

USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District

FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
FOR
RIVERSIDE ALLOTMENT MANAGEMENT PLAN/AGREEMENT
ENVIRONMENTAL ASSESSMENT

OR-06-025-021

INTRODUCTION

The attached Environmental Assessment (EA) was completed to analyze the effects of implementing the Allotment Management Plan (AMP) for Riverside Allotment #5538. This allotment is located approximately 50 air miles east of Burns, Oregon. Total Bureau of Land Management (BLM), State, Bureau of Reclamation-managed lands, and private land acreage for the allotment is 20,949 acres which are divided into seven pastures. Refer to the attached EA Appendices for maps of the allotment. In 2005, Warm Springs Pasture was renamed Winnemucca Field because there were two Warm Springs Pastures adjacent to each other. Permitted season of use for the allotment is from April 1 through October 31. Three grazing permits exist for this allotment, two of which were recently acquired by Second Oregon LLC from McEwen Ranch LLC (one permit is owned by Second Oregon LLC and one is leased from the Ott family) and the remaining permit is held by Monte Siegner. There are no wild horse Animal Unit Months allocated within this allotment. However, wild horse use does occur when they drift out of the nearby Stinkingwater Herd Management Area (HMA).

In 2005, data from rangeland monitoring studies gathered on Riverside Allotment from 1995 to 2004 were analyzed by an Interdisciplinary Team (IDT) through a formal allotment evaluation to determine if current grazing management is or is not meeting resource objectives. The evaluation included an analysis of the allotment to determine if current management is in conformance with Oregon and Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management.

Results of this analysis determined that upland watershed function; riparian and wetland areas watershed function; ecological processes; water quality; and native, Threatened and Endangered (T&E), and locally important species standards were not being achieved in the allotment.

Standards for Rangeland Health for locally important species and T&E species for California bighorn sheep were met and no determination could be made for Malheur prince's plume due to lack of data. For standards not met, with the exception of water quality for Malheur River, current grazing management was a causal factor in not meeting standards. Livestock use, during critical growing periods without periodic rest or deferment until after seed set, does not provide key forage species (e.g., bluebunch wheatgrass *Pseudoroegneria spicata* and crested wheatgrass *Agropyron cristatum*) the opportunity to complete their reproductive cycle which was the main reason for current grazing management being a causal factor. Current grazing management, in association with the rapid spread of the noxious weed medusahead, has reduced available forage resulting in heavier utilization levels and repeat defoliation of key forage species in some areas. The amount of key grass species available for livestock use has been reduced on portions of the allotment due to the spread of medusahead; therefore, those that are available are more likely to be grazed each season than they were before medusahead established. With medusahead present on the allotment, the ability to meet standards will be compromised until the court-ordered herbicide injunction which limits use of herbicides on BLM-managed lands in Oregon is lifted.

An amendment to the evaluation was written in December of 2005 that proposed additional range improvements and livestock grazing management changes that would reduce the possibility of livestock grazing management being a causal factor in not meeting standards.

Through the 2005 Evaluation, an IDT recommended and the Three Rivers Resource Area Field Manager concurred that Standards for Rangeland Health could be achieved and Guidelines could be conformed to through changes in livestock grazing management and additional range improvements. Therefore, removal of livestock grazing was not considered further.

The attached AMP/EA analyzes livestock management that addresses issues from the 2005 Riverside Allotment Evaluation and Allotment Evaluation Amendment and is tiered to the 1992 Three Rivers Resource Management Plan (RMP).

SUMMARY OF PROPOSED ACTION

The proposed action was designed by a BLM IDT to address Standards for Rangeland Health and Guidelines for Livestock Grazing Management that were determined as not being achieved with livestock as a causal factor in the 2005 Riverside Allotment Evaluation. It was also designed to meet Riverside Allotment resource objectives brought forth from the 2005 Riverside Allotment Evaluation (see Chapter I, Section B: Purpose of and Need for Action).

Proposed grazing management would be implemented that allows for periodic rest for rangeland vegetation during critical growth periods to promote plant vigor, reproduction, and productivity.

