

USDI, Bureau of Land Management
Burns District
HC 74-12533 Highway 20 West
Hines, Oregon 97738

FINDING OF NO SIGNIFICANT IMPACT
for
Doe Camp Fence
EA OR-026-00-17

The Bureau of Land Management (BLM), Andrews Resource Area has analyzed the proposal and its alternatives to construct approximately 4.30 miles of 3-wire fence in the Chimney grazing allotment. This fence would improve the control of livestock and allow for improvement of riparian areas, water quality, and aquatic habitat in McCoy and Horton Creeks. This proposal is in conformance with the 1982 Andrews Management Framework Plan (MFP), the 1983 Andrews Grazing Management Program Final Environmental Impact Study, the 1990 Otley Brothers Allotment Evaluation, the 2000 Sage Grouse Management Guidelines, and the Southeastern Oregon Resource Management Plan/Environmental Impact Statement (SEORMP/EIS) as proposed.

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (EA) and all other available information, I have determined that the proposal and its alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, negative, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests, or the locality. The physical and biological effects are limited to the Burns District, Andrews Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no negative impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplains, weeds, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern. Floodplains, wetlands, riparian habitat, and water quality would be protected and enhanced.

4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives of adopted Federal, State, or local natural resource-related plans, policies or programs. It does not preclude consideration or adoption of various alternatives in the ongoing SEORMP, which will supersede the Andrews MFP.
7. No cumulative impacts related to other actions that would have a significant negative impact were identified or are anticipated.
8. Based on previous and ongoing cultural resource surveys, and through mitigation by avoidance, no negative impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and negatively affected as anticipated by the Environmental Justice policy.

There are no wilderness or Wilderness Study Areas in the project area. Therefore, wilderness would not be affected.

9. No negative impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act was identified. Habitat for fish species which are BLM Sensitive Species, U.S. Fish and Wildlife Service Species of Concern, and Oregon Sensitive Species would be protected and enhanced. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or a new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

David E. Blackstun, Acting (Signature on File)

November 30, 2000

Miles R. Brown
Andrews Resource Area Field Manager

Date

PROPOSED DECISION RECORD
FOR
DOE CAMP FENCE
ENVIRONMENTAL ASSESSMENT
OR-025-00-27
(AMENDED)

INTRODUCTION: Following a 30-day comment period on the Amended Doe Camp Fence Environmental Assessment (EA), OR-026-00-17, the Andrews Resource Area, Burns District, of the Bureau of Land Management (BLM) is issuing a proposed decision for the construction of 3.5 miles of riparian protection fence along the east rim of McCoy Creek. Small numbers of livestock leave the upland portion of the Oliver Spring Pasture and move into the steep narrow canyon of McCoy and Horton Creeks. It is then difficult for these livestock to leave and overgrazing of the riparian area results, causing heavy utilization. The proposed fence is designed to alleviate this problem, thereby allowing accelerated recovery of riparian resources on the public and private lands in the affected area. The original EA was amended to thoroughly address public comments.

DECISION: Having considered a full range of alternatives and associated impacts, as described in the Doe Camp EA Amendment, and in accordance with 43 CFR 4160.1, it is my proposed decision to implement the proposed action as follows:

Construct 3.5 miles of 3-wire fence along the east rim of McCoy Creek to exclude livestock from McCoy and Horton Creeks. This is in anticipation of improving riparian conditions and to contribute to meeting State water quality standards.

One section of fence will connect to an existing fence corner in T. 31 S., R. 33 E., Section 28, NESW and go approximately .6-mile south and tie into the rock rim in Section 33, NWNE. A second section of fence will tie into rim rock in Section 33, SENE and go south approximately .9-mile, corner and go east approximately .2-mile and connect to an existing fence. The third section of fence would join the newly-constructed fence in Section 4 to the existing fence corner in Section 9 and would be approximately 1.8 miles long, this fence would tie into rim rock in the middle and exclude cattle from Horton Creek.

Rationale for Decision: I have selected the proposed action for the following reasons:

It protects water resources and enhances riparian habitat, thereby improving water quality currently out of compliance with standards for temperature set by the Oregon Department of Environmental Quality.

The proposed action provides the necessary opportunity to address impacts that have occurred and to obtain and continue an upward trend.

