



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Prineville District Office  
3050 NE 3<sup>rd</sup> Street  
Prineville, Oregon 97754  
<http://www.blm.gov/or/districts/prineville>



In Reply Refer To:  
DOI-BLM-ORWA-P000-2013-0006-EA  
4130 (ORP000)

**JUL 14 2016**

CERTIFIED MAIL – 7014 3490 0001 6520 1481  
Return Receipt Requested

Three Springs Ranch  
PO Box 11  
Powell Butte, OR 97753

Dear Permittee:

## **NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING PERMIT RENEWAL OF THE MAYFIELD HARRIS ALLOTMENT (NO. 05031)**

### **Background**

The Prineville District of the Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for the Multiple Grazing Permit and Lease Renewals Environmental Assessment, NEPA Register Number DOI-BLM-ORWA-P000-2013-0006-EA. The actions included in this Decision Record were analyzed in that EA. The project area for the EA includes BLM-administered public land throughout the Prineville BLM District. The proposed decision is for the Mayfield Harris Allotment, which is located approximately 4 miles south west of Prineville, OR and includes 345 acres of BLM-administered public land (see attached allotment map). The EA, FONSI, project area maps and other information are available at the Prineville BLM office or on the **project website**: <http://tinyurl.com/Prineville-MGPREA>

The EA considered actions to renew as-is, renew with modifications, or not renew the grazing permits for several grazing allotments. The EA also considered actions to install new range developments and/or maintain certain existing range developments. The EA and FONSI were prepared in order to complete full processing of the grazing permits and leases and for compliance with the National Environmental Policy Act of 1969 (NEPA).

### **Public, tribal and other involvement**

The BLM mailed over 130 tribal and public scoping letters in January 2013. An addendum was sent out two weeks later when it was discovered that one allotment proposed for renewal had

been mistakenly left off the original letter. The BLM received 14 letters or e-mails in reply to scoping. In many cases the comments led to the development of issues and the incorporation of project design features into the action alternatives (as described in the EA Chapter 2, Alternatives).

The general public was also notified of the project in January 2013 via the Prineville District Project Planning Update which is posted on the Prineville public website at <http://www.blm.gov/or/districts/prineville/plans/plans.php>.

The BLM talked on the phone with the grazing permittees multiple times during development of the project to gain an understanding of how the proposed actions would affect their operations.

The BLM again requested public and tribal input in February 2015 when it published the EA and draft FONSI to the BLM's public website and sent notification letters to those on the original scoping list and others who expressed interest since scoping. The BLM sent another letter to the same mailing list on March 25, 2015 to notify interested parties that the comment period had been extended until April 30, 2015. During the public review period for the EA, the BLM received 40 comment letters.

Based on comments, the BLM made several changes to the EA to clarify meaning or intent. The revised EA, public comments and BLM response are posted on the ePlanning website at: <http://tinyurl.com/Prineville-MGPREA>

### **Proposed Decision**

Based on the analysis documented in the EA and FONSI, it is the BLM's decision to implement action Alternative 3 for the Mayfield Harris Allotment as described in EA # DOI-BLM-ORWA-P000-2013-0006-EA. The following is a summary of management actions that will be implemented.

### **Renew Grazing Permit**

Under the authority of 43 CFR Subparts 4130.2 (a), (b), (c), and (d) (grazing permits and leases), 4130.3 (terms and conditions), and 4160.1 (proposed decisions), it is my Proposed Decision to renew grazing permit authorization number 3605567 for a period of 10 years on the Mayfield Harris Allotment (No. 05031), as shown in Table 2 below; with the associated terms and conditions described below. In the tables below, PPL stands for Percent Public Land in the allotment, and AUMs stands for Animal Unit Months (the amount of forage a cow and calf eat in one month).

From:

**Table 1. Current grazing permit for the Mayfield Harris Allotment.**

| Authorization Number | Livestock Number and Type | Grazing Period | PPL | Active Permitted Use (AUMs) |
|----------------------|---------------------------|----------------|-----|-----------------------------|
| 3605567              | 6 Cattle                  | 3/01-2/28      | 100 | 68                          |

To:

**Table 2. Proposed grazing permit for the Mayfield Harris Allotment.**

| Authorization Number | Livestock Number and Type | Grazing Period | PPL | Active Permitted Use (AUMs) |
|----------------------|---------------------------|----------------|-----|-----------------------------|
| 3605567              | 5 Cattle                  | 3/01-7/15      | 100 | 23                          |

### **Flexibility**

The grazing lessee(s)/permittees will be allowed 7 days of flexibility in use periods before the scheduled pasture start and end dates (described in Table 3) to adjust for annual fluctuations in livestock numbers, changing climate conditions, and to accommodate removing livestock from pastures, provided that total use does not exceed the authorized/licensed numbers of active preference AUMs. An annual grazing application must be submitted to the BLM for review prior to grazing use to ensure planned use is consistent with the grazing lease terms and conditions. BLM will modify the grazing period and rest periods when necessary to address resource concerns and to achieve multiple use objectives.

