



U.S. Department of the Interior  
Bureau of Land Management  
Malheur Field Office

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# Louse Canyon Geographic Management Area Rangeland Health Management Actions

Scoping Report



The Bureau of Land Management's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

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# **Chapter - 1 Introduction**

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## **1.1 - Background**

The United States (US) Department of the Interior (DOI), Bureau of Land Management (BLM), Vale District, Malheur Field Office, as lead agency, is preparing an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA). In 2018, the Rangeland Health Assessment and Standards of Rangeland Health Evaluation (Assessment and Evaluation) was published. This document outlines areas meeting and not meeting the Oregon/Washington Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Standards and Guidelines) within the Louse Canyon Geographic Management Area (management area). The EIS will focus on options to analyze alternative livestock management and restoration actions that would allow the District to make progress towards meeting the Standards and Guidelines in the management area.

The EIS would aid in meeting provisions of the Federal Land Policy and Management Act and the objectives and goals as outlined in the 2002 Southeastern Oregon Resource Management Plan; the Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment; IM 2018-109-Flexibility in Livestock Grazing Management; IM 2018-023-Incorporating Threshold and Response into Grazing Permits/Leases; and Secretarial Order 3353-Greater Sage-Grouse Conservation and Cooperation with Western States.

In accordance with the NEPA, the BLM will seek public and interagency input throughout the EIS process.

The BLM published a Notice of Intent in the Federal Register on September 13, 2019, announcing the beginning of a scoping period to solicit public comments and to identify issues to address in the EIS. The comment period ended on October 15, 2019. This report describes the scoping process and summarizes the comments received during the comment period.

The BLM is now preparing the Draft EIS to respond to both the public and internal issues raised during scoping. The BLM anticipates issuing the Draft EIS for a 45 day comment period in the spring of 2020.

## **1.2 - Description of Project Area**

The LCGMA is located in Southeast Oregon and is comprised of five grazing allotments; Ambrose Maher, Anderson, Campbell, Louse Canyon Community, and Star Valley Community (536,434 acres) in Malheur County, Oregon and two grazing allotments; Little Owyhee and Quinn River (11,262 acres) in Humboldt County, Nevada.

## **1.3 - Purpose and Need for Environmental Impact Statement**

The BLM is proposing to modify livestock grazing practices, renew livestock grazing permits, and implement rangeland restoration and livestock administration projects in the management area.

The purposes of these actions are to:

- Make significant progress toward meeting the fundamentals of land health as described in the 1997 Standards and Guidelines.
- Restore, enhance and/or maintain riparian, wetland and aquatic habitats.
- Restore, enhance and/or maintain sagebrush steppe habitat (species composition, vigor and structure).
- Restore, enhance and/or maintain habitat for Special Status wildlife and plant species.
- Reduce new and control existing noxious weed and invasive plant species.
- Provide for a sustainable level of livestock grazing consistent with other resource objectives and comply with statutory and regulatory requirements of Federal Land Policy and Management Act and the Taylor Grazing Act through the renewal of term grazing permits.

The need for these actions stem from portions of the management area not meeting Standards for

- Standard 1 (Watershed Function-Uplands)
- Standard 2 (Watershed Function-Riparian)
- Standard 3 (Ecological Processes)
- Standard 4 (Water Quality)
- Standard 5 (Native, T&E, and Locally Important Species)

The management area was assessed for Standards and Guidelines from 2016 to 2017 and the Assessment and Evaluation completed in 2018. In a preliminary determination<sup>1</sup>, BLM found existing grazing management was a significant causal factor<sup>2</sup> contributing to certain portions of the management area not meeting Standards 2, 4, and 5 within Greater Sage-grouse summer habitat in riparian areas and within sensitive plant populations. Additionally, BLM preliminarily determined

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<sup>1</sup> Per Washington Office Instruction Memorandum 2009-007, the Determination Document is not complete until the proposed or suggested appropriate actions have been analyzed to ensure that significant progress will be made when the action is taken. A preliminary determination is provided as an attachment to this ADEIS to provide the basis for the sideboards of the Purpose and Need of this ADEIS. The preliminary determination will become final with the completion of the NEPA process and signature by the Responsible Official.

<sup>2</sup> Pursuant to 43 CFR 4180.2(c), BLM is required to take appropriate action prior to the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands significant factors in failing to achieve Standards or to conform with Guidelines. Per Washington Office (WO) Instruction Memorandum (IM) 2009-07, if existing grazing management or levels of use are significant factors for non-attainment of Standards, the Determination Document is not complete until the proposed or suggested appropriate actions have been analyzed to ensure that significant progress will be made when the action is taken. A preliminary determination is provided as an attachment to this ADEIS to provide the basis for the sideboards of the Purpose and Need of this ADEIS. The preliminary determination will become final with the completion of the NEPA process and signature by the Responsible Official.

that Standards 1, 3, 4, and 5 were not being met due to historical wildfires that caused ecological shifts in functioning plant communities. The following is a more detailed description of why Standards 1, 2, 3, 4, and 5, and Guidelines 1b and 6 need to be addressed.

**Standard 1:**

Areas impacted by the 2012 Long Draw Fire area do not meet the standard due to dominance of invasive annual grasses, which limit soil stability, the ability of the watershed to effectively capture, store, and safely release moisture associated with normal precipitation events in relation to the local soil, climate, and landform.

