



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
4160 ID130

October 18, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Cert# 7013 1090 0001 8706 7622**

Juniper Mountain Grazing Association  
c/o Michael Stanford  
3581 Cliffs Road  
Jordan Valley, OR 97910

**Notice of Field Manager's Proposed Decision**

Dear Mr. Stanford:

Thank you for your application for permit renewal on the Nickel Creek FFR Allotment. Thank you as well for working with the BLM during the permit renewal process; I appreciate your interest in grazing the allotment in a sustainable fashion and am confident that this proposed decision achieves that objective.

As you know, the BLM evaluated current grazing practices and current conditions in the Nickel Creek FFR Allotment through 2013. We undertook this effort to ensure that any renewed grazing permit on the allotment would be consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, an updated Rangeland Health Assessment, Evaluation, and Determination was completed; this proposed decision incorporates by reference the information contained in those documents.

In 2011 and 2012, three meetings were held with you to discuss allotment conditions, objectives, and livestock management. The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Nickel Creek FFR Allotment. A scoping package was sent to you and other known individuals, groups, and organizations recognized as the interested public for the Nickel Creek FFR Allotment on March 11, 2011. The scoping package solicited comments to better identify issues associated with renewing your livestock grazing permit on this allotment. All comments, which were considered in development of the Environmental Assessment, are addressed in Appendix B of EA #DOI-BLM-ID-B030-2011-

0006-EA: Nickel Creek FFR Allotment Permit Renewal Environmental Assessment, which can be found at

<https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=11453&dctmId=0b0003e88017350f>

After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Nickel Creek FFR Allotment. You submitted a grazing permit renewal application for this grazing permit which was received by the BLM on January 13, 2011. Following discussion with the BLM, you provided an updated application to the BLM, received on August 2, 2012. During public scoping in 2011, you provided corrections regarding fence locations, and acreages of private, BLM, and Idaho State Lands within the allotment. Based on this information, fence locations were corrected and confirmed through field checks by BLM staff.

As a focus of addressing livestock impacts to public land resources, my office prepared and issued the Nickel Creek FFR Grazing Permit Renewal Environmental Assessment<sup>1</sup> (EA) in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail four alternatives. We also considered other alternatives that we did not analyze in detail. Our objective in developing alternatives was to consider options that were important to you as the permittee, to address issues and concerns raised during internal and external scoping and to consider options that, if selected, would ensure that the Nickel Creek FFR Allotment's natural resources conform to the goals and objectives of the Owyhee Resource Management Plan (ORMP) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the EA.

I am now prepared to issue a proposed decision to renew your permit to graze livestock within the Nickel Creek FFR Allotment. Upon implementation of the decision, your permit to graze livestock on this allotment will be fully processed

This proposed decision will:

- Describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Nickel Creek FFR Allotment;
- Outline my proposed decision to select Alternative A as supplemented; and
- State my reasons for proposing this decision.

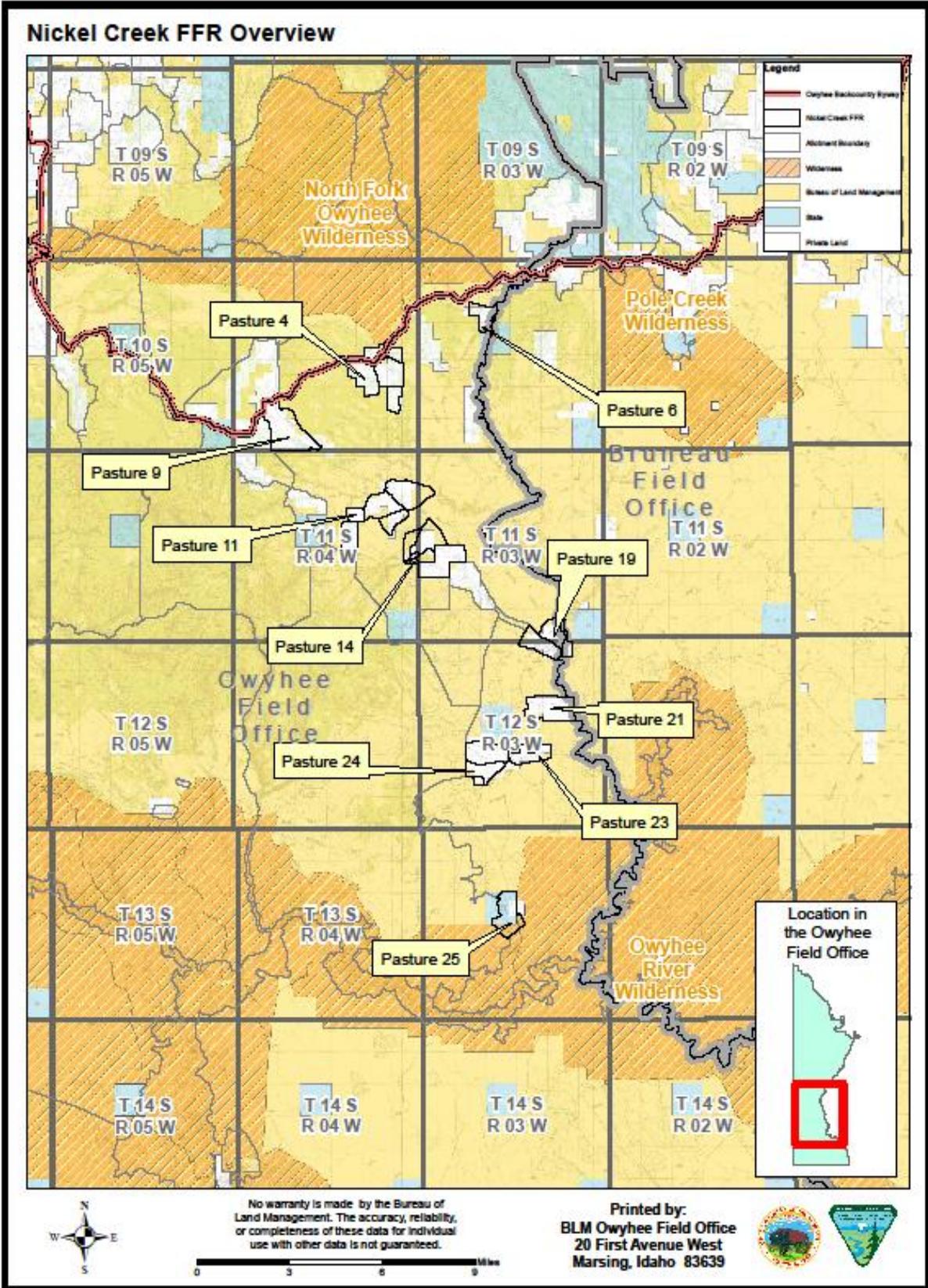
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<sup>1</sup> EA # DOI-BLM-ID-B030-2011-0006-EA analyzed 4 alternatives for livestock grazing management practices to fully process permits within the Nickel Creek FFR Allotment.

