



# 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 1498  
Return Receipt Requested

Dave McMichael  
64145 Johnson Ranch Rd  
Bend, OR 97701

Dear Permittee:

**NOTICE OF FIELD MANAGER'S PROPOSED DECISION FOR GRAZING PERMIT  
RENEWAL OF THE  
WEST POWELL BUTTE ALLOTMENT (NO. 05259)  
MAYFIELD POND ALLOTMENT (NO. 05125)**

## **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 covers the Mayfield Pond Allotment and West Powell Butte Allotment. The Mayfield Pond Allotment is located 9 miles east of Bend, OR and includes 5670 acres of BLM-administered public land. The West Powell Butte Allotment is located approximately 10 miles east of Bend, OR and includes 8859 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 Pond 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 3602549 for a period of 10 years on the Mayfield Pond Allotment (No. 05125) and West Powell Butte Allotment (No. 05259), 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 Pond Allotment.**

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602549	51 Cattle	11/01 to 5/01	100	305

**Table 1. Current grazing permit for the West Powell Butte Allotment.**

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602549	79 Cattle	11/15-4/30	89	388

To:

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

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602549	51 Cattle	11/01 to 5/01	100	305

**Table 2. Proposed grazing permit for the West Powell Butte Allotment.**

Authorization Number	Livestock Number and Type	Grazing Period	PPL	Active Permitted Use (AUMs)
3602549	79 Cattle	11/15-4/30	89	388

### **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 Pond and West Powell Butte Allotments.
- All riparian enclosures, including spring development enclosures, 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 enclosed maps for the approximate location of the developments.

Water gaps shown on attached maps 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 BLM would install water gaps at Mayfield Pond in North, Butler, and South pastures as shown on the attached map. Water gaps allow animals to access a very short section of the stream while excluding the animals from the rest of the riparian area. Range improvements would be maintained by the permittee under a cooperative agreement.

### **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 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 Assessment of the Mayfield Pond Allotment concluded that standard 2 was met and standards 1 and 3 were not met. It was determined that current livestock grazing was not a causal factor for failing standards 1 and 3. Standard 4 was 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 2008 Rangeland Health Standards and Guidelines Assessment of the West Powell Butte Allotment concluded that standards 1 and 5 were met and standard 3 was not being met. It was determined that current livestock grazing was not a causal factor for not meeting standard 3. 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 continue the current grazing system for both Mayfield Pond and West Powell Butte. The current grazing regime defers forage utilization to coincide with plant dormancy which is the least critical period of the plants life cycle. During dormancy decant leaf material can be removed at moderate levels because it has lost its capability to carry out photosynthesis. Dormant season use is an acceptable alternative to long-term rest because it allows for use of the forage resource and provides rest during the critical growing season to promote plant vigor and recovery. Improving plant vigor will result in greater amounts of litter and decaying organic matter which will facilitate the rate of infiltration, permeability and moisture storage in upland soils. This will support plant growth and the maintenance or development of plant populations and communities. This will contribute to making significant progress toward meeting ecological processes in standard 1. The implementation of this alternative would promote healthy rangelands for social and economic values, diverse wildlife populations, and healthy plant communities which is consistent with the Upper Deschutes Resource Management Plan (2005).

The BLM will install water gaps at Mayfield Pond in North, Butler, and South pastures. Water gaps allow animals to access a very short section of the stream while excluding the animals from the rest of the riparian area. Range improvements would be maintained by the permittee under a cooperative agreement.

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 as it would not construct water gaps to protect Mayfield Pond.

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 defer grazing to coincide with plant dormancy which would permit forage utilization during the least critical period of the plants life cycle. 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. 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/prinevillerrmp.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

**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

---

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

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

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DAN MORSE  
BEN GORDON  
OREGON NATURAL DESERT ASSOC  
50 SW BOND STREET, SUITE 4  
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CERTIFIED MAIL - 7014 3490 0001 6520 1641

JIM HAMMETT  
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JOHNDAY, OR 97845

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DOUG HEIKEN  
OREGON WILD  
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ROD AND AMY HERSHEY  
TYLER HERSHEY  
PO BOX 81  
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ATTORNEYS AT LAW  
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PORTLAND, OR 97204

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CERTIFIED MAIL - 7014 3490 0001 6520 1689

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

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CERTIFIED MAIL - 7014 3490 0001 6520 1696

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

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CERTIFIED MAIL - 7014 3490 0001 6520 1702

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

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CERTIFIED MAIL - 7014 3490 0001 6520 1450

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

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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

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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

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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  
18775 PINEHURST RD  
BEND, OR 97701

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CERTIFIED MAIL - 7014 3490 0001 6520 1771