This management action may be through scheduled use periods or based upon climate and available forage on any given year. For Monte Siegner's permit, proposed management would provide a defer treatment or rest for each pasture at least once every 3 years. Siegner's permitted season of use would begin on March 1 instead of April 1 to allow periodic early season use in the North Slope Pasture. The Second Oregon LLC permit would continue current management on Vale Pasture and Winnemucca Field, an early treatment annually and a graze/defer treatment, respectively. Refer to the Proposed Grazing Management [CH. 2, Section B (2)(A)] and Appendix E: Proposed Grazing Schematic in the attached EA for more detail on proposed grazing management actions. The BLM would also use the most appropriate methods for medusahead control as they become available. The grazing management portion of the proposed action addresses achieving the upland watershed function, ecological processes, and T&E, Special Status and locally important species standards.

In order to meet riparian/wetland area and water quality standards on Warm Springs Creek; there are three alternatives which would be implemented as follows; (1) construct a reservoir in a nearby ephemeral drainage, fence Warm Springs Creek but leave one emergency use water gap and remove livestock grazing from the remaining area along this creek, (2) fence the creek and install year-round water gap(s) if reservoir is not successful, thus removing livestock from a majority of this stretch of the creek, or (3) pipe water from an adjacent pasture where a water storage tank would be constructed. If the reservoir is constructed, rangeland monitoring would determine whether or not the reservoir is an adequate water source. If it is determined to be inadequate, additional water gaps could be installed. The pipeline would only be constructed within the Winnemucca Field if the reservoir and water gaps are not adequate. Refer to the Proposed Action of the attached EA, Section 2 (A) and (B) for a detailed description.

An additional proposed range improvement includes pumping water from the Middle Fork of Malheur River or from an existing well near the river owned by Warm Springs Irrigation District. Water would be pumped to a storage tank in Reservoir Pasture with a trough placed near the storage tank. A pipeline would run south approximately 1.0-mile with spur lines (approximately 0.75-mile each) to the east and west with a trough on each branch. An additional pipeline spur would run west from the storage tank approximately 2.5 miles into the north end of Winnemucca Field with one trough at the end (see Section B(2)(B) and Appendix C: Proposed Range Improvement Maps in the attached EA). This additional water source would aid in livestock distribution across both pastures.

Resource objectives from the AMP/EA are as follows:

1. Manage for stable or upward trend in range condition of Wyoming big sagebrush/bluebunch wheatgrass and crested wheatgrass plant communities over the next 5 years. Trend will be measured by relative frequency of occurrence of key forb, shrub, and perennial grass species as compared with total ground cover.

2. Maintain or increase populations and numbers of Malheur prince's plume (*Stanleya confertiflora*) within the allotment over the next 5 years. Known prince's plume populations will be monitored annually to determine their health and condition. Annual monitoring will include belt transects or circle plots to measure the density of individual populations of prince's plume in key areas. New populations within the allotment will be recorded as they are discovered.
3. Manage for increased hydric herbaceous species in conjunction with upward trend in riparian condition on Warm Springs Creek over the next 5 years. This will be measured by a Proper Functioning Condition Assessment and a permanent riparian photo point with the photo taken on 5-year intervals.

FINDING OF NO SIGNIFICANT IMPACT

This proposed action is in conformance with objectives and land use plan allocations in the 1992 Three Rivers RMP/Environmental Impact Statement (EIS). It is in conformance with the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (August 12, 1997.) Based on the analysis of potential environmental impacts contained in the EA and all other information, it was determined that the proposed action and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared.