## Background

### *Allotment Setting*

The Nickel Creek FFR Allotment is located near Juniper Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment is grazed by the Juniper Mountain Grazing Association (JMGA), which currently consists of three different operators. This allotment is divided into 10 pastures (4, 6, 9, 11, 14, 19, 21, 23, 24 and 25) scattered over approximately 20 air miles, with most pastures subdivided into individual fields. Some fields have less than 20 acres of BLM-managed lands, while other fields have over 100 acres. The allotment contains approximately 78% private land, 19% BLM-managed lands, and 3% Idaho State Lands. Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 109 animal unit months (AUMs) permitted were not exceeded and unacceptable impacts to public land resources did not occur. *See* map.



Elevations within the Nickel Creek FFR Allotment range between 4,750 feet to 5,730 feet, with precipitation from eight to 16 inches per year. Most of the perennial running water is located on private land, and because livestock tend to graze near water, cattle on the allotment tend to spend the majority of the season grazing private land.

The allotment lies within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses where native vegetation communities are diverse. Limited precipitation with cold winters and dry summers constrains plant and animal communities. Primary vegetation types are low sagebrush, mountain big sagebrush, or basin big sagebrush communities with native perennial bunchgrasses in the understories.

***Current Grazing Authorization***

You currently graze livestock within the Nickel Creek FFR Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00657 Nickel Creek FFR	107	Cattle	12/01	12/31	100	Active	109

Other terms and conditions:

1. The number of livestock and season of use is at your discretion. Allotment # 00657 consists of Pastures 4, 6, 9, 11, 12, 14, 19, 21, 24, and 25.
2. Turnout is subject to Boise District range readiness criteria.
3. A properly completed, signed and dated actual grazing use report form (BLM Form 4130-5) must be submitted to BLM, OFO within 15 days from the last day of authorized annual grazing use.
4. Supplemental feeding is limited to salt, mineral, and/or energy/protein in block, granular, or liquid form. If used on public lands, these supplements must be placed at least one-quarter (1/4) mile away from any riparian area, spring, stream, meadow, aspen stand, sensitive plant species, playa, or water development located on public lands unless a site specific exemption is approved by the authorized officer.
5. Pursuant to 43 CFR 10.4(B), BLM OFO field manager must be notified by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.2(C), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.
6. Changes to the scheduled use require prior approval.
7. You are required to coordinate trailing activities with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
8. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
9. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signature or assignee. All maintenance of range improvements within a wilderness study area requires prior consultation with the authorized officer.

10. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.

As part of a settlement agreement, the following terms and conditions were added to the permit in March of 2000:

- Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the streambanks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Streambank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

The current permit authorizes an annual use of 109 animal unit months (AUMs<sup>2</sup>) of forage and a season of use between December 1 and December 31<sup>3</sup>; however, based on recent management actions over the last ten years, it is clear that in most years you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the permit.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of what was authorized under the current permit, but rather is the result of varied seasons of use over the past several years.

### ***Resource Conditions***

The BLM completed an updated Rangeland Health Assessment, Evaluation, and Determination for the Nickel Creek FFR Allotment in 2013, which was included in the Draft EA for your review prior to signature of the final determination document. Comments were considered prior to signature and incorporated where appropriate. The final determination document is included in Appendix A of the final EA. Evaluation and Determination documents have been revised as a response to internal comments initially, and further clarification has been made in light of comments brought forward by the permittee and interested public (although no changes to the standards' determinations resulted). Those documents concluded that some of the resources on the Nickel Creek FFR Allotment were not meeting the Idaho S&Gs. Specifically, the BLM

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<sup>2</sup> Animal unit month (AUM) means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

<sup>3</sup> Although the season of use in the grazing permit states 107 cattle and a season from 12/1-12/31 in the Mandatory Terms and Conditions, the permit states that "The number of livestock and season of use is at your discretion" in the Other Terms and Conditions, which allows flexibility.

determined that the allotment did not meet Standards 1 (Watersheds), 4 (Native Plant Communities), and 8 (Special Status Upland Wildlife). However, current livestock grazing management was not identified as a significant causal factor. Standards 2 (Riparian), 3 (Stream Channel), 7 (Water Quality), and 8 (Special Status Riparian Wildlife) are not being met, but the allotment is making significant progress toward meeting those Standards. Standard 8 (Special Status Plants) is meeting the Standard and Standards 5 (Seedings) and 6 (Exotics) do not apply to the Nickel Creek FFR Allotment.

### *Vegetation - Uplands*

The BLM's 2013 Rangeland Health Evaluation and Determination for the Nickel Creek FFR Allotment showed that the allotment is not meeting the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. This objective is not being met because plant communities in many areas have shifted from co-dominance of desirable deep-rooted perennial bunchgrasses (e.g., bluebunch wheatgrass, Idaho Fescue) and sagebrush, to greater dominance of less desirable shallow-rooted bunchgrasses (e.g., Sandberg bluegrass and bulbous bluegrass). In addition, there are pockets where plant communities are being impacted by invasive annual grasses and western juniper.