It is responsive to meeting rangeland standards and guidelines by improving watershed function.

It achieves the objective to "enhance water quality" when the water quality is found to be below standard and livestock is a contributing factor.

The combined effects of fence location and screening by vegetation and topography will reduce the degree to which the fence is noticeable thereby minimizing visual impacts to users of the area.

It promotes and sustains healthy ecosystems.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

The habitat improvement opportunities for upland bird species, including sage grouse, exceed the potential negative impacts that may occur from birds colliding with the proposed fence.

The habitat improvement opportunities for game and nongame species, including deer and antelope, exceed the potential negative impacts that may occur from these species becoming entangled in the proposed fence. Passage problems through the fence for large game species will be mitigated by using a 3-wire fence and wire spacing suitable in big game areas.

Monitoring of riparian conditions and the diverse plant communities will continue. Water quality and streambank erosion will also be monitored to determine whether or not an upward trend has been achieved. Monitoring will continue after upward trend has been reached to ensure that trend does not decline. Livestock will be removed from grazing that portion of McCoy Creek in the Oliver Springs Pasture for a minimum of 2 years. Livestock will not be allowed to return to graze the portion of McCoy Creek in the Oliver Springs Pasture until an Interdisciplinary Team has developed an Allotment Management Plan for the entire Chimney Allotment and evaluated if, and to what extent, grazing will be allowed in this portion of McCoy Creek.

The effectiveness of the proposed fence will be evaluated at that time and will be removed if found to be ineffective in achieving resource objectives of the allotment management plan.

Operation of the fence gates and maintenance of the fence will not be an ongoing Federal cost. These responsibilities will be assigned through a cooperative agreement to the grazing permittee in the allotment.

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

It is in conformance with the objectives stated in the August 12, 1997 Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington. It addresses the need to improve riparian conditions toward properly functioning condition and improve surface water quality.

This project is in conformance with Section 7(a)1 of the Endangered Species Act and the August 21, 2000 Management Guidelines for Greater Sage-Grouse and Sagebrush-Steppe Ecosystems.

It is in conformance with objectives and land use allocations in the 1982 Andrews Management Framework Plan (MFP), the 1983 Andrews Grazing Management Program Final Environmental Impact Statement (EIS).

Coordination included local government, tribal entities, private landowners, and other State and Federal agencies.

Public involvement consisted of direct mailing to seven individuals, organizations, tribes, and agencies and notification in the local newspaper. One negative comment was received during the Finding of No Significant Impact/EA review period. The EA was amended to fully address these comments and rereleased for an additional 30-day comment period.

I have also considered the following alternatives to the proposed action :

1. No fence construction - This alternative lacks mitigation of the negative effects of livestock concentrating on the affected public land portion of McCoy Creek in this pasture.
2. Removal - Removal of livestock from the Oliver Springs Pasture would create resource management problems in the remainder of the allotment and is not in conformance with the 1982 Andrews MFP.
3. Herding - Herding livestock in the Oliver Springs Pasture in an attempt to remove them from the riparian areas would be ineffective due to the rugged nature of the allotment and steepness of McCoy Creek Canyon.

In accordance with 43 CFR 4160.2, the permittees or other interested public may protest those portions of the proposed decision described above 43 CFR 4160.1 in writing to the Andrews Resource Area Field Manager within 15 days from receipt of this proposed decision, at this address:

Bureau of Land Management
Burns District Office
HC 74-12533 Hwy 20 West
Hines, Oregon 97738

Any protest should specify the reasons clearly and concisely why the proposed decision is in error.

In the absence of a protest within 15 days of availability of this proposed decision, this proposed decision shall constitute the final decision, without further notice in accordance with 43 CFR 4160.3(a). Should this proposed decision become the final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470(a) and 43 CFR 4160.4, your appeal must be filed by January 1, 2001, as provided for in 43 CFR 4160.3(a), in writing, at the office of the Field Manager, at the above address. A notice of appeal filed before the proposed decision becomes final will be treated as a protest. An appeal should specify the reasons, clearly and concisely, as to why you consider this grazing management decision to be in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 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 or not the public interest favors granting the stay.

David E. Blackstun, Acting (Signature on File)

November 30, 2000

Miles R. Brown
Andrews Resource Area Field Manager

Date