



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Owyhee Field Office
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In Reply Refer To:
4160 ID130

November 18, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Cert# 70123050000105729608

Sierra Del Rio
c/o Craig Baker
PO Box 127
Murphy, ID 83650

Notice of Field Manager's Proposed Decision

Dear Mr. Baker:

Thank you for your application for permit renewal on the Sinker Butte and Montini Fenced Federal Range (FFR) allotments. Thank you as well for working with the BLM during the permit renewal process; I appreciate your interest in grazing the allotments 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 Fossil Butte, Con Shea, Sinker Butte, Joyce FFR, Montini FFR, and Murphy FFR (hereinafter Fossil Butte Group) allotments through 2013. We undertook this effort to ensure that renewed grazing permits on the allotments would be consistent with the BLM's legal and land management obligations. As part of the BLM's Fundamentals for Rangeland Health (FRH) process, updated Rangeland Health Assessments, Evaluations, and Determinations were completed on the Sinker Butte, Montini FFR, and other Fossil Butte Group allotments. This proposed decision incorporates by reference the applicable information contained in those documents.

With completion of the FRH process, including the 2013 Fossil Butte Group Permit Renewal Environmental Assessment (2013 Fossil Butte Group EA), I am now prepared to issue my proposed decision to renew your permit to graze livestock within the Sinker Butte and Montini allotments. Upon implementation of the final decision, your permit to graze livestock on these allotments will be fully processed.

This proposed decision will:

- Describe current conditions and issues on the allotments;
- 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 Sinker Butte and Montini FFR allotments;
- Outline my proposed decision to select Alternative D; and
- State my reasons for proposing this decision.

Background

Allotment Setting

The Fossil Butte Group allotments are generally located between Oreana and Murphy, Idaho bordered to the east by the Snake River and to the west by the Owyhee Front (Figure 1). Elevations range between 2,300 to 5,200 feet. Landforms are generally composed of terraces, slopes, table lands, plug domes and bottomlands with shallow to very deep loamy to fine sandy soils and scattered badlands.

The majority of the allotments lie within two ecological sites which account for approximately 70 percent of the Fossil Butte Group area; the remaining 30 percent is made up of several different ecological sites. The dominant vegetation communities within the Fossil Butte Group allotments include sagebrush steppe, salt-desert shrub, and native and annual grasslands. Riparian areas are limited in abundance and extent; they include woody and herbaceous riparian areas along perennial and intermittent streams, the Snake River, and around springs, seeps, and reservoirs. Limited precipitation with cold winters and dry summers constrains plant and animal communities.

All of the allotments with the exception of Murphy FFR are at least partially located within the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA); grazing management on public lands for all six allotments is administered by the Owyhee Field Office (Table 1). Categories are: I = Improve; M = Maintain; C = Custodial, per the Owyhee Resource Management Plan (ORMP). Note that allotment acreages have been updated since the ORMP based on improved inventories.

Table 1 - Allotment Ownership Acreages and AUMs

| Allotment Name & Number | Category | Active AUMs ¹ | Public Acres | State Acres | Private Acres | Total Acres |
|-------------------------|----------|--------------------------|--------------|-------------|---------------|-------------|
| Joyce FFR (00487) | I | 87 | 1,609 | 634 | 3,751 | 5,995 |
| Fossil Butte (00535) | M | 1,622 | 40,744 | 1,934 | 1,946 | 44,624 |
| Con Shea (00571) | M | 990 | 12,468 | 0 | 1,220 | 13,668 |
| Sinker Butte (00578) | M | 707 | 8,541 | 0 | 390 | 8,931 |
| Murphy FFR (00486) | C | 5 | 56 | 0 | 250 | 306 |
| Montini FFR (00654) | C | 140 | 1,664 | 294 | 388 | 2,346 |
| Total | | 3,551 | 65,083 | 2,862 | 7,944 | 75,889 |

¹ 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.

