



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Prineville District Office
3050 NE 3rd 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 1566
Return Receipt Requested

Longview Ranch, LLC
c/o Leonard Breck
39847 Longview Lane
Kimberly, OR 97848

Dear Permittee:

NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING LEASE RENEWAL OF THE TWO COUNTY ALLOTMENT (NO. 04145)

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 Two County Allotment, which is located approximately 2 miles from Kimberly, OR and includes 14,844 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 provided a written proposal for the proposed 10-year grazing lease renewal for the Two County Allotment to Longview Ranch on December 17, 2013. In person meetings to discuss the proposed lease renewal and EA also occurred on March 5, 2014 and June 21, 2016. During the process of developing actions and proposals for the lease renewal, BLM met in person, in the field, and talked to Longview Ranch, LLC. over the phone.

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 Two County Allotment (No. 04145) 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 lease authorization number 3602176 for a period of 10 years on the Two County Allotment (No. 04145) 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 Lease for the Two County Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602176	137 Cattle	4/1 – 11/30	100	1,105

To:

Table 2. Proposed Grazing Lease for the Two County Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602176	183 Cattle	4/1 – 3/31	50	1,105

The authorized grazing system will be a deferred (spring and fall) rotation follow the grazing schedule shown below in Table 3.

Table 3. Grazing System (rotation repeats after Year 2)

Pastures	Year	Grazing Period Begin	Grazing Period End	Active Permitted Use AUMs
Holmes	1	10/2	11/30	141
	2	2/1	3/31	37
Round-up Flat	1	12/1	2/1	31
	2	12/1	2/1	31
Branson Creek	1	4/1	5/1	100
	1	2/1	3/31	228
	2	10/16	2/1	334
Lost Fawn	1	5/2	6/2	73
	2	7/2	9/15	75
Burnt Corral	1	6/3	10/1	57
	2	9/16	10/15	41
Sandy Creek	1	6/3	6/30	70
	2	9/16	10/15	75
McGinnis Creek	1	4/1	11/15	278
	2	4/1	11/15	278
No Graze/ Riparian Enclosure	1	REST	REST	0
	2	REST	REST	0

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 grazing lease are:

- Standard terms and conditions applicable to all permits (shown in Appendix C of the Revised EA).
- Grazing use will be in accordance with the Grazing Permit Renewal Decision for the Two County 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.

Range Improvements

Under the authority of 43 CFR Subparts 4120.3-1 (conditions for range improvements) and 3-2 (cooperative range improvement agreements), it is my Proposed Decision to implement the actions listed below, which were analyzed in Alternative 3 of the EA. Project design features described in the EA (Chapter 2) will be incorporated into the planning and implementation phases of all range improvements. Refer to the enclosed map for the approximate location of the developments.

Range improvements will be installed in the general location, but may be moved slightly from locations shown on maps to minimize effects on visual, cultural, wildlife and other resources. The BLM will ensure the effects of any adjusted location will not exceed those analyzed in the EA.

The cooperator/lessee will maintain approximately 13 miles of the Two County Allotment boundary fence as stated on the Assignment of Range Improvements form (4120-8) in the operator case file. The BLM will enter into Cooperative Range Improvement Agreements with cooperator or lessee as per 43 CFR Subpart 4120.3-1 (b) for all existing and new range improvements.

The BLM will authorize the cooperator/lessee to conduct maintenance of reservoirs on the Two County Allotment (For locations, refer to Table 7 of the EA and attached map)

Reservoir maintenance would involve periodic inspections, repairing minor spillway headcutting or channeling, removing trash from the spillway, and sealing minor seeps with bentonite. Slumps, major headcutting, unusual leaks, or other problems would be reported to the BLM. Pipelines and troughs associated with the reservoir, that provide livestock water, would normally be maintained by the livestock operator. Heavy equipment would likely be used to perform maintenance actions.

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 maintain, meet, or make significant progress toward meeting the Standards and Guidelines for Rangeland Health, objectives in the John Day Basin ROD&RMP approved April 2015, and other pertinent multiple use objectives for the public lands.

