FINDING OF NO SIGNIFICANT IMPACT
and
PROPOSED DECISION RECORD
for
CHANGE OF SEASON-OF-USE IN THE STARR WINTER PASTURE
ENVIRONMENTAL ASSESSMENT
OR-026-01-021

INTRODUCTION

The Bureau of Land Management (BLM), Burns District, Andrews Resource Area has analyzed a proposed action and alternative to change the season-of-use for livestock grazing in the Starr Winter Pasture of the Pueblo-Lone Mountain Allotment. This allotment is located about 120 miles southeast of Burns, in Harney County, Oregon. The proposed change to the season-of-use would improve the desired livestock forage use and utilization pattern in the Starr Winter Pasture. This proposal is in conformance with the 1982 Andrews Management Framework Plan (MFP) and the 1983 Andrews Grazing Management Program Final Environmental Impact Statement (EIS). 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 BLM in the States of Oregon and Washington. It is also consistent with the resource objectives of the 1997 Pueblo-Lone Mountain Allotment Management Plan Environmental Assessment (EA).

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the attached EA and all other available information, I have determined that the proposal and alternative 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, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. 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 adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplains, areas with unique characteristics, ecologically critical area or designated Areas of Critical Environmental Concern. There would be no adverse impacts from invasive, nonnative species.
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.

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural resource surveys, and through mitigation by avoidance, no adverse 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 adversely affected as anticipated by the Environmental Justice policy.

9. No adverse impacts were identified to any threatened or endangered species or their habitat, that was determined to be critical under the Endangered Species Act.

10. This proposed action is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of th environment.

DECISION

Having considered a full range of alternatives and associated impacts, and in accordance with 43 CFR 4160.1, my proposed decision is to implement the proposed action of changing the season-of-use for livestock in the Starr Winter Pasture in the Andrews Resource Area, as described in the Change of Season-of-Use in the Starr Winter Pasture EA.

This action would improve BLM's management in the Pueblo-Lone Mountain Allotment by improving livestock forage use and utilization patterns in the Starr Winter Pasture.

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

The proposed action provides the necessary opportunity to address the adverse impacts that have occurred from uneven livestock utilization patterns in the Starr Winter Pasture.

It provides for the safety of human health.

It promotes and sustains healthy ecosystems.

Monitoring of upland and riparian conditions and the diverse plant communities will be continued. If the change of season-of-use for livestock does not improve achievement of resource objectives, or if the change of season-of-use adversely affects achievement of the resource objectives, the season-of-use will be modified or changed.

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 BLM in the States of Oregon and Washington.

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

It is in conformance with objectives and land use allocations in the 1982 Andrews MFP, the 1983 Andrews Grazing Management Program Final EIS, and the Oregon BLM Wilderness EIS/Wilderness Study Report, October 1991.

Public involvement consisted of notification in the local newspaper, with copies of the EA and Proposed Decision available at the Burns District Office.

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

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

Continue grazing the Starr Winter Pasture from November 1 through February 28. This alternative does not meet the objectives of decreasing cheatgrass competition and obtaining more uniform livestock forage utilization.

In accordance with 43 CFR 4160.2, the permittees or other interested public may protest those portions of the proposed decision described above under 43 CFR 4160.1 in writing to the Andrews Resource Area Field Manager within 15 days of public notification 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 from receipt of this proposed decision, this proposed decision shall constitute the final grazing management decision, without further notice in accordance with 43 CFR 4160.3(a). Should this proposed decision become the final grazing management 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 within 45 days of public notification of the proposed decision, as provided for in 43 CFR 4160.3(a) and as described above, 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:

a) The relative harm to the parties of the stay is granted or denied,

b) The likelihood of the appellant's success on the merits,

c) The likelihood of immediate and irreparable harm if the stay is not granted, and

d) Whether or not the public interest favors granting the stay.

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Miles R. Brown Date
Andrews Resource Area Field Manager