**Standard 2:**

Streams and springs lack sufficient cover of bank stabilizing species and are susceptible to erosion. Livestock watering troughs are located within the riparian zone, which concentrates livestock in riparian areas increasing bank disturbance and utilization of stabilizing riparian species limiting the ability of the systems to dissipate energy associated with high water flows, reduce erosion, capture sediment, and improve floodwater retention and ground water recharge.

**Standard 3:**

Areas impacted by the 2012 Long Draw Fire are dominated by invasive annual grasses and have a reduced native plant composition. These factors limit the ecological processes of nutrient cycling, energy flow, and hydrology in the impacted area.

**Standard 4:**

Some water bodies do not meet Oregon State water quality standards and are listed on the State of Oregon 303(d) list of impaired waterbodies for flow modification, habitat modification, sedimentation, and temperature.

**Standard 5:**

Where historic wildfire has occurred, the Greater Sage-grouse cover requirements outlined in Table 2-2 of Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment are not being met. The cover requirement is 10% or less and some areas have a sagebrush cover of greater than 25%.

A sensitive plant population is on a downward trend in the Star Valley Allotment. Due to the small number of populations the loss of this one site could trend this species towards Federal Endangered Species Act (ESA) listing.

**Guideline 1b**

Due to season, intensity and duration of use in pastures containing riparian habitat, streams and springs lack adequate cover and plant community structure to promote streambank stability, debris and sediment capture, and floodwater energy dissipation.

**Guideline 6**

There is livestock movement from the Ambrose Maher, Anderson, Louse, and Star Valley Allotments outside of administrative boundaries and/or into the unallocated Wild and Scenic River corridor.

Livestock have limited or no water after July. This lack of water limits distribution and season of use for livestock resulting in annual grazing of pastures during the growing season reducing the ability to maintain vigor, reproduction, and productivity of native plant communities.

## **1.4 - Overview of the Scoping Process**

Public involvement is a vital component of the planning process. Public involvement vests the public in the EIS development process and allows for full environmental disclosure. Guidance for implementing public involvement under NEPA are codified in 40 Code of Federal Regulation (CFR) 1506.6, thereby ensuring that federal agencies make a diligent effort to involve the public in the NEPA process.

Scoping is an early and open process that helps the BLM determine the scope of issues to be addressed and identify significant issues related to a proposed action. Information collected during scoping helps define the scope of the analysis and may also be used to develop the issues and alternatives to be addressed in a NEPA document.

In accordance with 43 CFR 1610.2(d), the BLM must document the public scoping results. This scoping report summarizes the scoping process and the comments received during the formal scoping period.

## **1.5 - Notice of Intent**

The scoping period for this EIS began with the publication of the "Notice of Intent To Prepare the Louse Canyon Geographic Management Area Rangeland Health Management Actions Environmental Impact Statement To Analyze Rangeland Health Management Actions in the Louse Canyon Geographic Management Area of the Malheur Field Office, Vale District, Oregon (84 Fed. Reg. 48373-48374)" in the Federal Register on September 13, 2019. The official comment period ended on October 15, 2019.

The notice identified the potential management actions and potential issues for the public to consider. Potential management actions identified included: Alternative grazing systems and schedules, upland sagebrush habitat restoration actions (invasive annual grass treatments, soil stabilization, native vegetation species diversification, shrub establishment, sagebrush thinning, and targeted grazing), riparian/meadow habitat restoration actions (erosion and water-related flow control structures and watering trough relocation), and livestock administration actions (fence construction, water developments, livestock trailing, and modifications to livestock range improvements). Potential issues resulting from these actions identified in the notice included effects on: livestock grazing, the spread of invasive species, the threat of wildfire, sagebrush ecosystem health, and Greater Sage-grouse habitat.

## **1.6 - Project Website**

The BLM maintains a project website with information related to the development of the EIS: <https://eplanning.blm.gov/eplanning-ui/admin/project/1501965/510>. The website includes background documents, maps, information on public meetings, and contact information.

## **1.7 - Tribal and Intergovernmental Coordination and Public Involvement**

Public involvement was initiated in May of 2016 with a letter inviting interested public to collaborate on field data collection for the Assessment and Evaluation. In June of 2018, interested publics were

invited to review and contribute any additional data to the 2018 Assessment and Evaluation. In the Fall of 2018, BLM met with livestock permittees to discuss the Assessment and Evaluation.

In summer of 2019, BLM sent an informal scoping letter to interested publics. In September of 2019, coinciding with the publication of the Notice of Intent in the Federal Register, BLM sent interested publics a formal scoping letter requesting their feedback and input.

Separate letters, offering to enter into government to government consultation on the EIS, were sent to four tribal governments: the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation; the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation; the Burns Paiute Tribe; and the Ft. McDermitt Shoshone-Paiute Tribe. The Burns Paiute Tribe has expressed an interest in staying engaged in the project.

BLM also conducted outreach with other federal and state agencies. The U.S. Fish and Wildlife Service will be a formal cooperating agency on the EIS. The BLM received scoping comments from both the U.S. Fish and Wildlife Service and the Environmental Protection Agency. Outreach occurred with both Oregon and Nevada and BLM received comments from the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality.

## **1.8 - Method of Comment Collection and Analysis**

All written submissions postmarked on or before October 15, 2019, were evaluated and are documented in this scoping summary report.

The BLM received 15 submissions during the scoping period, comprising 184 individual comments. Comments were categorized into 72 issues reflecting 16 resource topics. The most common method used to submit comments was email; comments were also submitted via standard mail.

It is important to note that analyzing identical comments as a group does not reduce the importance of the comment. The NEPA regulations on scoping are clear that the scoping process is an opportunity to “determine the scope and the significant issues to be analyzed in depth in the environmental impact statement” (40 CFR 1501.7[a][2]) and to “identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review” (40 CFR 1501.7[a][3]).