In 2005, a Rangeland Health Standards and Guidelines Assessment was completed on the Two County Allotment. The Results of Assessment (ROA) determined that the allotment was meeting 4 out of 5 standards. Standard 4 (Water Quality) was not met and livestock was not the causal factor. The assessment found that livestock grazing was in conformance with the standards and livestock grazing was not contributing to the failure of the water quality standard primarily because creeks in the allotment contribute a small percentage of water for the 303d listed reach of the Lower John Day River.

The deferred rotation grazing system that will be authorized for the Two County Allotment (Alternative 3 in the EA, refer to table 5) would have more benefits to the natural resources than the other alternatives analyzed in the EA. Deferring use during the critical growing period (i.e. critical growing stages in a plants life cycle) will provide adequate rest to the perennial bunchgrasses, improve vigor, and allow perennial grasses to produce seed. The preferred alternative was also selected because implementing the management described in the EA would maintain and make progress towards meeting rangeland health standards and multiple use objectives. Some of the resources that would benefit from implementing the preferred alternative (deferred grazing rotation) are: 1) rest for perennial bunchgrasses during the critical growing period, and 2) rest and managed grazing (timing and duration) for riparian areas on Holmes and Branson creeks.

Maintenance of allotment boundary fences would facilitate better livestock management and distribution. Fence maintenance would also reduce or eliminate livestock use on adjacent allotments, protect riparian areas and other sensitive resources, as well as private lands and facilitate the success of the deferred grazing system. Fence maintenance is also a term and condition of the grazing lease and a requirement per 43 CFR 4120.3-1(c). Maintenance of the reservoirs provides opportunities for additional water sources and increases water storage capacity which would improve livestock distribution across the allotment.

The no action alternative (Alternative 1) would renew the permit with the existing terms and conditions. This alternative was not selected because season long use does not provide periodic rest during the critical growing season for perennial bunchgrasses and would not make significant progress toward meeting rangeland health standards or other multiple use objectives.

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 and riparian resources. The BLM weighed this against the economic effect on the grazing permittee and the local economy. By following the grazing regime in Alternative 3 which defers grazing during the critical growing season and defers grazing in riparian areas on Holmes Creek and Branson Creek during summer months, the area can be grazed as one of the multiple uses of the public land while still making progress toward meeting objectives for other natural resources. 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 John Day Basin RMP/ROD. 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 John Day Basin Resource Management Plan (RMP) (USDI BLM 2015):

- “Maintain forage production and livestock use at levels sufficient to provide a sustained flow of local economic benefits and to protect non-market values.” (pg. 86)
- “Maintain and restore healthy rangeland, forest, and woodland habitats with diverse species compositions appropriate for the site’s potential based on disturbance patterns and frequencies...” (pg. 28)
- “Provide sufficient forage for cattle and wildlife.” (pg. 32)
- “Maintain and restore the health of watersheds and aquatic ecosystems.” (pg. 45)
- “Maintain or improve habitats to support healthy, productive, and diverse populations and communities of native plants and animals...” (pg. 57)
- “Fence developed spring areas to exclude livestock. Use an automatic shut-off or efficiently return overflow to the source in a short-return interval.” (pg. 52)
- “Manage activities, such as livestock grazing, to ensure that woody riparian species are not arrested or retrogressed in form. Change management of woody riparian species to correct for arrested and/or retrogressed growth forms and restore their potential stature.” (pg. 54)

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/prinevillermpp.php>

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, Homer “Chip” Faver, Field Manager (authorized officer), Central Oregon 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.

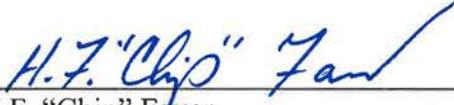
In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

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)).