Locator Map

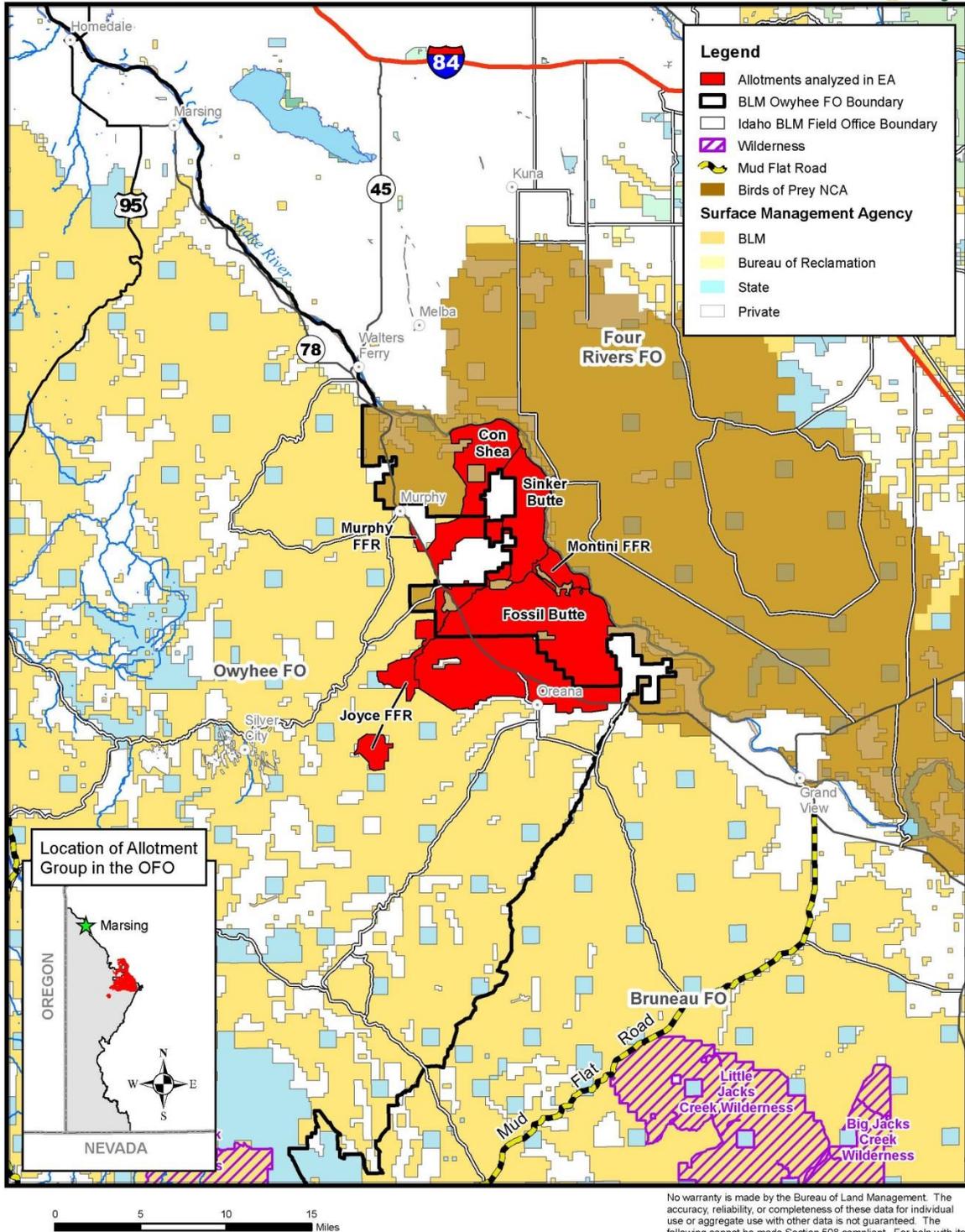


Figure 1– Fossil Butte Group Allotments Locator Map

Current Grazing Authorization

You currently graze livestock within two of the Fossil Butte Group allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of your grazing permit are as replicated in Table 2 and the accompanying other terms and conditions.

Table 2: Sierra Del Rio existing grazing permit terms and conditions

| Allotment | Livestock | | Grazing Period | | % PL | Type Use | AUMs | | |
|--------------------------------|-----------|--------|----------------|-------|------|-----------|--------|-----------|-----------|
| | Number | Kind | Begin | End | | | Active | Suspended | Permitted |
| 00578 Sinker Butte | 203 | Cattle | 11/15 | 02/28 | 100 | Active | 707 | 0 | 707 |
| 00654 Montini FFR ² | 12 | Cattle | 03/01 | 02/28 | 100 | Custodial | 140 | 0 | 140 |

Other terms and conditions:

1. Number and kind of livestock and season of use on the Fenced Federal Range (FFR) allotment #0654 is at your discretion.
2. A minimum of 4 inch stubble height will be left on herbaceous vegetation within the riparian area along 0.5 miles of Sinker Creek in Allotment #0654 at the end of the growing season as identified in the fisheries objective of the Owyhee EIS.
3. Livestock turnout dates are subject to Boise District range readiness criteria.
4. You are required to properly complete, sign, and date an actual grazing use report form (4130-5) for each allotment. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter mile away from any riparian area, spring, stream, meadow, aspen stand, playa, special status plant population, or water development.
6. Pursuant to 43 CFR 10.4(B) you must notify the BLM Field Manager, 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), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.