# Chapter 2 - Scoping Comment Summary

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## 2.1 - Commenters by Affiliation

All submissions received were categorized by affiliation of the commenter. **Table 2-1** below shows the number and proportion of commenters by affiliation. Letters on business, agency, or organization letterhead or letters, where the commenter signed using an official title, were considered to represent that organization or agency. All other letters were considered to represent individuals. Table 2-1 provides information on the affiliation of commenters.

**Table 2-1 Scoping Comments by Affiliation**

Organization Type	Number of Submission	Name/Title
Federal Agencies	2	United States Department of the Interior- Fish and Wildlife Service
		United States Environmental Protection Agency Region 10
State Agencies	2	Oregon Department of Fish and Wildlife
		Oregon Department of Environmental Quality
Organization (nonprofit, citizen's group)	4	American Wild Horse Campaign
		Oregon Natural Desert Association
		Oregon Wild
		WildLands Defense
Individuals	2	Interested Public
Livestock Grazing Permittees	5	Fort McDermitt Stockman's Assn
		Harry Ranch LLC
		Kimble Wilkinson Ranch
		Schadler Ranch Inc.
		Scott and Kaila Gooch

## 2.2 - Number of Comments by Resource Category

Table 2-2 below shows the number and proportion of comments received by resource category. The 72 general comments were categorized into 16 resource categories. Chapter 3, provides a summary of the comments received for each resource category.

**Table 2-2 Scoping Comments by Topic**

<b>Topic</b>	<b>Numbers of General Comments*</b>
ACEC	1
Climate Change	1
Herbicide	2
Livestock	14
Monitoring/Baseline Data	1
NEPA Process/Alternative Development	7
Range Improvement Projects	6
Recreation	3
Regulatory Requirements	3
Restoration Actions	9
Soil	1
Vegetation/Weeds	3
Water/Riparian	11
Wild Horses	1
Wildfire/Fuels	2
Wildlife	7
<b>Total</b>	<b>72</b>

\*Does not include multiples of identical submissions or the same scoping comments

## **Chapter 3 - Comment Summaries**

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Following is a summary of the feedback received by affiliation. This summary is then followed by a more detailed description of the comments received.

### **Tribal Governments**

The Burns Paiute Tribe would like to stay engaged in the project but does not want to enter into formal, government to government consultation.

### **State Agencies**

The Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality support:

- conservation of Wyoming big sagebrush stands; and
- compliance with state water quality standards.

### **Federal Agencies**

The U.S. Fish and Wildlife Service and the Environmental Protection Agency expressed a desire for the BLM to:

- improve the ecological condition of the management area;
- enhance upland and riparian habitats for the Greater sage-grouse;
- use the best available science and display the effectiveness of proposed restoration actions in the analysis; and
- comply with the Clean Water Act and our existing BLM/EPA Memorandum of Understanding.

### **Livestock Permittees**

All five of the livestock permittees submitted proposals for alternate grazing management systems and the construction of rangeland infrastructure and improvement projects.

### **Organizations and Individuals**

In the comments received from interest groups and individual members of the public, BLM was urged to:

- consider reducing or eliminating livestock grazing and/or make significant changes to the current livestock system; and
- to emphasize the protection and enhancement of wildlife habitat, cultural resources, and special management areas.

Organized by resource topic, following is a more detailed summary of the comments received and how those comments will be addressed by the EIS.

## **3.1 - Livestock Grazing Management**

### **Livestock Grazing**

#### *Comment Summary*

Commenters request that livestock management be adjusted to halt the decline of ecological condition.

Commenters request to use livestock management as a tool to help resolve degraded conditions, even if livestock is identified as a significant causal factor in non-attainment of the standards of rangeland health.

Commenters support BLM's proposal to analyze actions that support proper livestock grazing management practices and improve ecological condition of the management area to address making progress toward attainment of Standards and Guidelines.

Commenters request that livestock grazing be removed from areas where livestock are a significant causal factor in failing to meet Standards and Guidelines.

Commenters suggest that the agency's highest priority is to meet the substantive requirements of the Clean Water Act and Endangered Species Act even if it means curtailing grazing.

Commenters request that dead livestock must be removed from public lands. No calving/livestock birthing operations can be allowed on public lands.

Commenters request the exploration of voluntary grazing retirement opportunities with permittees.

### **Livestock Distribution**

#### *Comment Summary*

Commenters suggest that improving livestock distribution is, "not necessarily a good thing because it spreads the effects of livestock to areas that are currently spared the adverse effects of livestock grazing. Improved distribution homogenizes grazing effects and expands the ecological stress caused by livestock grazing. Maybe it would be better to just limit livestock numbers".

### **Range Improvement**

#### *Comment Summary*

Commenters strongly discourage livestock management that relies on building more range projects and infrastructure in the management area. Livestock numbers should be reduced or removed instead of constructing additional livestock facilities.

Commenters provided proposals to construct range improvement projects to aid in livestock management.

### **Stocking Rate and Season of Use**

#### *Comment Summary*

Commenters request that BLM undertake a carrying capacity analysis that determines the current appropriate livestock stocking rate based on forage production, currently available water sources, slope, and other livestock capability and suitability factors in line with modern rangeland management practices.

