (a) The class of livestock that will graze on an allotment;
- (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;
- (d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made.
- (g) The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee.
- (h) A statement disclosing the requirement that permittees or lessees shall provide reasonable access across private and leased lands to the Bureau of Land Management for the orderly management and protection of public lands.

§4130.3-3 Modification of permits or leases.

Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

§4160.1 Proposed decisions.

- (a) Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.
- (b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§4130.8 and 4150.3 and the action to be taken under §4170.1.

§4160.2 Protests.

Any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

§4160.3 Final decisions.

- (a) In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

§4180.1 Fundamentals of rangeland health.

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.

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.
- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.
- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.

§4180.2 Standards and guidelines for grazing administration.

- (c) The authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.
- (e) At a minimum, State or regional guidelines developed under paragraphs (a) and (b) of this section must address the following:
 - (1) Maintaining or promoting adequate amounts of vegetative ground cover, including standing plant material and litter, to support infiltration, maintain soil moisture storage, and stabilize soils;
 - (2) Maintaining or promoting subsurface soil conditions that support permeability rates appropriate to climate and soils;
 - (3) Maintaining, improving or restoring riparian-wetland functions including energy dissipation, sediment capture, groundwater recharge, and stream bank stability;
 - (4) Maintaining or promoting stream channel morphology (e.g., gradient, width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform;

- (5) Maintaining or promoting the appropriate kinds and amounts of soil organisms, plants and animals to support the hydrologic cycle, nutrient cycle, and energy flow;
- (6) Promoting the opportunity for seedling establishment of appropriate plant species when climatic conditions and space allow;
- (7) Maintaining, restoring or enhancing water quality to meet management objectives, such as meeting wildlife needs;
- (8) Restoring, maintaining or enhancing habitats to assist in the recovery of Federal threatened and endangered species;
- (9) Restoring, maintaining or enhancing habitats of Federal Proposed, Category 1 and 2 Federal candidate, and other special status species to promote their conservation;
- (10) Maintaining or promoting the physical and biological conditions to sustain native populations and communities;
- (11) Emphasizing native species in the support of ecological function;

Two Rivers Resource Management Plan, Record of Decision, Rangeland Program Summary (RPS), June 1986.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested publics may protest this proposed decision in accordance with 43 CFR § 4160.1 and § 4160.2, you are allowed fifteen (15) days from receipt of this notice to file such a protest with:

Christina M. Welch
Field Manager, Central Oregon Resource Area
Prineville District Bureau of Land Management
3050 NE Third Street
Prineville, Oregon 97754

A protest may be made in writing and should specify the reasons clearly and concisely as to why you think the proposed decision is in error. Upon the timely filing of a protest, the authorized officer shall reconsider the proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion of this review of the protest, the authorized officer shall serve a final decision on the protestant, or his agent, or both, and the interested public in accordance with 43 CFR § 4160.3 (b).

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice. Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. A period of 45 days from your receipt of the proposed decision is provided for filing an appeal and petition for stay of the decision pending final determination on appeal, as provided in 43 CFR § 4.470 and 43 CFR § 4160.4.

Any appeal should state clearly and concisely as to why the final decision is in error. All grounds of error not stated shall be considered waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Christina M. Welch
Field Manager, Central Oregon Resource Area
Prineville District Bureau of Land Management
3050 NE Third Street
Prineville, Oregon 97754

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR 4.21 must be filled with the appeal. In accordance with 43 CFR 4.21 (b) (1), a petition for a stay must show sufficient justification based on the following:

- The relative harm to the parties if the stay is granted or denied,
- The likelihood of the appellant's success on the merits,
- The likelihood of immediate and irreparable harm if the stay is not granted, and
- Whether the public interest favors granting the stay.

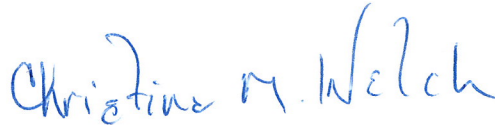
Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing the appeal and petition for a stay with the authorized officer, the appellant must also serve copies on:

- 1) all other person(s) named in the Copies sent to: section of this decision; and
- 2) the appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c):

US Department of the Interior
Office of the Regional Solicitor
805 S.W. Broadway, Suite 600
Portland, OR 97205

Finally, in accordance with 43 CFR 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