The terms and conditions of the permit are:

- Standard terms and conditions applicable to all leases (shown in Appendix C of the Revised EA).
- Grazing use will be in accordance with the Grazing Permit Renewal Decision for the Mayfield Harris Allotment.
- All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing.
- Lessees/permittees are required to submit actual use grazing records within 15 days of completion of the year's grazing use.
- Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular, or liquid form. Such supplements must be placed at least one quarter mile from live waters (springs, streams), troughs, wet or dry meadows, and aspen stands.
- Lessees/permittees are required to maintain all range developments for which they have maintenance responsibilities prior to livestock turnout.
- 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).
- The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

### **Rationale for the Proposed Decision**

Renewal of the grazing permits is in conformance with the BLM's livestock grazing regulations found in Title 43 of the Code of Federal Regulations (CFR) Section 4130.2(a) (1995) and is further necessary to make significant progress toward meeting the Standards and Guidelines for Rangeland Health, objectives in the Upper Deschutes Resource Management Plan, and other pertinent multiple use objectives for the public lands.

The 2003 Rangeland Health Standards and Guidelines Assessment concluded that standards 5 and 2 were met and standards 1 and 3 were not being met. It was determined that current livestock grazing was a causal factor for not meeting standards 1 and 3. Standards 2 and 4 were not applicable as there are no riparian or wetland areas in the allotment. Current grazing practices are not considered to be in conformance with the guidelines for livestock grazing management.

The selected alternative would change the season of use to provide periodic rest. The season of use would be shortened, but grazing would still occur during the CGS. The permit would be updated to remove the BLM acres on the east side of George Millican Road which are no longer accessible to the permittee. After the reduction in acreage, BLM lands will account for less than 5 percent of the overall acreage in the allotment. Fencing BLM land and applying restoration treatments, such as removing juniper and seeding with natives, would be required to improve rangeland condition. Due to the low priority of this allotment (outside of sage grouse habitat and low percent BLM land) it is unlikely that funds would be available for restoration treatments within the life of the permit.

The no action alternative (Alternative 1) would renew the permit with the existing terms and conditions. Range improvements would be maintained by term grazing permit holders as specified in the term grazing permit. The permit would continue to show BLM acres on the eastern side of George Millican Road which are no longer available to the permittee since the road was paved. This alternative was not selected because the current season of use does not provide periodic rest which contributed to the failure of Standards 1 and 3.

Under Alternative 2, grazing permits would not be renewed. This alternative was not selected for several reasons. Removal of grazing would eliminate the direct effects of grazing to the vegetation. The BLM weighed this against the economic effect on the grazing permittee and the local economy. The grazing regime in Alternative 3 would provide a period of rest from season-long grazing to promote plant vigor and recovery. This would allow the area to be grazed as one of the multiple uses of the public land while still making progress toward meeting objectives for other natural resources. The light utilization of this allotment surrounded by private land provides an area that can be grazed as one of the multiple uses of the public land while still making progress toward meeting objectives for other natural resources. Additionally, due to the checker boarded land ownership between BLM and private, eliminating grazing would place a hardship on the livestock grazing permittee because it would restrict the ability to utilize their private land without crossing BLM managed lands. Therefore, the no grazing alternative did not represent the best overall combination of actions to meet multiple use goals and was therefore not selected.

In summary, I find that Alternative 3 is the combination of actions that best meets the purpose and need for action, and minimizes effects to natural resources while providing for livestock grazing in a manner consistent with the RMP. Based on the analysis of potential impacts contained in the EA, the BLM has determined in the FONSI that the Multiple Grazing permit and Lease Renewals project will not have a significant impact on the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (FONSI pages 1-4). Thus, an EA is the appropriate level of analysis, and an Environmental Impact Statement (EIS) will not be prepared.