The 2001 Assessment<sup>4</sup> (based on 2001 Rangeland Indicators) documented altered plant communities, as described above. The 2011 field visits found conditions similar to the 2001 field evaluations at the four sites evaluated. Three primary areas of departure from reference conditions were noted: 1) historic loss of soil (see Standard 1 - Watershed), 2) reductions in large bunchgrasses (particularly bluebunch wheatgrass) and biotic soil crusts, and 3) presence of invasive species. Invasive species included Phase 1-2 juniper encroachment in some areas, and the presence (and in some cases abundance) of non-native annual grasses. Exotic grasses were primarily cheatgrass and some bulbous bluegrass (a perennial), but also included several exotic grasses not noted in the 2001 field evaluation such as North Africa grass, hairy brome, and dense silkybent. The apparent increase in exotic annual grasses since 2001 is the most substantial change on the allotment and constitutes a "red flag" suggesting a declining trend in native plant community integrity, although other factors appeared stable. Based on 2009 NAIP imagery, juniper encroachment is evident in portions of Pastures 4, 9, 11, and 19. Juniper encroachment is mostly patchy (Phase 1), but there are areas of Phase 2 juniper stands within these pastures, which is affecting the sagebrush and bunchgrass plant communities in those areas. Utilization monitoring at the end of the 2011 and 2012 grazing seasons showed overall light utilization, with no individual site readings over 40%, and several sites with little or no utilization (<7%).<sup>5</sup>

### *Watersheds*

The BLM's 2013 analysis of the Nickel Creek FFR Allotment concluded that Standard 1 (Watersheds) is not being met. Accelerated soil erosion such as water flow patterns and pedestalled bunchgrasses are identified throughout the allotment. This erosion is caused and

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<sup>4</sup> The 2001 Assessments are incorporated by reference within EA # DOI-BLM-ID-B030-2011-0006-EA. In summary, the 2001 Assessment documents concluded that all Standards were not met and that current livestock grazing was the causal factor.

<sup>5</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Section 3.1.1 and Appendix A.

exacerbated from reductions of deep-rooted perennial bunchgrasses due to past livestock grazing and increases in shallow-rooted non-native grasses that have reduced soil cover and litter necessary for soil site stability. These departures adversely affect upland soil and hydrologic function and influence proper nutrient cycling, hydrologic cycling, and energy flow at various levels.<sup>6</sup>

#### *Water Resources and Riparian/Wetland Areas*

The BLM's 2013 Rangeland Health Evaluation and Determination for the Nickel Creek FFR Allotment concluded that Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not meeting the Standards but are making significant progress. Additionally, the riparian areas which are found in the allotment are subject to the ORMP's objective to maintain or improve these areas to attain proper functioning condition. Standards 2 and 3 are not being met, as indicated by deeply entrenched channels, increased width-to-depth ratio, and excessive bedload (sediment). The conditions represented by these channel and riparian characteristics were caused prior to the last decade and current management is maintaining or improving Standards 2 and 3. This conclusion was based on the fact that only the young age class of willow was observed during the 2003 evaluation or the 2011 PFC assessment; inferring that willows that previously occupied this site were removed by either excessive grazing or mass erosion events<sup>7</sup>. Significant progress toward meeting these Standards is indicated by the presence of herbaceous and woody riparian vegetation that is re-stabilizing streambanks. Castle and Smith Creeks are so deeply entrenched that it is unlikely either would be considered PFC in the near future. Both 2011 lotic PFC assessments identified an apparent upward trend. Riparian vegetation (both woody and herbaceous) increased and improved stabilization of sandbars from what was reported in 2003.<sup>8</sup>

#### *Special Status Plants*

The BLM's 2013 Rangeland Health Evaluation and Determination for the Nickel Creek FFR Allotment concluded that the allotment is meeting Standard 8 for special status plants. Plants of interest include a known occurrence of short-lobed penstemon and occurrences nearby of Mud Flat milkvetch and thinleaf goldenhead. Specifically, the allotment meets Standard 8 (Plants) because habitat conditions do not appear limiting for short-lobed penstemon, and grazing use of its habitat is light. Habitats for Mud Flat milkvetch and thinleaf goldenhead (if present) are expected to be suitable and/or improving conditions (based on general uplands and riparian conditions), also not limited by current grazing. As noted in the evaluation, sagebrush communities have been altered somewhat from reference conditions. This is due to reductions in large bunchgrasses and biotic crusts and increased invasive annual grasses in some pastures, but in general the community structure, plant composition, and plant diversity are close to expected. Therefore, if Mud Flat milkvetch is present on public lands in this allotment, it is likely that its habitat (openings in mountain big sagebrush or low sagebrush communities) is suitable to maintain viable populations of this plant. Likewise, meadow and riparian habitats are improving overall, so if thinleaf goldenhead occurs on public lands in this allotment, its habitat would also

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<sup>6</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Section 3.2.1 and Appendix A.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

be expected to be on an upward trend. No impact from grazing or trampling (or other disturbance) was observed on the occurrence of short-lobed penstemon in Pasture 4 in July 2011, and plants appeared healthy, although few. Utilization in that field (Field 4) was measured at 30% at the end of the 2011 season and competition with weeds was not a substantial impact to the species at this site.<sup>9</sup>

#### *Wildlife/Wildlife Habitats and Special Status Animals*

The BLM's 2013 Rangeland Health Evaluation and Determination for the Nickel Creek FFR Allotment concluded that the allotment is not meeting Standard 8 for special status upland wildlife habitat. Standard 8 for special status riparian wildlife habitat, however, was found to be not meeting but making significant progress.

No threatened or endangered species listed under the ESA occur in the Nickel Creek FFR Allotment. Two birds (greater sage-grouse and yellow-billed cuckoo) and one amphibian (Columbia spotted frog) species listed as candidates under the ESA, and 7 mammals, 12 birds, one reptile, three amphibians, one fish, and one invertebrate with special status could potentially occur within the Nickel Creek FFR Allotment and may be affected by grazing activities<sup>10</sup>.

Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 4 (Native Plant Communities) and Standard 2 (Riparian Areas and Wetlands). Shrub steppe habitats dominated by several species of sagebrush and perennial bunchgrasses that would be expected to occur across the vast majority of the allotment based on ecological site descriptions have the potential to provide vital nesting and foraging habitat for many special status wildlife species. Currently, upland habitats throughout the allotment have reduced, rather than healthy, productive, and diverse, populations of native perennial grasses (especially tall-statured, deep-rooted bunchgrasses). These issues exist to some degree in all pastures. The absence of tall native grasses and forbs affects species that are adapted to foraging on seeds and insects in native habitats. Of primary concern is the ability of these sagebrush communities to provide habitat structure (diverse and intersecting overstory/understory interface) and function (nesting, security, and foraging cover) for shrub-obligate and -dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels. The presence of invasive species is also contributing to reduced cover and forage production for some special status species.

Although riparian and wetland habitats are limited in the Nickel Creek FFR Allotment, some stream courses are supporting woody and herbaceous hydric species. Castle Creek in Pasture 14, and Smith Creek in Pasture 11, were assessed as functional-at-risk with an apparent upward trend. This upward trend was due to expanding riparian plant communities, adequate plant vigor, and minimal impacts from livestock such as hoof shearing, heavy woody browse use, or heavy livestock utilization. Young willows and mature sedges and rushes were observed along both stream reaches and plant vigor was appropriate for the site. Deeply entrenched channels,

<sup>9</sup> For more detailed discussion, please refer to Appendix A of the EA.

<sup>10</sup> See Appendix F, Special Status Wildlife Species, in EA # DOI-BLM-ID-B030-2011-0006-EA for a list of special status wildlife species, their status, and occurrence potential within the Nickel Creek FFR Allotment.

increased width-to-depth ratio, and excessive bedload (sediment) were also documented. Beneficial uses for the reaches of Castle and Smith Creeks include cold water aquatic life and wildlife habitat. Beneficial uses for Deep Creek include cold water aquatic life, salmonid spawning, secondary contact recreation, and wildlife habitat. IDEQ identifies the reaches of Castle, Smith, and Deep Creeks as water quality limited and not fully supporting cold water aquatic life or salmonid spawning due to sedimentation and water temperature. Total Maximum Daily Loads (TMDLs) were developed for sediment and temperature on these reaches. Current livestock grazing management practices are not a significant causal factor for not meeting Standard 8 because little to no impact from livestock grazing was observed during field visits in 2011. The presence of dense herbaceous riparian vegetation with multiple age classes also indicates that current livestock grazing is not negatively impacting riparian vegetation along Smith and Castle Creeks. A significant causal factor for not meeting Standard 8 is that water quality parameters are not being met and cold water aquatic life is not fully supported in the reaches of Castle, Smith, and Deep Creeks due to sedimentation and water temperature.

Overall, the proper composition, structure, and function of native upland vegetation communities needed to meet the habitat requirements for special status wildlife species are lacking to varying degrees within the allotment. The results of historic grazing and invasive plants in upland habitats have variously resulted in a shrub canopy layer with undesirable structural and functional characteristics. These features contribute to inhibited herbaceous vigor and reduced annual production of larger bunchgrasses in the understory and thereby favor an increased occurrence of smaller bunchgrasses and annuals.<sup>11</sup>

### ***Guidelines for Livestock Grazing Management***

In addition to a discussion of land health standards, the BLM's 2013 Determination for the Nickel Creek FFR Allotment identified that all grazing management practices conformed to the BLM's Guidelines for Livestock Grazing Management for Idaho.

### ***Issues***

Based on the BLM's evaluation of the current grazing scheme, the current conditions on the Nickel Creek FFR Allotment, public response to scoping, and the BLM's obligations to meet the Idaho S&Gs and move toward meeting the ORMP management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the Nickel Creek FFR Allotment:

*Issue 1: The potential for livestock grazing in the Nickel Creek FFR Allotment to promote the spread of weeds on public lands;*

*Issue 2: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce cover and health of microbiotic crusts;*

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<sup>11</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Section 3.3.1 and Appendix A.

*Issue 3: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce general habitat requirements for wildlife;*

*Issue 4: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce native plant community and watershed health by reducing large bunchgrasses;*

*Issue 5: The current AUM level is appropriate based on utilization levels.*

### ***Analysis of Alternative Actions***

Based on the current condition of the Nickel Creek FFR Allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in the maintenance or some improved conditions on the allotment. Specifically, the BLM analyzed four alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.<sup>12</sup> The BLM considered the following alternatives in detail:

- Alternative A - The BLM would renew the JMGA permit for 10 years consistent with recent livestock grazing management practices that were put in place since about 2003. The new permit would define a season of use from April 1 to November 20 and authorize 109 AUMs of livestock use. The new grazing permit would allow livestock numbers to vary, however the specified season, maximum duration, frequency for each pasture or field could not be adjusted. Terms and conditions for riparian stubble height, herbaceous riparian and woody browse utilization, and stream bank alteration applied to the grazing permit by the United States District Court for the District of Idaho would continue.
  1. Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the streambank, along the greenline, after the growing season.
  2. Key riparian browse vegetation will not be used more than 50% of the current annual twig growth that is within reach of the animals.
  3. Key herbaceous riparian vegetation on riparian areas, other than the streambanks, will not be grazed more than 50% during the growing season, or 60% during the dormant season.
  4. Streambank damage attributed to grazing livestock will be less than 10% on a stream segment.
- Alternative B - The BLM would renew the permit to JMGA with modification of the existing permit. This alternative would renew the permit to the JMGA for 10 years and would authorize grazing on the Nickel Creek FFR allotment similar to the current permit without including the four specific terms and conditions identified in Alternative A. This alternative would authorize livestock numbers and season of use at the JMGA's discretion as long as 109 AUMs were not exceeded. The permit would authorize yearlong grazing.

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<sup>12</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Sections 2.1 and 2.2.

In order to meet or make significant progress toward meeting Standards and ORMP objectives, the terms and conditions listed below would be included. Exceeding any term and condition would result in complete rest from livestock grazing within that pasture or field the following year. This alternative would include the following terms and conditions specific to this alternative.