Commenters request annual mandatory triggers for removal of livestock in order to prevent annual exceedance levels to protect soils, macrobiotic crusts, plant understory components, sagebrush/shrub structures, riparian trampling, and upland trampling. They propose that triggers be monitored annually during and after grazing periods through use pattern mapping that reflect areas that receive significant livestock use. If triggers are exceeded they propose a reduction in livestock grazing be applied followed with complete removal of livestock if triggers continue to be exceeded.

Commenters submitted grazing proposals to reflect a permittee-desired alternative.

Commenters request that trailing livestock through previously grazed pastures should not be allowed.

Commenters request that the agency should not misunderstand their responsibilities under the multiple-use laws. The agency is not required to allow livestock grazing everywhere, nor everywhere which historically or currently allowed grazing.

### **Livestock Grazing and Drought**

#### *Comment Summary*

Commenters strongly encourage the agency to make contingency plans that require the removal of livestock during droughts, and to provide long periods of rest and recovery after droughts so that plants can rebuild soil cover, biomass, and energy stores both above and below ground.

### **No Grazing**

#### *Comment Summary*

Commenters request the elimination of all livestock grazing.

### **Removal of Livestock Facilities**

#### *Comment Summary*

Commenters requested the removal, or significant reduction of, livestock facilities and/or range improvement projects. Their reasoning is that projects fragment and intrude on wildlife habitat causing injury or death to wildlife.

Commenters request the removal of livestock water pipeline troughs and spring developments. Their objective is to maximize surface water at spring/stream sources which support diverse riparian and meadow vegetation.

Comments were received about fencing in the project area including re-aligning, removing and otherwise altering fenced areas – including both allotment and pasture boundaries to reduce the fence density and impacts.

### **Livestock Reduction**

#### *Comment Summary*

Commenters request a reduction in livestock since livestock is not required to fulfill the agency's multiple use mandate.

Commenters request the removal of existing spring developments and water troughs. Specifically, a commenter requests that BLM substantially roll back and remove harmful livestock water pipeline troughs and spring developments in many areas in order to: reduce further damage; maximize surface water at spring/stream sources; and support diverse riparian and meadow vegetation.

Commenters request BLM consider providing large watershed-level reference areas closed to grazing.

## 3.2 - Wildlife Resources

### Livestock impacts to Greater Sage-grouse

#### *Comment Summary*

Commenters request that livestock management influence the progression towards achieving desired sage-grouse habitat condition.

Commenters request no livestock grazing or trailing be allowed in sage-grouse habitat during lek and nesting (March 1 through June 20), brood rearing, and winter periods.

Commenters request an analysis of the impacts of proposed range improvements to sage-grouse with a consideration of appropriate buffers for analyzing impacts to sage-grouse.

Commenters request that alternatives consider not only making significant progress towards meeting OR/WA Standards, but also towards improving and addressing the significant impacts and decline in sage-grouse habitat and populations in the management area.

Commenters request BLM include information on predator-killing activities within and around the management area. Commenters feel that special attention should be given to facilitate recovery of ecologically functional populations of threatened gray wolves. The commenters propose that livestock be managed to avoid conflicts with predators.

### Livestock Impact to Wildlife

#### *Comment Summary*

Commenters request no livestock grazing or trailing be allowed during any aquatic species spawning, egg mass or other vital periods of time.

Commenters request no livestock grazing or trailing be allowed within sagebrush habitat during migratory bird nesting periods, and during periods of time when pygmy rabbits are with their young in shallow natal burrows.

Commenters request no livestock grazing or trailing be allowed within sagebrush habitat during winter periods where wintering big game are present. Reasoning is to prevent stress, disturbance and displacement.

Commenters request BLM analyze disease transfers such as occurs with domestic sheep and wild bighorns.

### Impacts of Range Improvements to Wildlife

#### *Comment Summary*

Commenter requests analysis of fencing on wildlife.

Commenters requests BLM consider potential impacts related to West Nile virus.

Commenters request BLM analyze the impacts of range improvement projects and grazing on habitat fragmentation. Oregon Department of Fish and Wildlife identified eight habitat connectivity corridors in southeast Oregon (see attachment 4); regions that are especially important for genetic exchange between sage-grouse populations. One of the eight connectivity corridors occurs within the

management area. Conducting a robust, science-based analysis to consider potential impacts to these important links will be essential to an informed decision making process.

A commenter requests BLM not authorize conversion of native riparian habitat and sage brush steppe to hay pastures of exotic grasses.

### **3.3 - Wetlands and Riparian Resources**

#### **Livestock Impacts on Riparian Systems**

##### *Comment Summary*

Commenters request the protection of springs, streams and wetlands from the impacts of livestock grazing. The reasoning is that riparian areas are of utmost importance because they represent a small subset of the landscape, they provide disproportionately important ecosystem services, and they suffer disproportionate adverse impact from livestock grazing.

Commenters request the analysis of the adverse effects of livestock on water quality.

Commenters request that the proposed actions include specific directives to achieve water quality standards as rapidly as possible—including removal of cattle from damaged stream and riparian areas.

Commenter references the Interior Columbia Basin Ecosystem Management Project and interprets subsequent direction as requiring BLM to, “[p]rovide for hydrologic processes (e.g., maintained water table, accessible flood plain, sediment transport) essential to creating and sustaining functioning riparian, aquatic and wetland habitats” and that these habitats “should be maintained or restored through management actions that take into account existing, chronic disturbances in the watershed”) and notes that BLM’s site-specific decisions for grazing management in the management area must be consistent with these requirements.

Commenter requests that compounds in supplements being fed to livestock and pharmaceuticals being used on livestock be identified as they may enter waters and adversely impact aquatic biota.