## **Compliance**

The Proposed Decision is consistent with the Upper Deschutes Resource Management Plan (RMP) (USDI BLM 2005):

- “Promote healthy sustainable rangelands, provide for continued livestock grazing, and limit conflicts between livestock grazing and other uses and values of public land and adjacent private land,” (page 76)
- “Manage ... rangelands to provide for social and economic values ... consistent with ecosystem sustainability and other resource management objectives.” (page 93)
- “Where natural springs exist and are developed...The spring area and the overflow will be fenced to exclude livestock trampling.” (page 55)
- “Maintain and restore healthy, diverse and productive native plant communities appropriate to local site conditions.” (pg. 27)
- “Maintain or improve current good to excellent stream bank stability and riparian vegetative condition.” (pg. 34)
- “Where the capability exists, restore, maintain and improve upland and hydrologic function through the reduction of overland flow, increased infiltration, and improved floodplain function similar to historic levels.” (pg. 40)
- “Maintain or improve habitats to support healthy, productive and diverse populations and communities of native plants and animals ... appropriate to soil, climate and landform.” (pg. 51)

The RMP is available at the Prineville District (address at top of this Proposed Decision) or on the Prineville BLM website at: <http://www.blm.gov/or/districts/prineville/plans/prinevillermph>

The selected action ensures compliance with Section 106 of the National Historic Preservation Act. This compliance includes consultation with the Oregon State Historic Preservation Office and interested tribes, and project design features that avoid disturbance to historic properties and paleontological resources.

## **Authority**

Authority for the actions contained in this proposed decision is found in 43 Code of Federal Regulations (CFR) §4100.0-8, 4110.2-2, 4110.3, 4120.2, 4120.3-1, 4130.2 (a), (b), (d), and (e), 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.6-2, 4130.8-1(e), 4160.1, 4160.2, 4160.3, 4160.4, 4180.1, and 4180.2. The BLM issues and renews grazing permits consistent with the 1995 grazing regulations, Title 43 CFR, Grazing Administration, Exclusive of Alaska, Subparts 4100-4190, and all other pertinent laws and regulations.

## **Protest and Appeal Opportunities**

### **Protest**

In accordance with 43 CFR §4160.2, any applicant, permittee, lessee or other interested public may protest the Proposed Decision under §4160.1 of this title, in writing to the Bureau of Land Management, Jeff Kitchens, Field Manager (authorized officer), Deschutes Resource Area, 3050 N.E. Third Street, Prineville, OR 97754 within 15 days after receipt of this Proposed Decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the Proposed Decision is in error. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

### **Appeal and Petition for Stay**

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

In accordance with 43 CFR § 4160.4, 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 and may also petition for a stay of the decision pending final determination on appeal. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor. A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR 4.471(c)):

- 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; and,
- 4) Whether the public interest favors granting the stay.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

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 response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

The list of persons named in the decision (per 43 CFR § 4160.4) includes the permittee to whom this decision is addressed, as well as the following:

  
\_\_\_\_\_  
Jeff Kitchens  
Field Manager, Deschutes Resource Area

**JUL 14 2016**  
\_\_\_\_\_  
Date

Attachments

cc:  
See Attached List

## Interested Publics

The list of persons named in the decision (per 43 CFR § 4160.4) includes the permittee to whom this decision is addressed, as well as the following:

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CERTIFIED MAIL - 7014 3490 0001 6520 1603

C/O KURT LOCKHART  
QUAIL VALLEY RANCH, LLC  
13331 S. CROOKED RIVER HWY  
PRINEVILLE, OR 97754

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CERTIFIED MAIL - 7014 3490 0001 6520 1610

MIKE MCCABE  
JUDGE  
CROOK COUNTY COURTHOUSE  
300 NE THIRD ST  
PRINEVILLE, OR 97754

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CERTIFIED MAIL - 7014 3490 0001 6520 1627

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BLUE MTN BIODIVERSITY PROJECT  
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FOSSIL, OR 97830

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BEN GORDON  
OREGON NATURAL DESERT ASSOC  
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CERTIFIED MAIL - 7014 3490 0001 6520 1641

JIM HAMMETT  
57758 CHILDRESS LOOP  
JOHNDAY, OR 97845

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PO BOX 11648  
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CERTIFIED MAIL - 7014 3490 0001 6520 1665

ROD AND AMY HERSHEY  
TYLER HERSHEY  
PO BOX 81  
POWELL BUTTE, OR 97753

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CERTIFIED MAIL - 7014 3490 0001 6520 1672

