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 1580
Return Receipt Requested

Elizabeth Jameson
16001 SE Paulina Hwy
Prineville, OR 97754

Dear Permittee:

NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING PERMIT RENEWAL OF THE WEBDELL ALLOTMENT (NO. 05256)

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 Webdell Allotment, which is located approximately 12 miles east of Prineville, OR and includes 230 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 consulted, cooperated, and coordinated, in person as well as via email, with the grazing permittee multiple times during development of the project to gain an understanding of how the proposed actions would affect their operations. Additionally, a letter was mailed requesting input from permittee and a response was received.

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 Webdell 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 3605549 for a period of 10 years on the Webdell Allotment (No 05256), 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 Webdell Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605549	1 Cattle	3/1-2/28	100	13

To:

Table 2. Proposed grazing permit for the Webdell Allotment.

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3605549	4 Cattle	3/1-2/28	29	13

The authorized grazing system will be deferred, and follow the grazing schedule shown below in Table 3.

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

Pastures	Grazing Dates and AUMs	
	Year 1	Year 2
Pasture 1	4/15 – 4/30 7 AUMs	5/2 – 5/17 7 AUMs
Pasture 2	5/1 – 5/5 1 AUMs	4/27 – 5/1 1 AUMs
Pasture 3	5/6 – 5/8 1 AUM	4/24 – 4/26 1 AUM
Pasture 5	5/9 – 5/13 4 AUMs	4/19 – 4/23 4 AUMs
Pasture 4	5/14 – 5/17 1 AUM	4/15 – 4/18 1 AUM

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 Webdell 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 improvements.

Fences and trough locations shown on the attached map and listed below are approximate. Facilities 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 permittee will install two additional pasture fences proposed in Alternative 3. One would create pasture number 4, splitting pasture 2 apart. The other proposed fence is from Hwy 380, running east along the BLM boundary in Pasture 1. This fence would separate the public land from the private land in Pasture 1; creating the Burma Private Pasture and limiting Pasture 1 to only public land. Any proposed and existing range improvements would be maintained by the permittee under a cooperative agreement. See attached map.

Water catchments, springs, pipelines, and trough maintenance would involve periodic inspection, repair of replacement of worn or damaged parts, repair of leaks, removing trash or silt, re-painting tanks (if they were originally painted), repair of associated fences, winterizing the facility, maintaining water flows during agreed-upon times, and maintaining wildlife escape ramps. These actions may require use of heavy equipment to dig up and/or reinstall pipeline, headbox, etc.

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 meet, or 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 2004 Rangeland Health Standards and Guidelines (S&G) Assessment concluded that the upland standards, 1&3, were not meeting, not making progress towards meeting, and livestock grazing, fire exclusion, and juniper expansion, were cited as casual factors. Standard 2 and 5 failed due to concerns for an existing aspen stand and riparian area within the allotment, historical livestock grazing, and juniper expansion. Standard 4 was not applicable. The selected alternative will improve conditions and contribute toward making significant progress toward meeting rangeland health standards. Multiple interior pasture fences were established following the S&G assessment. This allowed for the creation of 5 interior pastures for livestock to be rotated through. An additional two fences are proposed that would create a 6th pasture, completely private, that will further facilitate the rotation of livestock through the pastures. The proposed early season of use and deferred rotation combined with the short duration of livestock use within the pastures will promote healthy vegetative growth on plants within the allotment. The permittee has established a well and provided off site water on the private ground that provides better livestock distribution within Pasture 1. These actions will contribute to meeting and making significant progress toward meeting the standards for rangeland health.

The no action alternative (Alternative 1) would renew the permit with the existing terms and conditions. This alternative was not selected because the additional range improvements, necessary pasture fences to facilitate a grazing rotation, are not included. The additional range improvements are needed to implement improved grazing regimes in order to make significant progress towards meeting rangeland health standards. The current grazing rotation is not as responsive to riparian issues due to the potential duration and timing of grazing within a sensitive season.

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, grazing in the spring is possible while leaving the remainder of the critical growing season for vegetation available, after grazing. 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 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/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)).