#### **Water Development on Spring Sources**

##### *Comment Summary*

Commenters request to not further impair, alter and/or destroy natural spring and drainage network flows by expanding/intensifying the adverse impacts and footprint of water developments for livestock.

Commenter requested specifically that BLM quantify the amount of water currently used and what would be diverted with new water developments.

#### **Meeting Water Quality**

##### *Comment Summary*

EPA requests that BLM specifically include a description of how the proposed alternatives are consistent with applicable BLM responsibilities listed in the 2017 MOU between BLM and the Oregon Department of Environmental Quality to Meet State and Federal Water Quality Rules and Regulations -- "The BLM will manage public lands to protect, restore, and maintain water quality so that Federal and State water quality standards are met or exceeded to support beneficial uses in accordance with applicable laws and regulations."

The Oregon Department of Environmental Quality requests BLM address the need for a Water Quality Management Plan for the Alvord Sub-basin.

### **Water Quality and Climate Change**

#### *Comment Summary*

Commenters request BLM analyze effect of climate change on water quality and availability.

## **3.4 - Upland Vegetation**

### **Livestock Impact to Vegetation**

#### *Comment Summary*

Commenters request long-term viability of native plants by allowing plants to fulfill their full lifecycle including flowering, seed set, and sexual or asexual reproduction without significant interference by livestock grazing.

## **3.5 - Invasive and Noxious Plants**

### **Livestock Spreading Weeds**

#### *Comment Summary*

Commenters request that livestock should be limited or excluded in order to prevent the spread of weeds. The commenters reasoning is that grazing spreads weeds that alter vegetation structure, habitat, hydrology, and fire regimes and that weeds adversely affect native plant communities and entire ecosystems. By reducing the vigor of native plants, reducing soil cover, and exposing mineral soil, the commenters feel that livestock grazing has a strong tendency to spread invasive weeds and exacerbate this problem.

## **3.6 - Climate**

### **Livestock Impact to Climate**

#### *Comment Summary*

Commenters request that NEPA analyses account for the fact that livestock grazing combined with climate change will result in compound and cumulative adverse effects.

Commenters request that NEPA analysis account for the direct emission of potent greenhouse gases from ruminant livestock, such as cattle.

Commenters request that the agency need to help mitigate climate change by managing all living systems to capture and store as much carbon as possible.

Commenters request that livestock grazing be reduced to help mitigate climate change since livestock grazing reduces carbon storage in vegetation and soil at an ecosystem scale.

## **Analyzing Climate Change**

### *Comment Summary*

Commenters request BLM integrate climate change effects into the NEPA analysis as part of the environmental baseline and ensuing analysis. Excluding climate change effects from the baseline and analysis—or, including references to climate change in only the most general terms—ignores the reality that the impacts of proposed actions must be evaluated based on the already deteriorating, climate-impacted state of the resources, ecosystems, human communities, and structures that will be affected. Accordingly, existing and reasonably foreseeable climate change impacts must be included as part of the affected environment, assessed as part of BLM’s “hard look” at impacts, and integrated into each of the alternatives, including the no action alternative.”

## **3.7 - Fuels and Fire Management**

### **Livestock Impact to Fuel Characteristics**

#### *Comment Summary*

Commenters request the consideration of livestock grazing on the fire regime. The commenter’s reasoning is that livestock grazing shifts the plant community composition from palatable grasses and forbs toward unpalatable conifers. The commenters feel this is contrary to current policy goals which urge BLM to avoid creating more ladder fuels. The commenter feels that livestock decrease the abundance of fine fuels which are necessary to carry periodic, low intensity surface fires.

Commenters request the removal of livestock for a minimum of 10 years following a wildfire.

### **Fuel Breaks**

#### *Comment Summary*

Commenters request that no fuel breaks be put in that disturb or destroy native sagebrush in any way for both this project as well as the Southeastern Oregon Resource Management Plan Amendment EIS and the Tri-State Fuel Breaks EIS.

## **3.8 - NEPA Processes**

### **Prepare an EIS**

#### *Comment Summary*

Commenter requests BLM prepare an EIS.

### **Regulatory Processes**

#### *Comment Summary*

Commenters request the consideration of the grazing standards in Appendix 2 of AFSEEE’s 1995 Grazing Suitability Report. They consider these to be minimum standards to meet the agency’s legal requirements under NFMA, ESA, MBTA, NEPA, etc.

## **Resource Management Plan**

### *Comment Summary*

Commenter requests BLM to update the Resource Management Plan due to significant changes that have occurred.

## **Assessment and Evaluation**

### *Comment Summary*

Commenters request a determination of what the role of current and ongoing livestock grazing degradation, impairment and disturbance is across the affected landscape in causing ecological problems. The commenter further urges BLM not use the claim of historic grazing as the causal factor.

Commenters request BLM provide a thorough inventory and analysis of baseline data for both ecological conditions, wildlife populations, and permitted uses.

Commenters request BLM provide thorough inventory and analysis of baseline data including historic data going back to at least 2002, for ecological conditions, trends and reference states, wildlife populations, and history of permitted use.

Commenters request a full site-specific water quality and quantity monitoring data set for the project area. Specifically, the commenters feel that the data set should include types of springs, changes in size of wetlands, and change in species diversity, quantity, and distribution. The commenters would like cross-section monitoring to take place; including studies and detailed analysis of aquifer levels and trends. The commenters believe lentic, lotic and meadow sites must be measured and monitored and that similar standards be applied in these areas.