ELIZABETH E. HOWARD  
ATTORNEYS AT LAW  
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PORTLAND, OR 97204

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OREGON PUBLIC LANDS COUNCIL  
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TYLER MCCORMACK  
PRESIDENT  
CROOK CO STOCKGROWERS  
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ALLEN TESKEY  
SARAH TESKEY  
BLUE MOUNTAIN RANCH  
PO BOX 14  
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DESERT SPRINGS RANCH  
c/o ERIC VETTERLEIN  
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PORTLAND, OR 97221

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MICHAEL BORMAN  
RANGELAND EXTENSION SPECIALIST  
OREGON STATE UNIVERSITY  
DEPT OF ANIMAL AND RANGELAND SCIENCES  
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CORVALLIS, OR 97331

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WILLIAM R AND DONNA MCCORMACK  
JEFF AND RUNINDA MCCORMACK  
MCCORMACK RANCH, LLC  
28833 SE BEAR CREEK RD  
PRINEVILLE, OR 97754

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CERTIFIED MAIL - 7014 3490 0001 6520 1740

JOHN AND LYNEE BREESE  
DIXIE MEADOW COMPANY  
3315 SE PAULINA HIGHWAY  
PRINEVILLE, OR 97754

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CERTIFIED MAIL - 7014 3490 0001 6520 1757

NAIDA MILLER  
14900 SW MILLER TRAIL  
POWELL BUTTE, OR 97753

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CERTIFIED MAIL - 7014 3490 0001 6520 1764

RON AND DANAE MILLER  
LOGAN MILLER  
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BEND, OR 97701

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GARY AND DANA MILLIN  
14221 SW MILLER TRAIL  
POWELL BUTTE, OR 97753

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CERTIFIED MAIL - 7014 3490 0001 6520 1788

HOLLI KINGSBURY  
35200 SE CAMP CREEK RD  
PRINEVILLE, OR 97754

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CERTIFIED MAIL - 7014 3490 0001 6520 1795

CHARLES M MCGRATH  
GRACE BIO-LABS  
325 SW CYBER DR  
BEND, OR 97702

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CERTIFIED MAIL - 7014 3490 0001 6520 1801

BRAD CHALFANT  
EXECUTIVE DIRECTOR  
DESCHUTES LAND TRUST  
210 NW IRVING AVE, SUITE 102  
BEND, OR 97701

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CERTIFIED MAIL - 7014 3490 0001 6520 1818

JOHN O'KEEFE  
PRESIDENT  
JEROME ROSA, EXECUTIVE DIRECTOR  
OREGON CATTLEMEN'S ASSOCIATION  
1320 CAPITOL ST. NE, STE. 150  
SALEM, OR 97301

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CERTIFIED MAIL - 7014 3490 0001 6520 1825

GEORGE WUERTHNER  
OR REP - WWP  
PO BOX 8359  
BEND, OR 97708

---

CERTIFIED MAIL - 7014 3490 0001 6520 1832

KIRK AND PAIGE WINEBARGER  
PSR 3310  
POST, OR 97752

---

CERTIFIED MAIL - 7014 3490 0001 6520 1849

SHARYN JAMESON  
16009 SE PAULINA HWY  
PRINEVILLE, OR 97754

---

CERTIFIED MAIL - 7014 2120 0002 5224 1144

THE CONFEDERATED TRIBES OF THE WARM SPRINGS  
TRIBAL COUNCIL  
EUGENE "AUSTIN" GREENE, JR., TRIBAL CHAIRMAN  
P.O. BOX C  
WARM SPRINGS, OR 97761

---

CERTIFIED MAIL - 7014 2120 0002 5224 1151

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
NIXYA'AWII GOVERNANCE CENTER  
GARY BURKE, BOARD OF TRUSTEES  
46411 TIMINE WAY  
PENDLETON, OR 97801

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CERTIFIED MAIL - 7014 2120 0002 5224 1168