Sincerely,



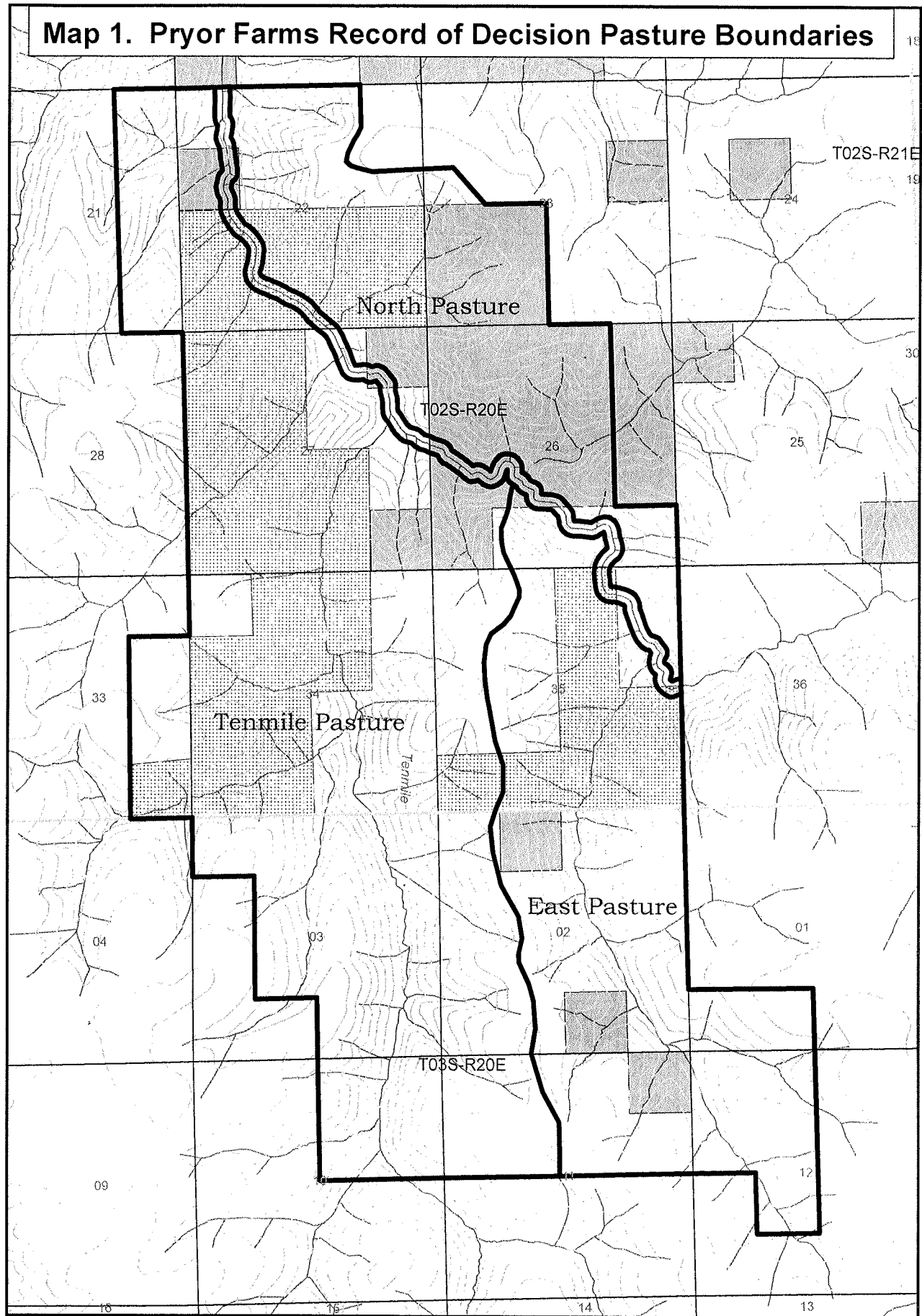
Christina M. Welch
Field Manager, Central Oregon Resource Area

Enclosure

cc:

Earl Pryor
Wally Powell, Gilliam County SWCD
Scott Turo, CTWS
Bill Reynolds, BIA
Scott Hoefer, NMFS

Map 1. Pryor Farms Record of Decision Pasture Boundaries



- Legend**
- Pryor_Farms_Allocation_ROD
 - PLSS Township
 - PLSS Sections
 - 100 Ft Contours Simplified
 - Bureau of Land Management
 - Confederated Tribes of Warm Springs
 - Private



U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
PRINEVILLE DISTRICT
305 0 NE Third Street
Prineville, OR 97754
(541) 416 -6700

Contour Interval = 100 feet
0 0.2 0.4 0.8 Miles

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