## **Cumulative Effects**

### *Comment Summary*

Commenters request that BLM consider all the range improvements in the project area to date to ensure there is an adequate cumulative effects analysis.

Commenter request this EIS address impacts of the reasonably foreseeable and existing range projects to give the public and decision makers a better understanding of the cumulative impacts that range projects and the associated infrastructure is having on the management areas' resources.

## **Scoping**

### *Comment Summary*

Commenter requests BLM re-scope the proposal with more detailed and comprehensive information regarding habitat, special status species, populations, etc.

## **3.9 - Herbicide Treatments**

### **Use of Herbicide**

### *Comment Summary*

Commenters request, if herbicides are used, to include an Herbicide Risk Analysis, in the NEPA analysis including the effects of herbicide use and degradates on aquatic biota, as well as burrowing animals like the pygmy rabbit, migratory bird eggs, sage-grouse eggs and chicks, aquatic species etc.

Commenters request that if lands must be rested until desired vegetation recovers based on clearly defined vegetation objectives if herbicides are used.

## **3.10 - Recreation**

### **Livestock Grazing and Recreation**

#### *Comment Summary*

Commenters request that the EIS analyze the impacts of permitted livestock use on recreational values.

## **3.11 - Soil Resources**

### **Livestock Impacts to Soil**

#### *Comment Summary*

Commenters suggest livestock grazing conflicts with the maintenance and recovery of biotic soil crusts and request that BLM must integrate a robust analysis of potential impacts to soil communities, with special attention to preserving and improving biological soil crusts. Commenters feel the Draft EIS must analyze how proposed actions will address impacts to soil and soil crust communities and show how proposed action will make “significant progress towards OR/WA Standards.” The agency should protect and restore biotic soil crusts that help prevent erosion, fix nitrogen, cycle nutrients, and increase site productivity. Livestock grazing conflicts with the maintenance and recovery of biotic soil crusts.

## **3.12 - Restoration and Projects**

### **Sagebrush Reduction**

#### *Comment Summary*

Multiple comments were received in reference to potential sagebrush reduction treatments and to use the best available science to determine if sagebrush reduction should be conducted in areas where cover >25% as well as to determine appropriate locations and techniques. Specifically, BLM should, "...be excessively judicious when planning sagebrush thinning projects where cover exceeds 25%. Clear objectives should be established specific to the response of the understory vegetation. Treatments should be done in a limited experimental manner, use science-based approach, and follow ARMPA guidance regarding technique and total maximum removed."

A commenter made a request to not use prescribed fire to reduce sagebrush cover given prior impacts to the GMA by wildfires and the risk of inadvertently removing remaining sage grouse habitat.

Commenter requested the BLM consider not thinning Wyoming big sagebrush stand. Stating "Review of scientific literature suggests mechanically or chemically thinning Wyoming big sagebrush stand does not result in increased perennial grass production, does result in increased annual grass densities, and has little to no benefit to greater sage-grouse." Scientific literature was provided

## **Restoration Actions**

### *Comment Summary*

BLM received multiple comments suggesting restoration of aquatic habitats including streams, springs, and wetlands. It was requested, where appropriate, to use both passive and active restoration techniques to achieve desired conditions and make progress toward attainment of Standards and Guidelines.

Commenters request active restoration of crested wheatgrass, or any other exotic seeding, be conducted through: inter-seeding with sagebrush and forbs and removal of crested wheatgrass with techniques minimizing use of herbicides.

A commenter requested no mowing, disking, removal of sage and planting grass, etc.

Multiple commenters request BLM integrate passive management into the restoration process, suggesting a period of rest can jump start recovery. Specifically, the U.S. Fish and Wildlife Service said, “to ensure livestock management will promote the success of upland and riparian restoration actions, the Service strongly supports defining clear vegetation objectives in treatment plans and only resuming grazing once objectives have been attained. Given the significant financial expenditures associated with post-fire restoration and other vegetation treatments, the Service encourages the BLM to be prudent to protect these investments and make every effort to ensure they are not undone by premature grazing.” Further, the Service noted that “passive management and restoration is a viable option that BLM must consider and incorporate into its proposed action and alternatives in order to ensure an informed decision”. The Service feels that “if BLM is going to consider active management (fencing, water development, vegetation treatment, “targeted” grazing), then BLM must also consider passive restoration actions—the most important being both reduced grazing and also removal of livestock from sensitive areas such as the heavily degraded wet meadow complexes that typify the management area”.

Multiple commenters shared support of large-scale restoration efforts and requested BLM consider restoration and management actions that are supported by the best available science and that focus on meeting Standards and Guidelines while also supporting the long-term ecological integrity of associated native systems.

## **Special Management Areas**

### *Comment Summary*

Commenters’ request BLM carry forward all previous ACEC proposals submitted for these lands and their surroundings.

Commenters request BLM specifically conduct new analysis of Wilderness Study Areas and lands with wilderness characteristics other road-less lands. Specifically the commenters feel that portions of the grazing allotments may occur in inventoried road less area or road less areas larger than 1000 acres. Commenters feel that such areas are rare and contribute disproportionately to ecological values and that enhanced efforts toward conservation of ecological values are appropriate in such areas.

# Chapter 4 - Issues Identified for Analysis

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Based on both public and internal scoping comments, following is a list of issues that BLM is proposing to analyze in the EIS. This is a preliminary list of issues that is subject to additional public input and further refinement throughout the EIS process.

