

Decision Record And Finding of No Significant Impact
Snake River Allotment (#1001) Evaluation and Grazing Permit Modification
Environmental Assessment OR-035-03-05
Baker Resource Area
Vale District, Bureau of Land Management
Baker City, Oregon

This Decision Record and Finding of No Significant Impact (FONSI) documents my decision to adopt the Snake River Allotment (#1001) Evaluation and Grazing Permit Modification as presented under Alternative 2 in the Environmental Assessment (EA) OR-035-03-05, except that the numbers of livestock and dates of use within the Hibbard Pasture will be adjusted to occur within the range of dates allowed under Alternative 1 rather than require use only at the early part of the summer grazing season. I have included this mitigation measure requested by the permittee in my decision to improve flexibility of use of the allotment in order to facilitate operations with private land holdings. The EA is tiered to and the project is within the bounds of the Baker Resource Management Plan (RMP) Record of Decision (ROD, 1989).

INTRODUCTION AND BACKGROUND

The Snake River Allotment, #1001, lies approximately 30 miles southeast of Baker City, Oregon.

Standards and Guidelines for Rangeland Health (S&Gs) for Oregon/Washington were approved by the Secretary of the Interior on August 12, 1997. Interdisciplinary team assessments of rangeland health conditions were completed during 1999. The Standards for Rangeland Health and Guidelines for Livestock Grazing Management -Record of Determination for Allotment #1001 were completed and signed on August 15, 2000. Standards and Guidelines were formally incorporated into the terms and conditions of the grazing permit and authorization for Allotment #1001 in the 2002 grazing season. Following three years of monitoring, an environmental assessment (#OR-035-03-05) was prepared to analyze proposed changes to the allotment management and 10 - year permit. Throughout this time, numerous contacts and consultations have occurred with the permittee. The permittee has worked with BLM to attempt to address concerns identified in the S&G assessments and has made substantial investment in repairing fences in these pastures since the initial field evaluations were made.

The Oregon/Washington Rangeland Health Standards are listed below:

Standard 1. – Upland Watershed Function: Upland soils exhibit infiltration and permeability rates, moisture storage, and stability that are appropriate to soil, climate, and landform.

Standard 2. – Riparian Wetland Watershed Function: Riparian-wetland areas are in properly functioning physical condition appropriate to soil, climate, and landform.

Standard 3. – Ecological Processes: Healthy, productive, and diverse plant and animal populations and communities appropriate to soil, climate, and landform are supported by ecological processes of nutrient cycling, energy flow, and the hydrologic cycle.

Standard 4. – Water Quality: Surface water and groundwater quality, influenced by agency actions, complies with State water quality standards.

Standard 5. – Native, T & E, and Locally Important Species: habitats support healthy, productive, and diverse populations of native plants and animals (including special status species and species of local importance) appropriate to soil, climate, and landform.

The S&G determinations were that Standard 1 was substantially fulfilled. There is a general upward trend on most bluebunch wheatgrass upland sites within the allotment. These sites are primarily on slopes and ridges within the lower elevation pastures. The determinations also identified instances in which the remaining standards (Standard 2 through 5) were not fulfilled. The interdisciplinary team identified problems with excessive use in meadow and aspen habitats within the Hibbard Pasture (Standard 3 and 5), and excessive use and poor riparian conditions, including active headcutting in drainages (Standard 2 and 4) in all pastures. As identified in the S&G assessments and determination, intensified monitoring was initiated within the allotment beginning in 2001, focusing on utilization standards in affected upland areas and riparian habitats.

Utilization standards specified in the terms and conditions of the grazing permit are:
No more than 50% utilization on key upland forage species;
No more than 45% utilization on herbaceous riparian species;
No more than 30% utilization on riparian shrub species.

Monitoring in the 2000, 2001, and 2002 grazing seasons indicates excessive utilization in riparian areas throughout the allotment.

In the Hibbard Pasture, there was also over-utilization of key upland forage species in aspen/meadow habitats despite a shortened season of use and herding of livestock. Diligent attempts by the ranch manager to distribute cattle throughout the forested upland were unsuccessful at limiting utilization on riparian or aspen meadows. Intensive monitoring in 2002 indicates that a revised estimated carrying capacity of 152 AUMs (The pasture is presently licensed at an estimated 86% federal range; 221 cattle for 21 days, 131 AUMs federal authorization - 21 AUMs private) is more appropriate for the Hibbard Pasture than the historic authorization, and is more likely to bring allotment management into compliance with utilization limits on aspen and meadow habitats and riparian vegetation.