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

---

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

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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

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CERTIFIED MAIL - 7014 2120 0002 5224 1175

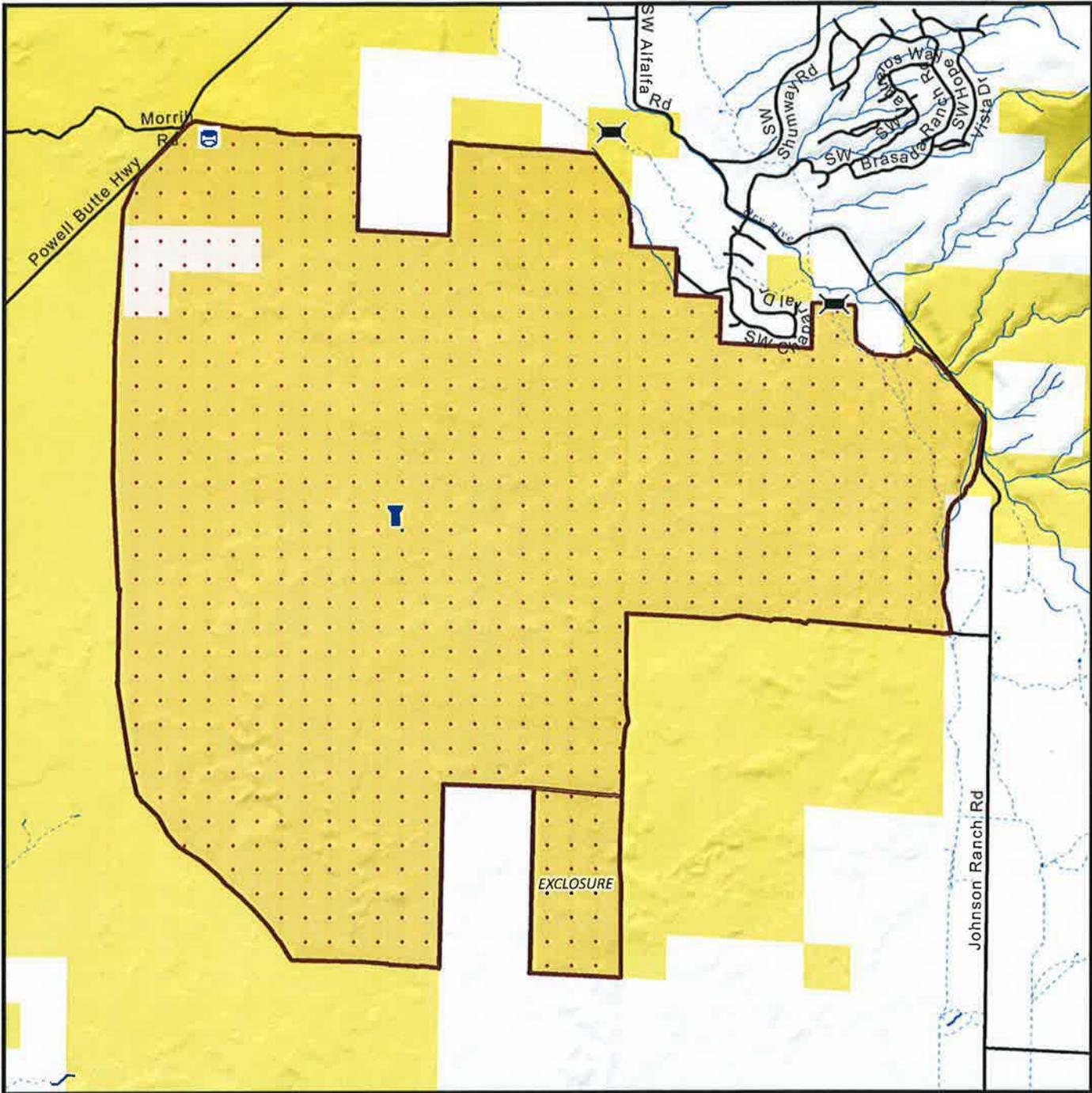
THE BURNS PAIUTE  
GENERAL COUNCIL  
CHARLOTTE RODRIQUE TRIBAL CHAIRPERSON  
100 PASIGO STREET  
BURNS, OR 97720

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CERTIFIED MAIL – 7014 2120 0002 5224 1212

BARBARA GRABELL  
25945 WALKER ROAD  
BEND, OR 97701

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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

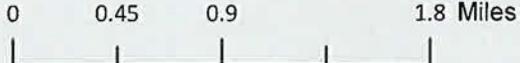


Prineville District, Oregon  
July 2014

**Existing Range Improvements**

- Water Tank
- Cattle Guard
- Wildlife Guzzler
- Bureau of Land Management
- Private/Unknown