An “issue” is a point of disagreement, debate, or dispute with a proposed action based on some anticipated environmental effect. An issue is more than just a position statement, such as disagreement with grazing on public lands. An issue:

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;
- has not be decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

Issues help shape the proposed action and alternatives and they will become the basis of the EIS’s effects analysis. While many issues arise during scoping, not all of the issues raised warrant analysis. Issues are analyzed if:

- Analysis of the issue is necessary to make a reasoned choice between alternatives. That is, does it relate to how the proposed action or alternatives respond to the purpose and need?
- The issue is significant (an issue associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of impacts).

## 4.1 - Issues Identified for Analysis by Resource:

### Range Management

*How will sagebrush habitat restoration and livestock administrations actions affect grazing and rangeland management and contribute to maintaining, making progress, or meeting standards of rangeland health?*

*How would the No Action and Alternatives A-E impact range management within the LCGMA and ensure attainment of Standards?*

### Area of Critical Environmental Concern and Research Natural Area

*How would livestock administration actions in the North and Bull Flat pastures of the Anderson allotment affect the relevant and important low sagebrush vegetative communities in the Toppin Creek Butte RNA?*

*How would grazing within the RNA impact the relevant and important values?*

*How would the No Action and Alternatives A-E implemented with the water developments impact the relevant and important values of the RNA?*

### Cultural Resources

*What is the potential for habitat restoration activities to adversely impact the characteristics of known cultural resource sites that make them eligible, or potentially eligible, for listing on the National Register of Historic Places?*

*How would habitat restoration and livestock administration actions implementation affect tribal practices, traditional use areas, and sites of cultural significance?*

*What is the potential for trough relocation activities to adversely impact the characteristics of known National Register eligible or unevaluated sites?*

*How would trough relocation actions affect tribal practices, traditional use areas, and sites of cultural significance?*

*What is the potential for fencing and water development activities to adversely impact the characteristics of known National Register eligible or unevaluated sites?*

*What is the potential for livestock crossing routes activities to adversely impact the characteristics of known National Register eligible or unevaluated sites?*

*How would livestock crossing routes affect tribal practices, traditional use areas, and sites of cultural significance?*

*What is the potential for the No Action Alternative and Alternatives A-E activities to adversely impact the characteristics of known National Register eligible or unevaluated sites?*

*How would the No Action Alternative and Alternatives A-E affect tribal practices, traditional use areas, and sites of cultural significance?*

### **Fire and Fuels**

*How would sagebrush habitat restoration, and livestock administration actions affect wildfire risk, intensity, and frequency?*

*How would sagebrush habitat restoration actions affect wildfire risk in Wildland Urban Interface?*

*What are the effects of grazing on wildfire risk?*

### **Upland Vegetation**

*How would sagebrush habitat restoration actions and livestock administration actions affect upland vegetation within the LCGMA and make progress toward attainment of Standard 3?*

*How would livestock crossing permits affect upland vegetation communities?*

*How would livestock grazing utilization and season of use from the No Action and Alternatives A-E impact upland vegetation under the proposed alternatives for allotments within the project area where livestock use is allocated?*

### **Invasive Species**

*Would upland sagebrush habitat restoration and livestock administration actions impact the spread of invasive annual grasses and competition against invasive species competition?*

*Would livestock dispersal as a result of new water developments and implementation of rescinded range projects reduce disturbances that lead to invasive species introduction and spread?*

*Would livestock crossing permits lead to introduction or spread of invasive species?*

*How would proposed grazing in the No Action and Alternatives A-E affect invasive plants?*

## **Lands with Wilderness Characteristics**

*What effects would sagebrush habitat restoration and livestock administration actions have on lands with wilderness characteristics?*

*How will crossing permits impact lands with wilderness characteristics?*

## **Socioeconomics**

*What are the socioeconomic impacts of sagebrush habitat restoration and livestock administration actions?*

*What are the socioeconomic impacts for the No Action and Alternatives A-D within the LCGMA area?*

*What are the socio and economic impacts of cheatgrass invasion on the LCGMA?*

## **Soils**

*How would restoration activities affect biological soil crusts and soil surface stability and contribute to meeting or make progress toward attaining Standards 1, 2, and 4?*

*How would livestock grazing utilization levels, AUMs, and season of use affect biological soil crusts and soil surface stability and contribute to meeting or making progress toward attaining Standard 1?*

*How would livestock administration actions contribute to meeting or making progress toward attaining OR/WA Standards 1, 2, and 4?*

## **Special Status/Sensitive Plants**

*How would sagebrush habitat restoration actions, and fencing impact sensitive plant sites?*

*How would fencing around Phacelia inunda protect the population?*

*How would the No Action and grazing Alternatives A-E affect special status plants sites?*

## **Visual Resource Management**

*How would fencing and water developments affect visual resources?*

## **Water Resources**

*How would restoration actions affect sediment delivery to water bodies and contribute to meeting or making progress toward attaining OR/WA Standards 2 and 4?*

*How would restoration actions affect the health and function of riparian and wetland areas?*

*How would livestock administration actions affect sediment delivery to water bodies and contribute to meeting or making progress toward attaining OR/WA Standards 2 and 4?*

*How would livestock administration actions affect the health and function of riparian and wetland areas?*

*How would season of use and intensity of livestock grazing affect nutrient and sediment delivery to water bodies?*

*How would season of use and intensity of livestock grazing affect the health and function of riparian and wetland areas and contribute to meeting or making progress toward attaining OR/WA Standards 2 and 4?*

### **Wild and Scenic River**

*How would sagebrush habitat restoration affect the water quality and ORVS of the Main Owyhee and West Little Owyhee Wild and Scenic Rivers?*