1. Limit utilization by livestock to no more than 40% of key upland herbaceous forage species.
  2. No more than 25% utilization of woody riparian browse.
  3. Residual riparian stubble height of no less than 4 inches.
  4. JMGA would monitor BLM lands for these measures annually and submit information to BLM. Monitoring would be completed as outlined in Appendix H.
- Alternative C – No permit would be issued under this alternative for a ten-year period. This alternative would result in no grazing during the 10-year term.
  - Alternative D – The objective of this alternative is to enhance upland habitat by providing more resource constraints as compared to Alternative A or B. The BLM would accomplish this by limiting the duration of use in any one field or pasture to no more than 30 days per year. This alternative would also include a reduced upland utilization level in the spring and an increase in stubble height for riparian vegetation. The BLM would permit 109 AUMs on BLM land from April 1 to November 20. The permittee would be responsible to follow the grazing system outlined in Table 2.3 of the EA, but with the following terms and conditions:
    1. Livestock utilization is limited to no more than 30% of key upland herbaceous forage species 4/1 to 7/1. Utilization is limited to not more than 40% the remainder of the grazing season.
    2. Season of use is limited to 9/15 to 11/20, residual riparian stubble height is limited to 6-inches at the end of the grazing season, and riparian woody browse utilization is limited to 25% at the end of the grazing season (11/20) in the following pastures:
      - a. Pasture 6
      - b. Pasture 11 – Field 2
      - c. Pasture 14 – Fields 2 and 6
      - d. Pasture 19 – Field 1

The Draft EA detailing the above alternatives was made available for public review and comment for a 30-day period ending September 19, 2013. In addition to timely comments received from you, a number of government organizations and interest groups also provided comments. Comments that were received are summarized and responses are provided in Appendix E of the EA.

## Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my proposed decision to renew your grazing permit for ten years consistent with Alternative A (current situation) with modifications and supplements to “Other Terms and Conditions” as follows:

- Key riparian herbaceous vegetation utilization will be limited to no more than 50% at the end of the grazing season.
- Alternative A will adopt the 30% utilization limit from 4/1 - 7/1 and 40% use for the remainder of the grazing season as analyzed in Alternative D of the Final EA.
- Use of supplemental feed will not be authorized on public lands.

Implementation of Alternative A as modified and supplemented over the next 10 years will allow the Nickel Creek FFR Allotment to make significant progress toward meeting the Idaho S&Gs in the long term (greater than 10 years) while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed grazing permit will be as follows:

**Table PROP 1.0. Terms and Conditions.**

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00657 Nickel Creek FFR	107	Cattle	04/01	11/20	100	Active	109

Other Terms and Conditions

1. Grazing use will be in accordance with the grazing schedule (Table PROP 1.1) identified in the final decision dated \_\_\_\_\_.
2. The number of livestock on the Nickel Creek FFR Allotment #00657 is at the permittee’s discretion.
3. Livestock turnout dates are subject to District Range Readiness Criteria.
4. Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the streambank, along the greenline, after the growing season.
5. Key riparian browse vegetation will not be used more than 50% of the current annual twig growth that is within reach of the animals.
6. Key herbaceous riparian vegetation on riparian areas, other than the streambanks, will not be grazed more than 50% at the end of the grazing season.
7. Streambank damage attributable to grazing livestock will be less than 10% on a stream segment.
8. Livestock utilization on key upland species is limited to no more than 30% from 4/1 to 7/1.
9. Livestock utilization on key upland species is limited to no more than 40% during the remainder of the grazing season.
10. Use of supplemental feed will not be authorized on public lands.
11. Rangeland improvements must be maintained in accordance with all cooperative agreements and range improvement permits.

12. A properly completed, signed, and dated actual grazing use report form (BLM Form 4130-5) must be submitted to BLM, OFO within 15 days from the last day of authorized annual grazing use.
13. Pursuant to 43 CFR §10.4(b), the BLM Owyhee Field Manager must be notified by telephone with written confirmation immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR §10.2) on federal lands. Pursuant to 43 CFR §10.4(c), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.

**Table PROP 1.1. Grazing Schedule.**

Pasture	Field	Season	Duration	Frequency of use
4	3, 4, 5	5/15-11/1	Up to 45 days in each field, for a total duration of 171 days.	Fields would be grazed only once per grazing season.
6	1			
4	1, 2	4/1-5/1	Up to 14 days in both fields combined.	Fields would be grazed only once per grazing season.
		10/1-11/15		
9	1	4/1-5/1 and 10/1-11/15	Up to 10 days in the spring and 21 days in the fall.	Field would be grazed twice per grazing season.
11	1	4/1-5/15	Up to 40 days.	Field would be grazed only once per grazing.
11	2, 4	5/1-11/1	Up to 45 days in each field (90 total days in both fields).	Each field may be grazed multiple times during the grazing season.
11	5	5/1-11/1 May be grazed in the fall after seed ripe and in the spring.	Up to 45 days.	Cattle may graze this field multiple times within the grazing season.
11	3	5/1-11/1	Up to 45 days.	Cattle would graze this field multiple times within the grazing season.
14	1, 4, 5, 6, 7	5/15-11/1	Up to 45 days in each field, with a total duration of 171 days.	Fields would be grazed only once per grazing season.
14	2	4/15-5/15	Up to 7 days in spring.	Field would be grazed once per grazing season.
14	3		PRIVATE FIELD	
19	1, 2	4/1-10/1	Up to 92 days (3 months) in all pastures and fields combined.	Fields would be used only once per grazing season.
21	1	After seed ripe/fall most years.		
23	1	4/1-10/1	Up to 184 days in all pastures and fields combined.	Cattle may graze fields multiple times.
24	1, 3	Generally used when cattle move off the Nickel Creek		

Pasture	Field	Season	Duration	Frequency of use
25	1	Allotment, and periodically throughout the season.		
24	4		PRIVATE FIELD	

***Notes on the Terms and Conditions***

Flexibility is provided as identified on your grazing schedule. You will be offered a grazing permit for a term of 10 years for the Nickel Creek FFR Allotment. Implementation of Alternative A, as modified and supplemented, will result in no reduction or increase in AUMs from your current permit. Permitted use within the Nickel Creek FFR Allotment will be as follows:

Active Use	Suspension	Permitted Use
109 AUMs	0	109 AUMs

**Rationale**

***Record of Performance***

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the Nickel Creek FFR Allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

***Justification for the Proposed Decision***

Based on my review of the EA, the rangeland health assessment/evaluation, determination, and other documents in the grazing files, it is my decision to select Alternative A, as modified and supplemented. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will continue to fulfill the BLM’s obligation to manage the public lands under the Federal Land Policy and Management Act’s multiple use and sustained yield mandate, and will result in the Nickel Creek FFR Allotment making significant progress in the long-term towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

***Issues Addressed***

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Nickel Creek FFR Allotment. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with this allotment before I made my decision. My selection of Alternative A, as modified and supplemented, was in large part

because of my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations.

