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 1573
Return Receipt Requested

Martin Underhill
PO Box 266
Dufur, OR 97021

Dear Permittee:

NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING PERMIT RENEWAL OF THE WAGENBLAST ALLOTMENT (NO.07567)

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 Wagenblast Allotment, which is located approximately 5 miles south of the Columbia River and includes 80 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 Wagenblast 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 3605860 for a period of 10 years on the Wagenblast Allotment No. 07567, 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 Wagenblast Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605860	2 Cattle	03/01-2/28	100	10

To:

Table 2. Proposed grazing permit for the Wagenblast Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605860	3 Cattle	05/01-07/31	100	10

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 permits (shown in Appendix C of the Revised EA).
- Grazing use will be in accordance with the Grazing Permit Renewal Decision for the Wagenblast 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 maintain the Standards and Guidelines for Rangeland Health, objectives in the Two Rivers Resource Management Plan, and other pertinent multiple use objectives for the public lands.

The 2000 Rangeland Health Standards and Guidelines Assessment concluded that standard 1 was met and standards 3 and 5 were not being met. It was determined that current livestock grazing was not a causal factor for not meeting standard 3 and 5. Standards 2 and 4 were not applicable as there are no riparian or wetland areas in the allotment. Current grazing practices are considered to be in conformance with the guidelines for livestock grazing management.

The selected alternative will change the season of use from season-long to three months. The allotment is comprised of 5 percent BLM land which is located on steep slopes of the Upper Deschutes river canyon and therefore receives mostly incidental use from livestock. The season of use will be shortened, but grazing will still occur during the critical growing season. Due to light utilization of the BLM upland areas, annual use during the critical growing season is not expected to result in detrimental impacts to upland vegetation. Fencing BLM land and applying restoration treatments, such as reseeding 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 season of use was reduced to conform to the recommended grazing period in the Two Rivers Resource Management Plan (1986).

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. This alternative was not selected because the permit season of use does not conform to the recommended grazing period in the Two Rivers Resource Management Plan (1986).

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 shorten the grazing period to conform to the recommended grazing period in the Two Rivers Resource Management Plan (1986). 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 small custodial allotment surrounded by private land provides an area which 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 Two Rivers Resource Management Plan (RMP) (USDI BLM 1986):

- "Provide for commodity production while protecting natural values…Maintain current livestock grazing levels and meet riparian and upland vegetation management objectives." (pg. 10)
- "Livestock use … will be managed to be compatible with, or improve, wildlife habitat values." (pg. 11)
- "Management actions within riparian areas will include measures to protect or restore natural functions …" (pg. 17)
- "Management techniques will be used to minimize degradation of stream banks and the loss of riparian vegetation," (page 17)
- "Soils will be managed to maintain productivity and to minimize erosion." (page 30)

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/prinevillermp.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, 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)).

JUL 14 2016

Jeff Kitchens
Field Manager, Deschutes Resource Area

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:

CERTIFIED MAIL - 7014 3490 0001 6520 1603

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

CERTIFIED MAIL - 7014 3490 0001 6520 1610

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

CERTIFIED MAIL - 7014 3490 0001 6520 1627

KAREN COULTER
BLUE MTN BIODIVERSITY PROJECT
27803 WILLIAMS LANE
FOSSIL, OR 97830

CERTIFIED MAIL - 7014 3490 0001 6520 1634

DAN MORSE
BEN GORDON
OREGON NATURAL DESERT ASSOC
50 SW BOND STREET, SUITE 4
BEND, OR 97702

CERTIFIED MAIL - 7014 3490 0001 6520 1641

JIM HAMMETT
57758 CHILDRESS LOOP
JOHNDAY, OR 97845

CERTIFIED MAIL - 7014 3490 0001 6520 1658

DOUG HEIKEN
OREGON WILD
PO BOX 11648
EUGENE, OR 97440

CERTIFIED MAIL - 7014 3490 0001 6520 1665

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

CERTIFIED MAIL - 7014 3490 0001 6520 1672

ELIZABETH E. HOWARD
ATTORNEYS AT LAW
1211 SW 5TH AVE., SUITE 1900
PORTLAND, OR 97204

CERTIFIED MAIL - 7014 3490 0001 6520 1689

SKY KREBS
OREGON PUBLIC LANDS COUNCIL
1320 CAPITOL ST. NE, STE. 150
SALEM, OR 97301

CERTIFIED MAIL - 7014 3490 0001 6520 1696

TYLER MCCORMACK
PRESIDENT
CROOK CO STOCKGROWERS
28833 SE BEAR CREEK RD
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1702