As part of a settlement agreement, the following terms and conditions were added to the permits in March of 2000 (Winmill Stipulations):

- 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.

² Although the grazing permit lists a season of use from 03/01 – 02/28 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. Based on reported actual use, it is clear that in most years you have utilized this authorized flexibility. It is also clear that you have regularly used the Sinker Butte Allotment earlier than your permitted date (See EA Section 2.3.3.3, Table 2.14) and often exceeded the permitted AUMs. However, BLM did not take administrative action.

The permit does not specify dates or use per pasture for either allotment, beyond the overall allotment AUM numbers and dates. In the Sinker Butte Allotment, the land acquired in a land exchange with the State of Idaho (Pasture 5) has not been addressed in the current permit. Pasture 5 will be addressed in this decision.

In 2012 the northern portion of Sinker Butte Pasture 1 was impacted by the Con Shea wildfire. As a result, this area was rested for a minimum of two growing seasons. A temporary fence was constructed to facilitate the closure. However, because of light utilization levels in 2011 and the ability to rest pastures within the allotment, all active AUMs were authorized on unburned portions of the allotment. The closure would remain in effect through fall of 2014 if objectives are attained for the re-introduction of livestock. If objectives have not been met after two growing seasons, the reason for failure to obtain objectives will be identified and it may be necessary to extend the temporary livestock grazing closure.

Fundamentals for Rangeland Health (FRH) Process

In 2009, the BLM issued Environmental Assessment #DOI-BLM-ID-103-2008-312-EA and a Proposed Decision for the Fossil Butte Group allotments. Upon review of protest statements, the Field Manager found that the alternatives in the EA needed to be reconsidered and withdrew the Proposed Decision.

In 2011, BLM reengaged in the permit renewal and FRH process for the Fossil Butte Group allotments. A scoping package was sent to you and other known individuals, groups, and organizations recognized as the interested public for the Fossil Butte Group allotments on March 15, 2011. The scoping package solicited comments to better identify issues associated with the renewal of your livestock permit on the allotments. All comments were considered in completing the National Environmental Policy Act (NEPA) requirements³.

Meetings were held with you in 2011-2013 to discuss allotment conditions, objectives, and livestock management. BLM was in receipt of your grazing permit renewal application for your grazing permit (#1100242) on June 10, 2011. Your application was updated on September 16, 2013, following discussion with the BLM.

Issues – Fossil Butte Group Allotments

Based on our evaluation of the current grazing scheme, the current conditions on the Fossil Butte Group allotments, public response to scoping, and the BLM's obligations to meet the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs) and move toward meeting the ORMP and NCA Resource Management Plan (RMP) management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the Fossil Butte Group allotments:

The potential for livestock grazing in the Fossil Butte Group allotments to:

³ Scoping comments and BLM's responses are included in Attachment B of EA #DOI-BLM-ID-B030-2011-0010-EA: Fossil Butte Group Grazing Permit Renewal EA (2013). This EA can be found at the BLM e-planning website at <https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=22003>

- promote the spread of weeds on public lands, including at existing and proposed water haul sites;
- reduce the cover and health of microbiotic crusts;
- adversely affect general habitat requirements for upland and riparian wildlife species, including raptors, sage-grouse, and big game;
- cause detrimental impacts to special status plants and their habitats when combined with off-highway vehicle use in the area;
- result in a shift from desirable to undesirable native plant communities;
- impair upland watershed conditions; and
- reduce riparian vegetation and stream-bank stability.

Idaho Standards and Guidelines – Fossil Butte Group Allotments

The BLM completed updated Rangeland Health Assessment, Evaluation, and Determination documents for the Fossil Butte, Con Shea, Sinkers Butte, Joyce FFR, and Montini FFR allotments in 2013. The final determination documents are included in Appendix A of the final EA. Those documents concluded that some of the resources on the Fossil Butte Group allotments were not meeting the Idaho S&Gs, but current livestock management was not the significant causal factor. Resource conditions and a summary Standards Assessment and Determinations for each allotment will be discussed individually in the “Allotment-specific Resource Concerns and Analysis of Alternatives” section below.

In addition to a discussion of land health Standards, the BLM’s 2013 Determinations for the Fossil Butte Group allotments identified that current grazing management practices conform to the BLM’s Guidelines for Livestock Grazing Management for Idaho.

