

PROPOSED DECISION RECORD
FOR
NORTH CATLOW WINTER PASTURE FENCES AND PIPELINE
ENVIRONMENTAL ASSESSMENT
EA OR-026-01-08

INTRODUCTION: Following a 30-day comment period on the Finding of No Significant Impact for the North Catlow Winter Pasture Fences and Pipeline Environmental Assessment (EA) OR-026-01-08, the Burns District, Andrews Resource Area of the Bureau of Land Management (BLM) is issuing a proposed decision for implementation of the North Catlow Winter Pasture Fences and Pipeline EA. The proposed decision is to implement the proposed action of the EA, with no modification. This action would be in conformance with the 1982 Andrews Management Framework Plan (MFP), the 1983 Andrews Grazing Management Program Final Environmental Impact Statement (EIS), and its Record of Decision. 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 is also consistent with the 1991 Final Oregon Wilderness EIS, and the Endangered Species Act, Section 2(c) and 7(a)2.

DECISION: Having considered a full range of alternatives and associated impacts as described in the North Catlow Winter Pasture Fences and Pipeline EA, and in accordance with 43 CFR 4160.1, it is my proposed decision to implement the proposed action as follows:

Construct two fences, each fence 6 miles long of 4-strand wire. These fences would connect with two existing fences in North Catlow Valley, Harney County, Oregon, creating a 17,920-acre winter pasture in the North Catlow Allotment. The proposed winter pasture includes 5,400 acres of fire rehabilitation seedings planted in 1999 and 2000.

Install 4 miles of 2-inch plastic pipeline buried 18 inches underground to deliver water for livestock and wildlife at two troughs within the winter pasture. Each trough would be 30 feet in diameter and hold more than 10,000 gallons of water apiece.

Remove 6 miles of existing wire fence after establishment of fire rehabilitation seedings.

RATIONALE FOR DECISION: I have selected the proposed action for the following reasons:

It protects rangeland resources and enhances wildlife habitat, especially for pronghorn antelope, shrub nesting migratory birds, and sage grouse.

It protects BLM's investments in fire rehabilitation seedings at the site.

It improves the management of livestock grazing in the North Catlow Allotment.

It facilitates the enactment of the Steens Mountain Cooperative Management and Protection Act (Act) of 2000. It compensates for the loss of use of the Blitzen (Winter) Allotment by the permittee in the North Catlow Allotment.

It is responsive to meeting rangeland standards and guidelines by improving watershed function in uplands, ecological processes of nutrient cycling and energy flow, and improving habitat for native, T&E, and locally important species.

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.

It has no effect on water resources or riparian habitat.

It provides for the safety of human health.

Operation of the pipeline and maintenance of the fences and pipeline 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 conformance with 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 MFP and the 1983 Andrews Grazing Management Program Final EIS.

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

Public involvement consisted of direct mailing to five individuals, organizations, tribes, and agencies and notification in the local newspaper. No comments were received during the Finding of No Significant Impact/EA review period.

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

1. Use existing well - The environmental consequences of the fences in the proposed alternative and this alternative are the same. One more mile of pipeline is required for this alternative. Water from the existing well would have to be pumped to troughs uphill versus downhill. Livestock distribution would not be as wide, management would be impaired. There would be no backup water source in case of a malfunction in the pipeline system.
2. No action - This alternative lacks mitigation of the negative effects of livestock concentrating on the 1999 and 2000 fire rehabilitation seedings during the growing season. No new water sources would be developed. No winter pasture would be created. Livestock management would not be improved.

In accordance with 43 CFR 4160.2, the permittee 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 from receipt of this proposed decision at this address:

Bureau of Land Management
Burns District Office
HC 74-12533 Hwy 20 W
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 after receipt of the proposed decision, as provided for in 43 CFR 4160.3(a) and 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 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 stay of a decision pending appeal shall show sufficient justification based on the following standards:

- a) The relative harm to the parties if 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.

Signature on File

August 1, 2001

Miles R. Brown
Andrews Resource Area Field Manager

Date