Rationale:

This determination is based on the following: The following critical elements of the human environment have been analyzed in the Three Rivers RMP/EIS, are not known to be present, or would not be known to be affected by the proposed action or alternatives and were not discussed further in the attached EA: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Flood Plains, Hazardous Materials, Wild and Scenic Rivers, Wilderness and Wilderness Study Areas. Noncritical elements that are not known to be present or would not be affected in any way by implementation of the proposed action are Fire Management, Forestry/Woodlands, Lands and Realty, Minerals and Reclamation, Wild Horses and Burros and Wilderness Characteristics. Wild horses and burros occasionally drift into the allotment from the Stinkingwater HMA but are not considered a normal part of the resources in this allotment and therefore were not analyzed. An intensive inventory evaluating the presence of wilderness characteristics on most of the BLM-administered lands in the Riverside Allotment was completed in March of 1980 and found that wilderness characteristics were not present. In January of 2007 an IDT reviewed and updated the 1980 inventory with information about the current conditions of the BLM-administered lands in the inventory units associated with the Riverside Allotment. No changes to conditions were identified that would modify the findings of the 1980 inventory; therefore, wilderness characteristics have been determined not to be present.

The following critical element was not discussed in the Three Rivers RMP/Final EIS:

Environmental Justice: Executive Order 12898 requires that Federal agencies adopt strategies to address environmental justice concerns within the context of agency operations. Implementation of the proposed action would not result in disproportionately adverse human health or environmental effects on minority or low-income populations. Therefore, Environmental Justice was not addressed further in the attached EA.

All potentially affected resources were analyzed in the attached EA specific to the proposed action. The following critical elements were analyzed: Cultural Heritage, Migratory Birds, Noxious Weeds, Paleontology, Special Status Species – Fauna, Special Status Species – Flora, Water Quality, Wetlands and Riparian Zones. Noncritical elements analyzed include Livestock Grazing Management, Social and Economic Values, Soils, Vegetation, Visual Resources, Wildlife, and Recreation. Effects to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) and for the reasons discussed in Chapter IV of the attached EA. Therefore my proposed decision is described as follows:

DECISION

Having considered a no action alternative and a proposed action alternative and their associated impacts within the analysis of the Riverside AMP/EA OR-06-025-021, it is my proposed decision to implement the proposed action which implements the following grazing management actions described as follows:

1. Grazing management designed to allow periodic rest for rangeland vegetation during critical growth periods to promote plant vigor, reproduction, and productivity. This management action would be conducted through scheduled use periods or adaptive management based upon climatic conditions and available forage on any given year. For Siegner's grazing permit, a defer treatment (use after seed set) or complete rest will occur in each pasture at least once every 3 years. The Second Oregon LLC permit would continue current management on Vale Pasture and Winnemucca Field, an early treatment annually and a graze/defer treatment, respectively. Refer to the Proposed Grazing Management [CH. 2, Section B (2)(a)] and Appendix E: Proposed Grazing Schematic in the attached EA for more detail on proposed grazing management actions.
2. Implement a permitted season of use that begins on March 1 instead of April 1 for the Siegner permit to allow periodic early season use in North Slope Pasture.
3. To meet riparian/wetland area, water quality, and Special Status Species – redband trout standards on Warm Springs Creek; three alternatives could be implemented in order as follows:
 - a) construct a reservoir in a nearby ephemeral drainage, fence Warm Springs Creek but leave one emergency use water gap and remove livestock grazing from the remaining area,
 - b) fence the creek and install year-round water gap(s) if reservoir is not successful,

- thus removing livestock from a majority of this stretch of the creek,
- c) pipe water from an adjacent pasture where a water storage tank would be constructed.

If the reservoir is constructed, rangeland monitoring would determine whether or not the reservoir is an adequate water source to provide the livestock distribution to meet resource objectives. If it is determined to be inadequate, additional water gaps along the creek would be installed. The pipeline would only be constructed within the Winnemucca Field if the reservoir and water gaps are not adequate. Refer to the Proposed Action of the attached EA, Section 2 (A) and (B) for a detailed description.

4. To aid in livestock distribution, flexibility of season of use, and conform to Guidelines for Livestock Grazing Management, an additional proposed range improvement in Reservoir Pasture includes pumping water from the Middle Fork of Malheur River or from an existing well near the river owned by Warm Springs Irrigation District. Water would be pumped to a storage tank in Reservoir Pasture with a trough placed near the storage tank. A pipeline would run south approximately 1.0-mile with spur lines (approximately 0.75-mile each) to the east and west with a trough on each branch. An additional pipeline spur would run west from the storage tank approximately 2.5 miles into the north end of Winnemucca Field with one trough at the end (see Section B(2)(B) and Appendix C: Proposed Range Improvement Maps in the attached EA). This additional water source would aid in livestock distribution across both pastures.
5. The BLM would use the most appropriate methods for medusahead control as they become available.