Utilization standards for herbaceous riparian species were exceeded in Pole Gulch and portions of the Morgan Creek Pasture. Inadequate fence maintenance has been a factor in achieving adequate rest and re-growth of vegetation. Adequate re-growth of riparian vegetation was achieved by late July in Pole Gulch Pasture in 2002, but subsequent use

by elk and unauthorized stray livestock in the Morgan Creek Pasture prevented substantial re-growth there.

Year long use by bighorn sheep and fall use by livestock resulted in excessive utilization on herbaceous riparian species on Connor Creek in the North Pasture in 2002. Further work is needed to distinguish effects of livestock versus bighorn sheep and deer.

Public Comments/Review

Prior to the completion of the environmental analysis of this project, the Baker Resource Area of the Bureau of Land Management solicited comments from local government, area landowners, grazing permittees, and other members of the public.

Subsequent to the preparation of the EA, a Legal Notice setting forth the EA’s availability for public comment was published. During the 30-day public comment period, only 1 comment letter, 1 direct telephone communication, and 2 inquiries for information were received. One of the comments indicated that Alternative 2 would have beneficial effects on the watershed and the downstream uses in the Fox Creek watershed. The other comment expressed concern that the specified livestock numbers (221 cattle) and use dates (July 1 - July 21) were too inflexible to facilitate associated ranch operations, and suggested that some equivalent reduction in livestock numbers and use dates within the existing use period of July 1 to September 1 would be more suitable, yet allow us to work to achieve the intended reduction of utilization and improvements in upland and riparian conditions.

Decision

It is my Decision to adopt Alternative 2, except that actual numbers of livestock and grazing period begin and end dates within the Hibbard Pasture will be adjusted on an annual basis to occur within the range of dates allowed under Alternative 1 by agreement between the permittee and the Authorized Officer to enhance flexibility of permit operation. However, the specified AUM's may not be exceeded. Annual operating adjustments will be based on results of monitoring and achievement of management objectives. Therefore, the following changes shall be made in permitted use within the Snake River Allotment, #1001:

From:

Allotment Summary (AUM’s)

Active Use	Suspended AUMs	Total
915	956	1871

Schedule of use	Livestock Number Kind	Grazing Period Begin End	%PL	AUMs
	221 Cattle	05/01 05/30	86	187
	221 Cattle	07/01 08/31	86	387
	221 Cattle	09/23 11/15	86	337

To:

Active Use	Suspended AUMs	Total
661	956	1617

Schedule of use	Livestock Number Kind	Grazing Period Begin End	%PL	AUMs
	221 Cattle	04/15 05/15	86	187
	221 ^{*1} Cattle	07/01 ^{*1} 07/21 ^{*1}	86	131
	221 Cattle	09/23 11/15	86	337

This modification reflects adjusted permitted grazing use based on monitoring data. Also, my decision is to implement the following terms and conditions of this permit.

*1. Actual numbers and Grazing Period begin and end dates may be adjusted on an annual basis by agreement between the permittee and the Authorized Officer to enhance flexibility of permit operation, however, the specified AUM's may not be exceeded. Annual operating adjustments will be based on results of monitoring and achievement of management objectives.

All grazing management must be consistent with the Standards and Guideline approved August 12, 1997 for Oregon and Washington.

Utilization limits specified in the terms and conditions of the grazing permit are:
No more than 50% utilization on key upland forage species;
No more than 45% utilization on herbaceous riparian species;
No more than 30% utilization on riparian shrub species.

All fences will be maintained to BLM standards prior to turn-out in any pasture.

Rationale

As a result of ongoing monitoring of the Snake River Allotment, #1001, from the year 2000 through the 2002 grazing season, and considering the information in the Allotment Evaluation and Environmental Assessment (OR-035-03-05), I have determined that Standards 2, 3, 4, and 5 were not met within the Hibbard Pasture, and that existing grazing management practices or levels of use are significant factors in failing to achieve the standards and conform with the guidelines. Further, I have determined that recent management adjustments taken in consultation with the permittee, including a substantial effort to herd livestock and temporary reductions in seasons and numbers have not resulted in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines:

I have determined that Standard 2, 3, and Standard 4 have not been met for the Pole Gulch Pasture and Morgan Creek Pasture and that existing grazing management practices

or levels of grazing use on the public lands are significant factors in failing to achieve the standards and conform with guidelines. A single year of voluntary reduced use and season of use adjustment within the Pole Gulch Pasture resulted in substantial seasonal re-growth of herbaceous riparian vegetation. Standards 1 and 5 were met.