ALLEN TESKEY
SARAH TESKEY
BLUE MOUNTAIN RANCH
PO BOX 14
PAULINA, OR 97751

CERTIFIED MAIL - 7014 3490 0001 6520 1450

DESERT SPRINGS RANCH
c/o ERIC VETTERLEIN
5051 SW BARNES ROAD
PORTLAND, OR 97221

CERTIFIED MAIL - 7014 3490 0001 6520 1726

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

CERTIFIED MAIL - 7014 3490 0001 6520 1733

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

CERTIFIED MAIL - 7014 3490 0001 6520 1740

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

CERTIFIED MAIL - 7014 3490 0001 6520 1757

NAIDA MILLER
14900 SW MILLER TRAIL
POWELL BUTTE, OR 97753

CERTIFIED MAIL - 7014 3490 0001 6520 1764

RON AND DANAE MILLER
LOGAN MILLER
18775 PINEHURST RD
BEND, OR 97701

CERTIFIED MAIL - 7014 3490 0001 6520 1771

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

CERTIFIED MAIL - 7014 3490 0001 6520 1788

HOLLI KINGSBURY
35200 SE CAMP CREEK RD
PRINEVILLE, OR 97754

CERTIFIED MAIL - 7014 3490 0001 6520 1795

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

CERTIFIED MAIL - 7014 3490 0001 6520 1801

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

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

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

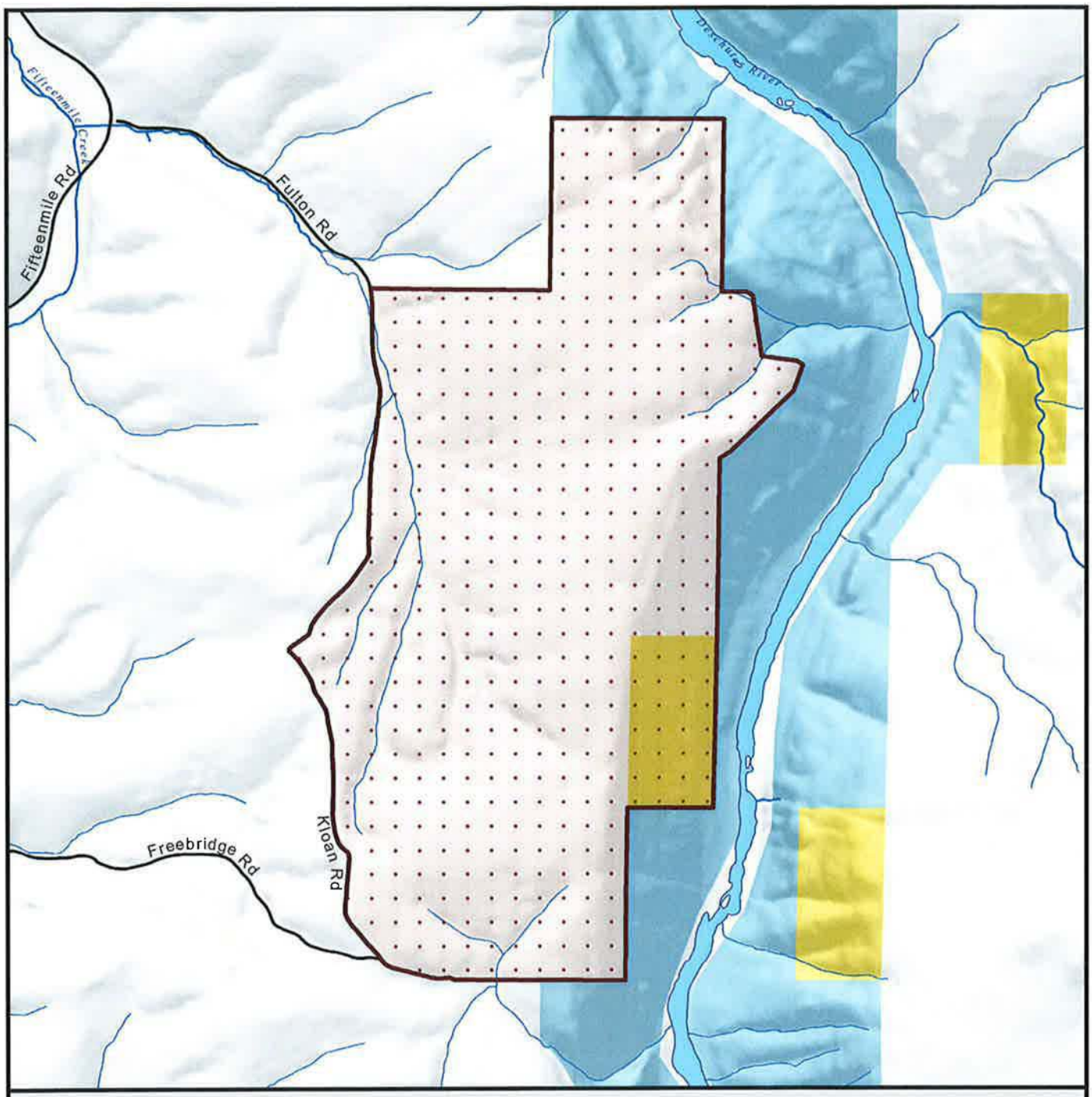
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
NIXYA'AWII GOVERNANCE CENTER
GARY BURKE, BOARD OF TRUSTEES
46411 TIMINE WAY
PENDLETON, OR 97801

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



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

July 2014

Bureau of Land Management
State
Private/Unknown

1:26,390

0 0.225 0.45 0.9 Miles

Alternative 3

Wagenblast Allotment

N
W E
S

Oregon
Area Extent