*Issue 1: The potential for livestock grazing in the Nickel Creek FFR Allotment to promote the spread of weeds on public lands.*

AND

*Issue 2: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce cover and health of microbiotic crusts.*

Annual grasses and noxious weed infestations, which in this allotment are mostly non-native invasive species, will be expected to remain static under Alternative A. The grazing intensity under Alternative A during the critical time for controlling annual grasses is not expected to be high enough to have a measurable direct effect on their abundance. Effects from Alternative A on invasive annual forbs, which are relatively few in the allotment, are likely to be similar, and no increase in these weeds is expected. The existing small patches of Scotch thistle will continue to be treated under the Boise District's Noxious and Invasive Weed Treatment EA (USDI-BLM 2005). Plant community structure is expected to maintain sufficient vegetative cover to healthy, providing few open niche areas for noxious weeds to become established or thrive. Thus, an increase in noxious weeds is not expected.

The effects of Alternative A on biological soil crusts are expected to be similar to those on vegetation in general. Under the proposed level and seasons of use, biological soil crusts are expected to be maintained. Alternative A will also be expected to maintain existing upland vegetation in the Nickel Creek FFR Allotment because pasture rotations limit the length of time per pasture and upland utilization will be at or below 40% (as per the supplemental term and condition). The effects from past grazing (top soil loss and reduction of large bunchgrasses) and the presence of invasive annual grasses (and to a lesser extent western juniper) in some pastures, which are causal factors for not meeting Standard 4, will still influence upland native plant communities in the allotment, at least for the short term (next ten years). Recovery from soil loss will take longer than the ten-year term of this permit, and invasive grasses (and western juniper) are expected to be stable, at best, precluding significant progress. The effects described above are expected to be similar in all of the three major types of ecological sites in the allotment (low sagebrush, mountain big sagebrush, and basin big sagebrush-dominated communities).<sup>13</sup>

*Issue 3: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce general habitat requirements for wildlife.*

Current livestock grazing management is not identified as a significant causal factor for not meeting the Standard for threatened and endangered animals (Standard 8). Implementation of Alternative A (continuation of current grazing management) will still not meet or make significant progress toward meeting Standard 8 because the causal factors (soil loss, past livestock grazing, and invasive plants) will still affect upland wildlife habitat over the term of the

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<sup>13</sup> For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2011-0006-EA Sections 3.1.2.2 and 3.2.2.2.

permit. Upland wildlife habitat will be expected to be maintained in its current condition, which is currently not providing adequate resources (nesting cover, foraging cover, forage production) for some special status species in some pastures.

However, Alternative A (as modified and supplemented) will result in no more than 30% utilization in the spring and no more than 40% during the other times of the grazing season. Utilization limits of 30% in the spring and 40% in other seasons limits the intensity of use in all pastures, and grazing impacts to perennial bunchgrass vigor and productivity will be minimized. This level of utilization appears to be appropriate for maintaining the current condition of upland wildlife habitat in the Nickel Creek FFR Allotment. As identified in the 2013 Determination, this grazing intensity and management will generally maintain perennial bunchgrass vigor and was not determined to be a causal factor for not meeting or making significant progress toward meeting Standard 8.

Some fields will have deferred use (summer or fall rather than spring), which provides for a mosaic of seasonal use across the landscape and allow rest during the spring growing and nesting/foraging season in deferred pastures and potential regrowth in early use pastures. Season of use is very important in affecting wildlife seasonal habitat, with greatest negative effects to some upland wildlife species occurring during the spring nesting/foraging season (Connelly et al. 2007; Dobkin & Sauder 2004).

The 2013 Determination described recent improvements in hydric vegetation within the Nickel Creek FFR Allotment, and riparian areas do not appear to be affected by livestock grazing. Under Alternative A, pasture rotations and durations will include spring, summer, and fall use in pastures containing riparian habitat (Pastures 6, 11, 14, and 19), providing for a mosaic of seasonal use across the landscape and allowing for potential regrowth in early use pastures. The continuation of current grazing management is expected to continue to improve riparian habitat within the allotment in the short and long term (2 to 10 years respectively, and depending on the current degradation and ecological resiliency of the site) and will continue through the term of the permit. Due to these factors, this grazing system appears to be making significant progress toward meeting Standard 8 for riparian wildlife habitat and will continue with current management.

Under Alternative A, pasture rotation and durations will be as discussed above. Pastures containing riparian wildlife habitat can be grazed up to their maximum allowed number of days at any time during their season of use (spring, summer or fall). Specific riparian vegetation utilization and streambank alteration limits will apply under this alternative. Acknowledging that the lack of rest, potential seasons of use, and allowable vegetation utilization in these pastures could result in negative impacts to some wildlife species within the allotment, I am confident that the terms and conditions as modified and supplemented, and your recent good management and interest in full rangeland health for this allotment will further continued improvement to riparian habitats as identified.