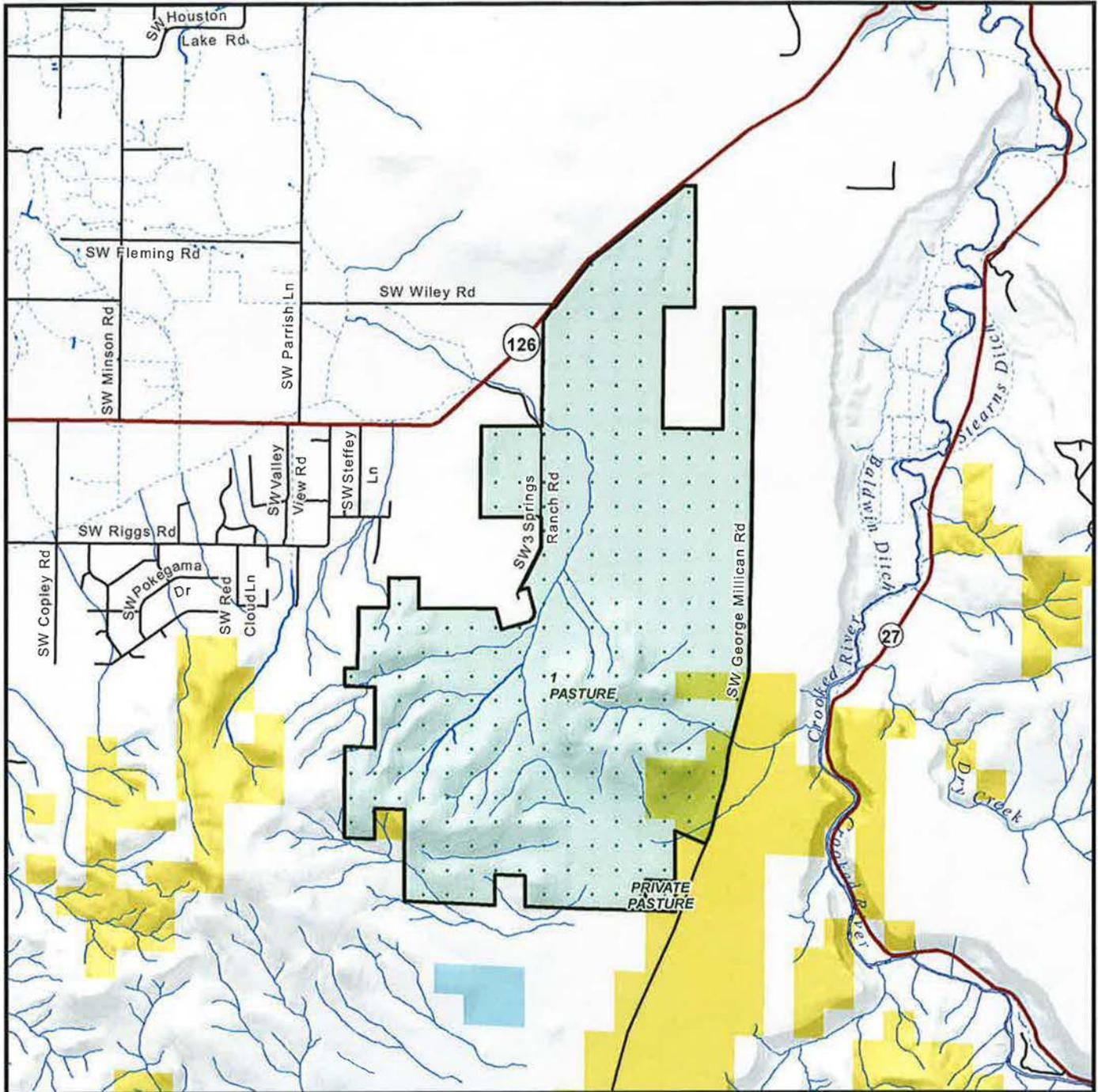
DON GENTRY, CHAIRMAN  
THE KLAMATH TRIBES  
P.O. BOX 436  
CHILOQUIN, OR 97624

---

CERTIFIED MAIL - 7014 2120 0002 5224 1175

THE BURNS PAIUTE  
GENERAL COUNCIL  
CHARLOTTE RODRIQUE TRIBAL CHAIRPERSON  
100 PASIGO STREET  
BURNS, OR 97720

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**Multiple Grazing Permit  
and Lease Renewals  
Environmental Assessment**

DOI-BLM-OR-P000-2013-0006-EA  
US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management

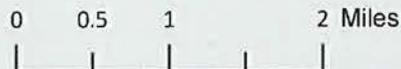


Prineville District, Oregon

October 2014

- Allotment Boundary
- Bureau of Land Management
- State
- Private/Unknown

1:75,680



Alternative 3

**Mayfield-Harris  
Allotment**



Oregon  
**Area Extent**