*How would fencing affect the ORVs of the Main Owyhee and West Little Owyhee Wild and Scenic Rivers?*

### **Wilderness Study Area**

*What effects would mowing, prescribed fire, seeding, and shrub planting have to wilderness characteristics in Lookout Butte, West Little Owyhee, and Owyhee River Canyon Wilderness Study Areas?*

*Would cross-country travel in order to implement meadow restoration affect wilderness characteristics?*

*Where new fencing and water developments are proposed, what effect would those have on existing features within Wilderness Study Areas or on wilderness characteristics?*

*Would crossing permits affect wilderness characteristics?*

*How would the aerial seeding and planting impact Wilderness Study Areas?*

### **Wildlife/Special Status Species**

*How would direct and indirect effects from chemical treatments, mechanical treatments, manual manipulation treatments, prescribed fire treatments, and targeted grazing affect wildlife habitat within the LCGMA?*

*How would direct and indirect effects from meadow restoration treatments and relocation of existing troughs affect wildlife habitat within the LCGMA?*

*How would restoration treatments affect focal species and their habitat (Greater Sage-grouse, pygmy rabbit, golden eagle and Bighorn sheep)?*

*How would the fence construction, water developments, and rescinded range improvements affect wildlife habitat?*

*How would range improvement actions contribute to meeting or making progress toward attaining OR/WA Standards 3 and 5 for wildlife?*

*How would crossing permits affect wildlife habitat?*

*How would the No Action, and Alternatives A-E impact the quality and quantity of habitat for focal species (greater sage-grouse, pygmy rabbit, golden eagle and Bighorn sheep)?*

*How would the No Action, and Alternatives A-E contribute to meeting or make progress toward attaining OR/WA Standards 3 and 5?*

*How would season of use and intensity of livestock grazing under each alternative when combined with restoration and range improvement actions affect the quality and quantity of wildlife habitat?*

*How would season of use and intensity of livestock grazing under each alternative when combined with restoration and range improvement actions contribute to meeting or making progress toward attaining OR/WA Standards 3 and 5 for wildlife?*

## **4.2 - Issues that will not be analyzed**

The following issues were raised during scoping but will not be analyzed in detail in the EIS.

### **Wildlife Disease**

A request to analyze the effects of BLM's actions on disease transfer from domestic sheep to wild bighorn sheep was received during scoping. The BLM will not analyze this issue in detail because the BLM is not proposing any domestic sheep grazing in the EIS.

### **Livestock Grazing and Recreation**

A request to analyze the effects of permitted livestock grazing on recreation values was proposed during scoping. The BLM will not analyze this issue in detail because the issues identified were categorized and will be addressed through the following: Lands with Wilderness Character, Wilderness Study Areas, Wild and Scenic Rivers, and Visual Resource Management.

### **Wild Horses**

BLM received a request to analyze the effect of the proposed management actions on Wild Horse Herd Management Areas. The BLM is not going to analyze this issue in detail because there are no Herd Management Areas within the project area and the BLM does not believe any of the actions being proposed within the project area will have an effect on those Herd Management Areas that occur outside the project area boundary.

# **Chapter 5 - Future Steps**

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## **5.1 Future Steps and Public Participation Opportunities**

The next phase of the BLM's environmental analysis process is to develop draft management alternatives and analyze the effects in a Draft EIS. These alternatives will respond to the purpose and need for the project and the scoping comments received. The issues identified in Chapter 4 of this scoping report will form the basis of the environmental effects section of the EIS. The BLM will also continue to meet with cooperating agencies and interested tribal governments. The BLM is also available and open to meet with community groups and individuals upon request. Although the BLM welcomes public input at any time during the environmental analysis process, the next official public comment period will begin when the Draft EIS is published. The BLM anticipates publishing the Draft EIS in the spring of 2020, depending on workload priorities. The availability of the draft document will be announced via a Notice of Availability in the *Federal Register*, and a 45-day public comment period will follow. Public meetings will be held during the comment period.

At the conclusion of the public comment period, the Draft EIS will be revised, followed by publication of the Final EIS. The availability of the Final EIS will be announced in the *Federal Register*. The date the notice appears in the *Federal Register* initiates the required 30-day availability period. Although this is not a formal public comment period, the BLM may receive comments. If there are comments on the Final EIS, the BLM will determine if they have merit (for example, if the comments identify significant new circumstances or information relevant to environmental concerns and bear upon the proposed action, or if the comments note a correction to be addressed). Any comments received may be addressed in the Record of Decision (ROD).

The BLM will prepare the ROD to document the selected alternative and will be signed by the authorizing official. No action concerning the proposal may be taken until the ROD has been issued, except under conditions specified in Council on Environmental Quality regulations 40 CFR 1506.1.

## **5.2 Contact Information**

The public is invited and encouraged to participate throughout the environmental analysis process for this EIS. Anyone wishing to be added to or deleted from the distribution list, wishing to change their contact information, or requesting further information may send a request to [blm\\_or\\_vl\\_louse\\_canyon\\_gma@blm.gov](mailto:blm_or_vl_louse_canyon_gma@blm.gov) or mail a request to:

Malheur Field Manager  
Vale District Office  
100 Oregon Street  
Vale, OR 97918  
Fax: 541-473-4062

Please provide name, mailing address, and email address, and the preferred method to receive information. Before submitting written comments regarding a NEPA action, be advised that your entire comment—including personally identifiable information (e.g., your address, phone number, and email)—may be made publicly available at any time. While you can request that your personally identifiable information be withheld from public review, we cannot guarantee that we will be able to do so.