Riparian utilization data for evaluation of Standards 2 and 4 are inadequate to make a determination regarding the effects of existing grazing management practices in the North Pasture at this time. Standards 1, 3, and 5 were met. Fencing of private land within the pasture is expected to change the configuration and use within the pasture, as well as reduce the private land computation (percent federal range) within the pasture and within the allotment as a whole. The effect of this change and management adjustment on the future use of the pasture is unclear, and will require further evaluation.

Subsequent to Rangeland Standards and Guidelines evaluation, BLM is required to implement actions to bring the allotment into compliance, or to make "significant progress" toward fulfillment of the standards and conformance with the guidelines.

Alternative 1 (No Action - Continue present management) was not selected because three years of monitoring data has documented continuing excessive use of key forage species in upland aspen-meadow habitats and riparian habitats as described in the Environmental Assessment. Continuation of present management would not be adequate to achieve the required results toward fulfillment of the standards and compliance with the guidelines.

Alternative 2 (the Proposed Action) was chosen because it will reduce the levels of livestock utilization of key forage species and impacts to the riparian habitats in the Hibbard Pasture and continue to implement adaptive management on other pastures where monitoring studies are ongoing. With modification to allow flexibility in numbers of livestock and timing of use, it presents the best compromise and opportunities to comply with Rangeland Standards and Guidelines while facilitating livestock operations on the permittee's private lands.

Although riparian utilization standards have also been exceeded in other pastures, a decision to adjust the grazing permit to reduce those impacts will be deferred to gather additional data and evaluate the effects of ongoing adjustments in seasons and numbers and completion of fence maintenance and new fence construction.

This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision.

A copy of the Environmental Assessment may be obtained by writing to the Baker Resource Area, Bureau of Land Management, 3165 10th Street, Baker City, Oregon 97814 or by calling (541) 523-1256. It can also be viewed on the BLM Vale District website at www.or.blm.gov/Vale.

Authority

The authority for this decision is provided by 43 CFR 4130.3-1, 4160, and 4170.1-1(b).

Right of Protest and/or Appeal

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Penelope Dunn Woods, Baker Resource Area Field Manager, 3165 10th Street, Baker City, OR 97814, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. Any protest received will be carefully considered and then a final decision will be issued.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available at the BLM office.

Should you wish to file a petition for a stay, you must file within the appeal period. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must 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 the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

s/Penelope Dunn Woods

September 2, 2003

Penelope Dunn Woods
Field Manager
Baker Resource Area, Vale District

Date

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT #OR-035-03-05
Snake River Allotment (#1001) Evaluation and Grazing Permit Modification

The Environmental Assessment (EA) #OR-035-3-05 contains a description of the proposed action, an analysis of expected impacts on affected interests, land and resources, and measures to reduce negative impacts.

In terms of context, I find that the actions described would have local impacts on affected interests, land, and resources similar to and within the scope of those described and considered in the Ironside Grazing Management Environmental Impact Statement – Rangeland Program Summary (1981) and the Baker Resource Management Plan Record of Decision [(ROD), U.S. Department of Interior, Bureau of Land Management, Vale District Office, Baker Resource Area, July, 1989]. There would be no substantial broad societal or regional impacts not considered in those preceding documents. The actions described represent anticipated minor program adjustments complying with those decision documents above, and implementing ongoing range management programs within the scope and context of those decisions.

In terms of intensity, I have evaluated the effects of the proposed action, together with the proposed mitigating measures, against the tests of significance found at 40 CFR 1508.27. I find that:

1. The proposed action would cause no significant impacts, either beneficial or adverse. All impacts would be minor and of the same degree and scale anticipated in the decision documents noted above.
2. The proposed action would not affect public health and safety.
3. The proposed action would not affect unique characteristics of the geographic area.
4. The proposed action would have local effects on the quality of the human environment, which are not likely to be highly controversial since the actions implement ongoing programs and regulations analyzed in previous decision documents.
5. The proposed action would have no effects on the human environment which would be highly uncertain or involve unique or unknown risks.
6. The proposed action is a routine adjustment to ongoing program management and does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.
7. The proposed action is related to other actions similar to and within the scope of those described and considered in the decision documents mentioned above. The proposed action is tiered to those Environmental Impact Statement documents.
8. The proposed action would have no effect to any property listed on or eligible for listing on the National Register of Historic Places.
9. The proposed action would not adversely affect federally listed endangered or threatened species, or any habitat critical to federally listed endangered or threatened species.

10. The proposed action does not violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Therefore, I have determined that the proposed action would not have any significant impacts on the human environment, and that an Environmental Impact Statement is not required.

s/Penelope Dunn Woods

September 2, 2003

Penelope Dunn Woods
Field Manager
Baker Resource Area, Vale District

Date