### **Greater Sage-Grouse**

Under Alternative A, perennial herbaceous vegetation heights are expected to average 7 inches or more at the end of the nesting season in Pastures 4, 6, 9, 11, 14, 19 and 25, based on data

collected within the allotment in 2011-2012. Average perennial herbaceous vegetation heights of 7 inches or greater will continue to provide suitable nesting cover in those pastures. In Pastures 21, 23, and 24, perennial herbaceous vegetation heights are expected to average 5 inches or more at the end of the nesting season, based on data collected within the allotment in 2011-2012. Although average perennial herbaceous vegetation heights of fewer than 7 inches that would result from grazing under Alternative A will continue to provide only unsuitable to marginal nesting cover in those pastures, I expect a slight increase in vegetation heights with a 30% upland utilization limit on pastures grazed in the spring.

A review of the literature suggests that 40 to 45 percent utilization (i.e., moderate levels (Holechek, et al. 2006)) will maintain the health and vigor of bunchgrasses and other rangeland vegetation, and 30 to 35 percent utilization (i.e., conservative levels (Holechek, et al. 2006)) is needed to improve the health and vigor of bunchgrasses and other rangeland vegetation (Holechek, et al. 1999). Alternative A (as modified and supplemented) will result in no more than 30% utilization in the spring and 40% at all other times of the grazing season. Current management has also typically resulted in utilization at or below 40%. This level of utilization is appropriate for maintaining upland vegetation in the Nickel Creek FFR Allotment.

By supplementing Alternative A with upland utilization limits as identified above, grazing impacts to upland sage-grouse habitat will be minimized. We therefore expect average perennial herbaceous vegetation heights of 7 inches or more in sagebrush during the breeding season, which would promote high plant community vigor, provide an adequate perennial herbaceous vegetation height during the subsequent nesting/early brood-rearing season, and continue improvement of sage-grouse nesting habitats.

Under Alternative A (as modified and supplemented), sage-grouse late brood-rearing riparian habitat is expected to improve throughout the allotment because herbaceous cover in riparian areas will continue to increase. Because vegetation within riparian areas will increase, riparian habitat would continue to make significant progress toward meeting the Standard.

As a result of the upland utilization terms and conditions along with expected continued improvement to riparian areas and the association habitat, Alternative A (as modified and supplemented) is consistent with objectives of the BLM special status species policy in Manual 6840 (USDI BLM 2008); in particular “to initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA.”<sup>14</sup>

*Issue 4: The potential for livestock grazing in the Nickel Creek FFR Allotment to reduce native plant community and watershed health by reducing large bunchgrasses.*

Effects from Alternative A (as modified and supplemented) will not be immediately realized in the watershed as a whole even though the terms and conditions identified within all of the alternatives may result in a direct, observable, and positive response within the riparian areas. Because many variables contribute to watershed health and function, it is difficult to link grazing

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<sup>14</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Section 3.3.2.

management within the Nickel Creek FFR to direct or immediate improvement of Standard 1 within the timeframe associated with the permit renewal. Full recovery to meet this Standard will require more than ten years and may not be gained solely because of changes exclusive to livestock management. As a whole, prescribing livestock management in the allotment has very little influence on achieving the Standards because of other activities within the watershed that also influence conditions (irrigation, private land development, past management, wildfire, invasive or noxious weeds, and vegetation structure and diversity).

Because Standard 4 is not being met due to factors other than current livestock grazing management, changes in grazing management alone will not cause the allotment to meet or make significant progress toward meeting the Standard. The allotment will still be influenced by the causal factors of soil and large bunchgrass loss from past grazing and the presence of invasive weeds over the term of the permit. Soil recovery will take much longer than ten years, and invasive weeds are expected to be stable. The alternatives differ somewhat in their effects on vegetation, and trends are identified for each alternative, but because of the other limiting factors, short-term recovery is not expected.

Alternative A (as modified and supplemented) places utilization constraints of 30% in the spring and 40% in other seasons which limits the intensity of use in all pastures; thus grazing impacts to perennial bunchgrass vigor and productivity will be minimized. Ultimately, as stated in my rationale and the effects analysis of the Nickel Creek FFR Permit Renewal EA, changes in livestock management will not amount to significant progress for upland vegetation Standards (1, 4, 8), although slow and incremental improvement will occur.<sup>15</sup>

*Issue 5: The current AUM level is appropriate based on utilization levels.*

Limited utilization and actual use data are available. The season of use varies between pastures, and because use under the current permit was at your discretion, pastures may or may not have had similar management over time. Before the early 2000s, many fields and pastures were used season long (USDI-BLM 2003a), but since about 2003, use in most fields has been more limited and Active AUMs will continue to be 109.

The EA at Section 3.1.1.1 shows utilization monitored in 2011 and 2012; utilization before 2011 is not available. General utilization categories can be described as slight (0-20%), light (20-40%), moderate (40-60%), heavy (60-80%), and extreme (80-100%). Using these categories, utilization on the Nickel Creek FFR Allotment in 2011 and 2012 was slight to light. Although utilization data is limited and because livestock are not a causal factor in not meeting standards, I believe that current and proposed AUM levels are and will continue to result in utilization at or below levels identified in the terms and conditions.<sup>16</sup>

### ***Additional Rationale***

A tremendous amount of thought and effort went into developing grazing management that is responsive to your allotment's specific resource needs, geography, and size. These

<sup>15</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Sections 3.1.2 and 3.2.2.

<sup>16</sup> For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0006-EA Section 3.1.1.

considerations were taken to address all concerns and requirements mandated to the BLM. Each allotment has different ecology and management capability due to the size and location/topography that result in various issues and priorities. All attempts to coordinate grazing throughout the entire allotment were made by me and my staff with you and the interested public. I recognize the difficulty of not only meeting the mandated needs for the resources, but also the needs and capability that you, the permittee, have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

Although I could have selected Alternative A without supplemental terms and conditions, I was concerned over the lack of any upland vegetation utilization limits. The analysis for Alternative A found that the 50% utilization level as identified in the ORMP would not allow for maintenance or improvement of key upland vegetation for the Nickel Creek FFR Allotment. Because of the potential that utilization could be heavier than recommended by the ID team, and because analysis in the EA for Alternative D states that continued maintenance and/or improvement to key upland vegetative species could occur with implementation of the lighter utilization levels, I adopted these additional terms and conditions to address this need.