Jeff Kitchens
Field Manager, Deschutes 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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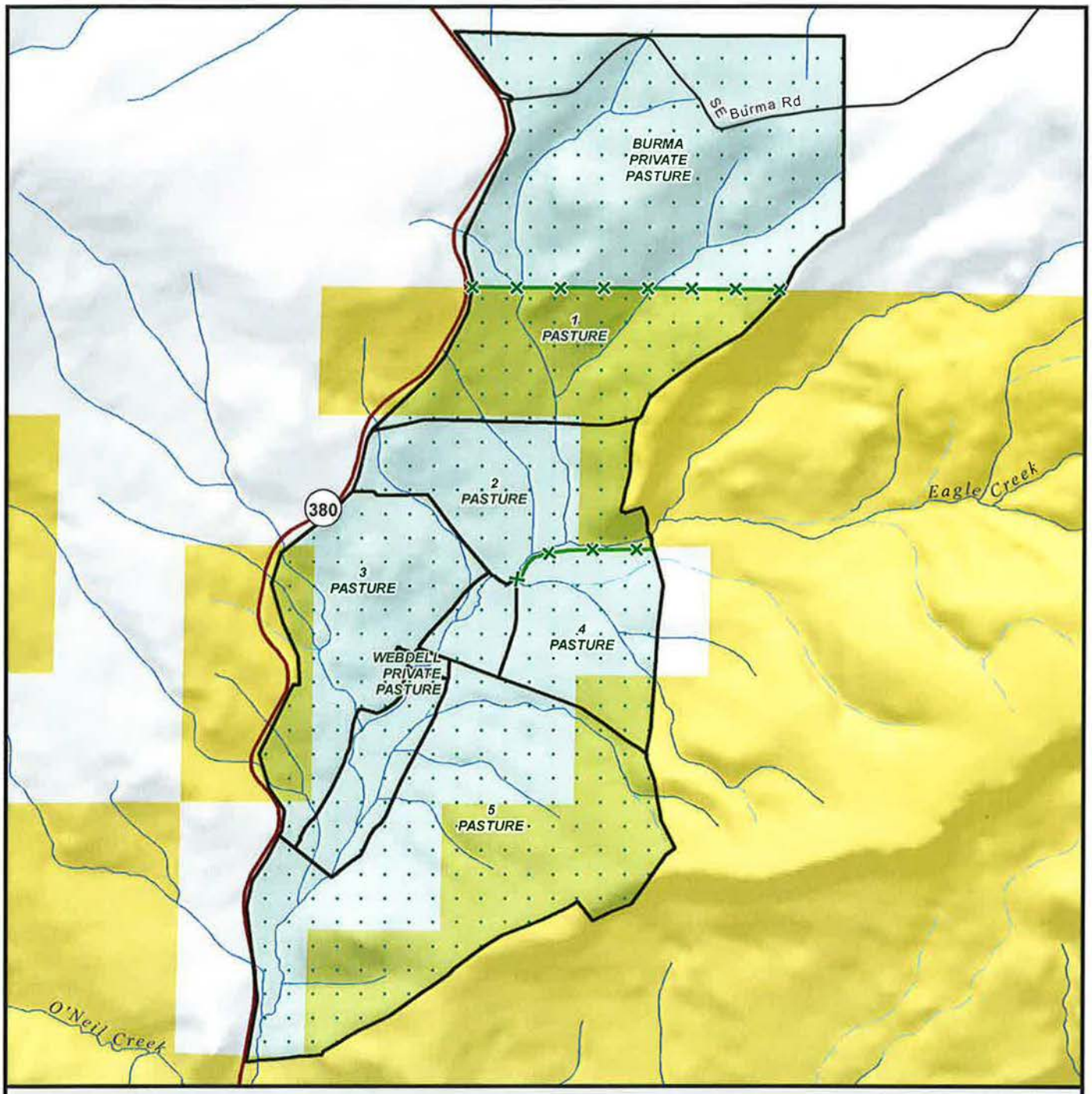

Multiple Grazing Permit and Lease Renewals Environmental Assessment

DOI-BLM-OR-P000-2013-0006-EA

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Prineville District, Oregon

October 2014

Proposed New Fence

Allotment Boundary

Bureau of Land Management

Private/Unknown

1:17,690

0 0.15 0.3 0.6 Miles

Alternative 3

Webdell Allotment

N W E S

Oregon
Area Extent