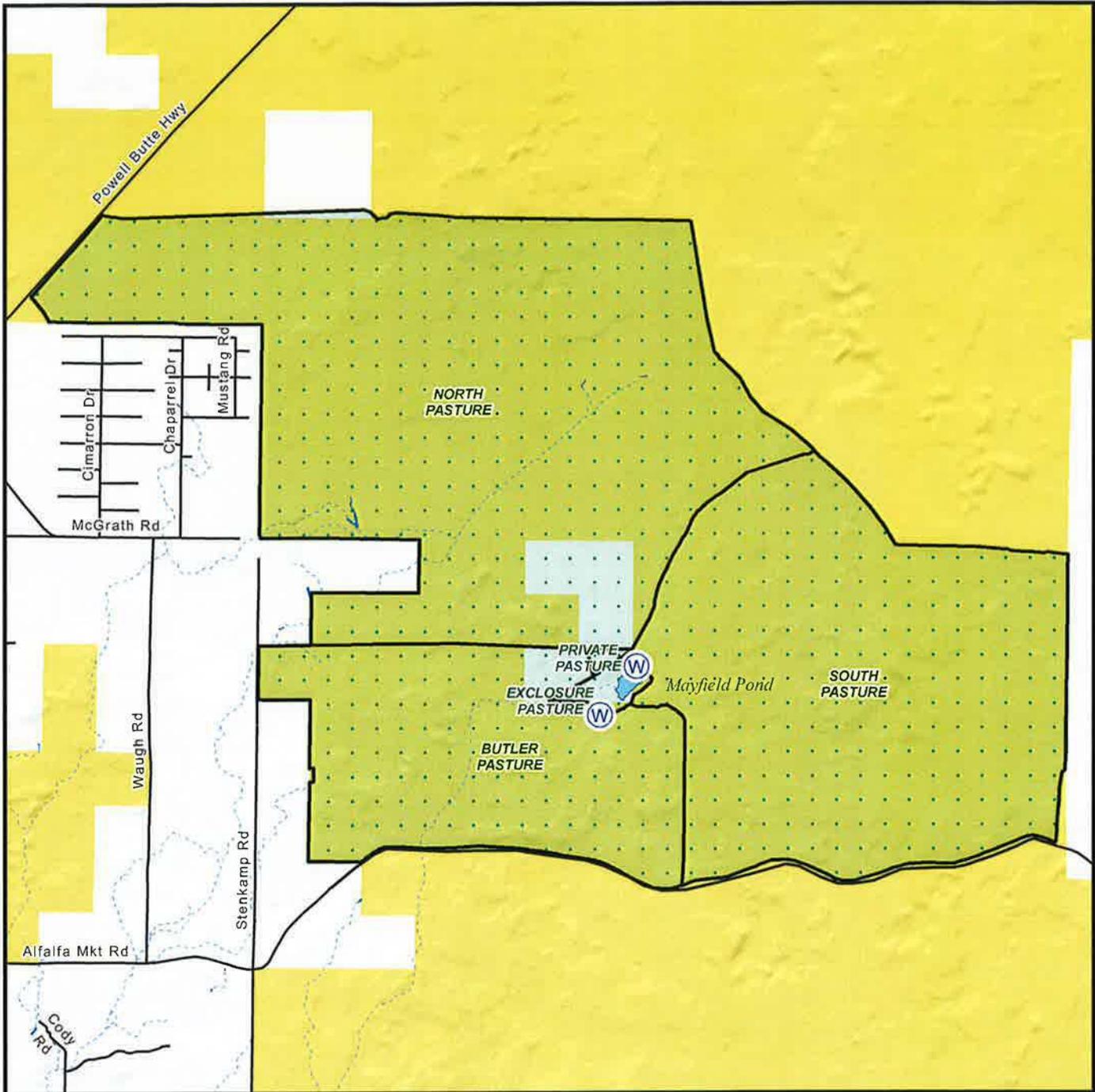
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Alternative 3

**West Powell Butte  
Allotment**





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

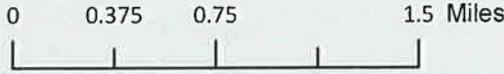
DOI-BLM-OR-P000-2013-0006-EA  
US DEPARTMENT OF THE INTERIOR  
Bureau of Land Management



Prineville District, Oregon  
October 2014

- Proposed New Water Gap
- Allotment Boundary
- Bureau of Land Management
- Private/Unknown

1:42,950



Alternative 3

**Mayfield Pond  
Allotment**