In addition, the key riparian herbaceous utilization limits are restricted to no more than 50% at the end of the grazing season. Sixty percent utilization during the dormant season is not supported by the literature to maintain (or continue with improved conditions) riparian systems or associated wildlife habitat. Although these resources have not witnessed utilization in excess of 60%, I cannot meet the objectives identified in the ORMP by carrying this utilization limit forward in the terms and conditions of your grazing permit for the Nickel Creek FFR.

Due to the amount of intermingled private lands within the FFR, I find the term and condition allowing for the use of supplemental feeding (identified in your current permit as being limited to salt, mineral, and/or energy/ protein in block, granular, or liquid form) is not a necessary practice for herd or range management on public lands in this allotment. The term and condition has been modified from that identified in Alternative A of the EA to state that use of supplemental feed will not be allowed on public lands as a result.

I did consider selecting Alternatives B, C, or D for this allotment. However, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotments. In selecting Alternative A (as supplemented) for the Nickel Creek FFR Allotment rather than Alternatives B, C, or D, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative C on your operation, and (3) your past performance under previous permits. The resource issues identified (soil loss, past livestock grazing, and invasive plants) are not related to current livestock management, therefore, it is appropriate to continue current management. I have included additional upland vegetation utilization terms and conditions to ensure utilization levels and resource conditions continue to maintain and/or improve. Ultimately, the suspension of grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.

Climate change is another factor I considered in building my decision around Alternative A for the Nickel Creek FFR Allotment. Climate change is a stressor that can reduce the long-term

competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together—albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternative combined seasons, intensities, and durations of livestock use to promote long-term plant health and vigor, while, in the case of this allotment, recognizing the limited effects changes in grazing management can accomplish over the term of a permit. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on this allotment will be able to continue to improve, and thus be better armed to survive such changes.

It is my intention to include the Nickel Creek FFR Allotment in the alternatives, analysis, and subsequent decision in the Nickel Creek Allotment permit renewal process. I anticipate that allotment to undergo the permit renewal process prior to the expiration of the Nickel Creek FFR Allotment grazing permit issued as a result of this decision. Therefore, the Nickel Creek FFR Allotment grazing permit may be modified prior to the expiration of Authorization #1103720 in conjunction with the Nickel Creek Allotment.

### **Finding of No Significant Impact (FONSI)**

A Finding of No Significant Impact (FONSI) was signed on October 17, 2013, and concluded that the proposed decision to implement Alternative A, as supplemented, is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2011-0006-EA is available on the web at:

<https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=11453&dctmId=0b0003e88017350f>

### **Conclusion**

In conclusion, it is my decision to select Alternative A, as modified and supplemented, over the other three alternatives analyzed because livestock management practices under this selection best meet regulatory requirements, the ORMP objectives allotment-wide, and the Idaho S&Gs.

### **Authority**

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska. My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; The ORMP designates the Nickel Creek FFR Allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

### **Right of Protest and/or Appeal**

Any applicant, permittee, lessee or other interested publics may protest the proposed decision under Sec. 43 CFR § 4160.1 and 4160.2, in person or in writing within 15 days after receipt of such decision to:

Loretta V. Chandler  
 Owyhee Field Office Manager  
 20 First Avenue West  
 Marsing, Idaho 83639

The protest, if filed should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR § 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR § 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 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. In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other person named in the copies sent to section of this decision in accordance with 43 CFR 4.421 and on the Office of the Regional Solicitor located at the address below in accordance with 43 CFR § 4.470(a) and 4.471(b).

Boise Field Solicitors Office  
University Plaza  
960 Broadway Ave., Suite 400  
Boise Idaho, 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471(c), 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 and served in accordance with 43 CFR § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,

*/s/ Michele McDaniel*  
*Acting For*  
Loretta V. Chandler  
Field Manager  
Owyhee Field Office

cc: Nickel Creek FFR Allotment Interested Public

## LITERATURE CITED

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### Nickel Creek FFR Interested Public

Company Name	First Name	Last Name	Address 1	City	State	Zip
06 Livestock	Dennis	Stanford	PO Box 167	Jordan Valley	OR	97910
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Hanley Ranch Partnership	Michael	Hanley	PO Box 271	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	PO Box 790	Boise	ID	83701-0790
ID Dept. of Parks & Recreation			PO Box 83720	Boise	ID	83720
ID Fish & Game			3101 S. Powerline Rd.	Nampa	ID	83686
ID Wild Sheep Foundation	Director: Jim	Jeffress	PO Box 8224	Boise	ID	83707
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720-0050
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros			PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Juniper Mtn. Grazing Assn.	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
Teo & Sara Maestresjuan			26613 Pleasant Valley Rd.	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St. 20th Floor	San Francisco	CA	94104
Oregon Division State Lands			1645 NE Forbes RD. Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Assn.			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 38	Murphy	ID	83650
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair	Gene Gray	2393 Watts Lane	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
Shoshone-Bannock Tribes	Tribal Chair: Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701

Company Name	First Name	Last Name	Address 1	City	State	Zip
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of NV Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W. Bannock St., Ste. 210	Boise	ID	83702
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702
US Fish & Wildlife Service			1387 S. Vinnell Way, Rm. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects			PO Box 1770	Hailey	ID	83333
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650
	Sandra	Mitchell	PO Box 70001	Boise	ID	83707
	Martin & Susan	Jaca	21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	Senator: James E.	Risch	483 Russell Senate Office Building	Washington	DC	20510
	Senator: Mike	Crapo	239 Dirksen Senate Office Building	Washington	DC	20510
	Congressman: Mike	Simpson	2312 Rayburn House Office Building	Washington	DC	20515
	Congressman: Raul	Labrador	1523 Longworth HOB	Washington	DC	20515
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W. El Gato Ln.	Meridian	ID	83642
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	Earl	Maggard	7833 Happy Valley Rd.	Kuna	ID	83634
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714
	Karen	Sussman	PO Box 55	Lantry	SD	57636
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837
	Brad	Huff	13201 Boulder Pasture Ln.	Guffey	ID	83641
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639