Rationale for Proposed Decision: I have selected this proposed action as analyzed in the Riverside AMP/EA for the following reasons:

The proposed action provides for the most flexibility while at the same time controlling the timing, duration, and intensity of grazing. It provides for periodic rest to allow key forage species opportunities to complete reproductive cycles and thereby perpetuate these plants.

The proposed action allows for adaptive management that lends consideration to the past year's monitoring results while incorporating past and current climatic conditions.

The proposed action is designed to maintain or improve overall landscape condition by providing management that allows periodic growing season rest to forage species from livestock grazing to promote plant vigor, reproduction, and productivity.

The proposed action is in conformance with objectives and land use plan allocations in the 1992 Three Rivers RMP/EIS.

The proposed action is in conformance with the Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (August 12, 1997).

The proposed action is in compliance with Federal laws that mandate the management of public land resources (Taylor Grazing Act, Federal Land Policy and Management Act of 1976, and Public Rangeland Improvement Act of 1978).

Public involvement consisted of the EA and a proposed Finding of No Significant Impact (FONSI) being posted for public viewing on the Burns District Web site during the 30-day comment period. A notice of availability of the EA and Proposed FONSI with a description of the proposed action and alternatives was posted in the local newspaper for a 1-week period. Copies of the EA and proposed FONSI were mailed to the grazing permittees, Harney County Court, Oregon Department of Fish and Wildlife, Warm Springs Irrigation District, and identified interested publics for Riverside Allotment. There were no comments received by this agency during the EA/FONSI review period.

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered the following alternative to the proposed action:

1. No Action Alternative: Under this alternative, no changes in grazing management or installation of new range improvements would be completed to aid in meeting standards for rangeland health and conforming to guidelines for livestock grazing management on those pastures that are currently not in conformance. Current season of use would continue to begin on April 1 for the Siegner permit, not allowing for flexibility in having an early season use period available. Vale Pasture would continue to be grazed from early April through early May annually. At these low elevations this season of use would not comply with the definition of "early" (refer to Appendix D: Grazing Treatment Descriptions) use in that there would be a lesser probability of full regrowth prior to the end of the growing season. South Slope Pasture would also be grazed from early April through early May, which does not allow for periodic growing season rest at this low elevation. Winnemucca Field would continue to be managed with a 2-year rotation with a graze treatment (Year 1) followed by a defer treatment (Year 2), with use rotated in this fashion over time. Ranch Pasture would continue being grazed annually from early April through early May then again after seed set. Typically utilization levels are light during the April/May use period and plants are allowed to set seed prior to the defer treatment. The Reservoir Pasture would continue to be grazed during the growing season and not provided periodic growing season rest. The North Slope Pasture would be grazed on an annual early/defer treatment, with a short period of use in March and then again when leaving the Reservoir Pasture during mid-July.

This alternative was not selected because it does not provide periodic growing season rest for key forage species and, therefore, does not conform to the BLM's Guidelines for Livestock Grazing Management. It was also not selected because this livestock management was determined to be a causal factor in not meeting the Standards for Rangeland Health on Warm Springs Creek; riparian and wetland areas watershed function; water quality; and native, T&E, and locally important species – redband trout.

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under Sections 43 CFR 4160.1 and 4160.2, in person or in writing to Joan M. Suther, Three Rivers Resource Area Field Manager, within 15 days from receipt of this proposed decision at the following address:

Bureau of Land Management
Burns District Office
28910 Hwy 20 West
Hines, Oregon 97738

The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision shall become my final decision without further notice unless otherwise provided in the proposed decision. Any protest received will be carefully considered and then a final decision will be issued.

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 may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

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

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must show sufficient justification based on the following standards:

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

As noted above, the petition for stay must be filed in the office of the authorized officer.

/signature on file/
Joan M. Suther
Three Rivers Resource Area Field Manager

April 11, 2007
Date