H.F. "Chip" Faver
Field Manager, Central Oregon Resource Area

7.14.16
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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TRIBAL COUNCIL
EUGENE "AUSTIN" GREENE, JR., TRIBAL CHAIRMAN
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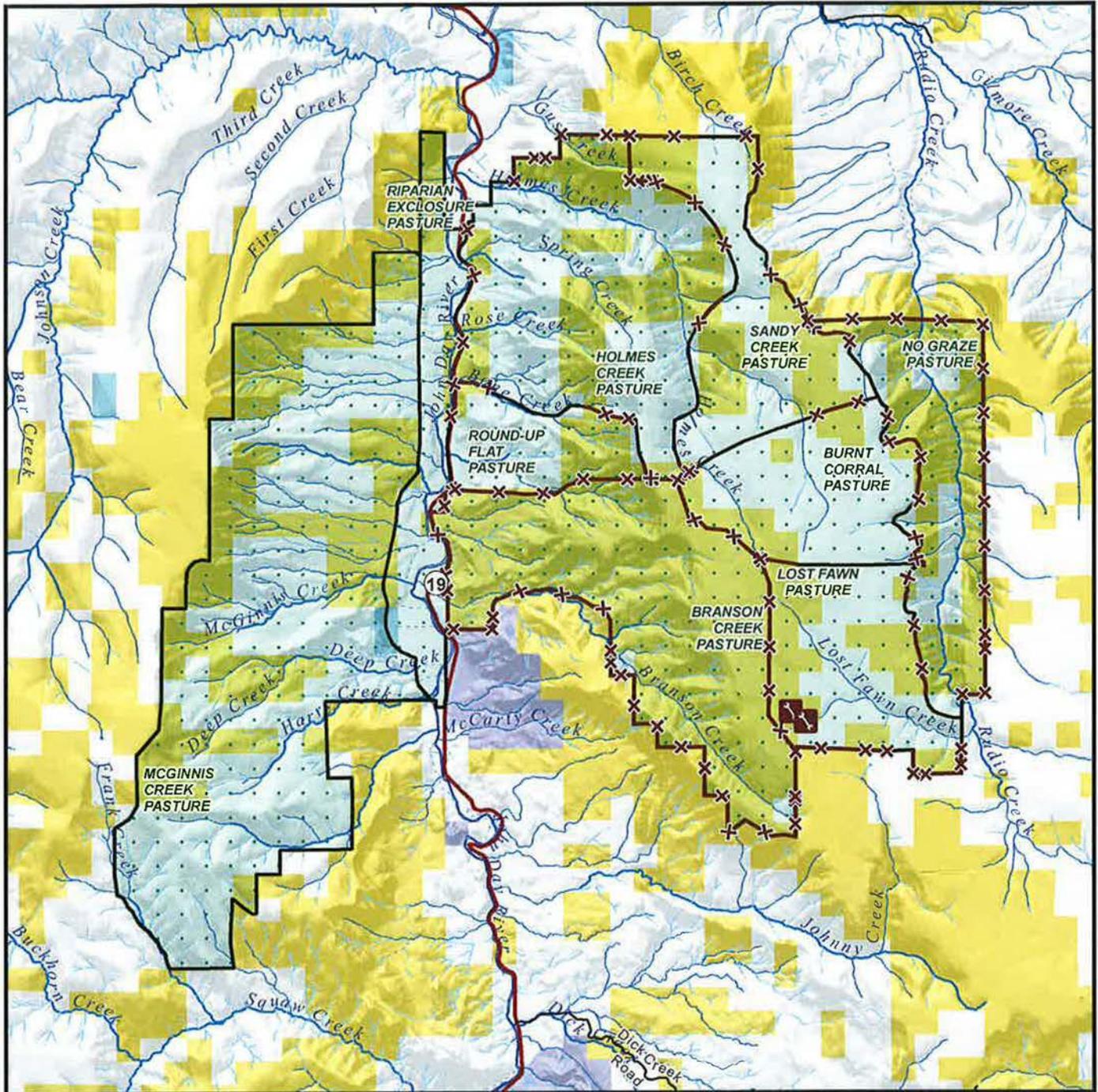
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**Multiple Grazing Permit
and Lease Renewals
Environmental Assessment**
DOI-BLM-OR-P000-2013-0006-EA
US DEPARTMENT OF THE INTERIOR
Bureau of Land Management



Prineville District, Oregon
October 2014

- Proposed Spring Development Maintenance
- Proposed Fence Maintenance
- Allotment Boundary
- Bureau of Land Management
- National Park Service
- State
- Private/Unknown

Alternative 3

**Two County
Allotment**



1:98,370