Alternative Development – Fossil Butte Group Allotments

As a focus of addressing livestock impacts to public land resources, my office prepared and issued the 2013 Fossil Butte Group EA in which we considered a number of options and approaches to maintain and/or continue to improve resource conditions. Specifically, the BLM considered and analyzed in detail up to six alternatives per allotment. 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 address current resource conditions. The development of the alternatives allowed me to consider options that, if selected, would ensure that the Fossil Butte Group allotments’ natural resources conform to the goals and objectives of the ORMP, the NCA RMP, and the Idaho S&Gs. This proposed decision incorporates by reference the analysis contained in the EA.

The Draft EA detailing the alternatives was made available for public review and comment for a 20-day period ending November 4, 2013. In addition to comments received from you, other permittees, government organizations, and interest groups provided comments. Comments that were received are summarized and responses are provided in Appendix G of the final EA. A summary of the alternatives for each allotment is identified in the following section.

Allotment-Specific Resource Conditions and Analysis of Alternatives

Sinker Butte

The BLM's 2013 Rangeland Health Evaluation and Determination for the Sinker Butte Allotment concluded that the allotment does not meet Standards 1 (Watershed), 4 (Native Plant Communities), 5 (Seedings), and 8 (Special Status Upland Wildlife), but current livestock grazing management was not identified as a significant causal factor. Standards 7 (Water Quality) and 8 (Special Status Riparian Wildlife) are not being met, but the allotment is making significant progress. BLM determined that Standards 2 (Riparian and Wetlands), 3 (Stream Channel and Floodplain), and 8 (Special Status Plants) are being met. Standard 6 (Exotic Plant Communities) does not apply to the Sinker Butte Allotment. See the Determination in Appendix A of the EA for details, which are summarized below.

Watersheds (Standard 1)

BLM determined that Standard 1 (Watersheds) is not being met, as indicated by a reduction of deep-rooted perennial bunchgrasses across the entire allotment, which has reduced soil cover and litter necessary for soil site stability, and changed hydrologic and nutrient cycling capabilities of the area. There are signs of soil loss (loss of surface horizon and pedestaling), and gullies were observed although they were not actively eroding. The loss of bunchgrasses has already had an impact on soil stability, but conclusive evidence gathered through the evaluation of rangeland indicators identifies that vegetation has not improved soil site stability. Current livestock grazing is not a significant causal factor because use occurs in winter when plants are dormant and soils are near-frozen. Historic grazing practices that eliminated deep-rooted perennial bunchgrasses and vegetation cover, thus accelerated erosional processes, are the significant causal factors for not meeting Standard 1.

Riparian, Wetlands, Stream Channel, Floodplain, and Water Quality (Standards 2, 3, and 7)

In the Sinker Butte Allotment, livestock have limited access to the Snake River and little effect on its riparian or channel areas, so only Sinker Creek is evaluated for Standards 2 (Riparian and Wetlands), 3 (Stream Channel and Floodplains), and 7 (Water Quality). The Sinker Butte Allotment is meeting Standards 2 and 3, and making significant progress toward meeting Standard 7. The 1-mile segment of Sinker Creek in this allotment was assessed as properly functioning condition in 2001 and 2012. In 2013, observations on Sinker Creek noted stable banks, many fish and beaver dams, bankfull indicators, floodplain access, and extensive herbaceous and woody riparian vegetation. Water diversion removes about half of the volume on the lower end of the reach. Noxious weeds knapweed and salt cedar occur in isolated areas and do not appear to be increasing. Sinker Creek is at its potential given upstream dewatering. Livestock grazing impacts, when observed, were minor and did not affect the functionality of the stream system. The allotment is not meeting Standard 7 because the Idaho Department of Environmental Quality identified Sinker Creek as water quality limited due to flow alteration, sediment, and temperature. However, water quality improves concurrent with riparian conditions, and the improved riparian conditions (Standards 2 and 3) indicate progress toward meeting Standard 7. Upstream water diversion is likely the primary causal factor for failure to meet water temperature criteria.

Native Plant Communities and Seedings (Standards 4 and 5)

Standard 4 (Native Plant Communities) is not being met, based on the reduction in large bunchgrasses compared to reference conditions, replaced by small bunchgrasses. Native forb diversity and abundance are lower than expected, as is shrub cover in burned areas. Ground cover by basal vegetation and biological soil crusts is somewhat lower than expected, and non-

persistent litter is higher than expected. Standard 5 (Seedings) is not being met as indicated by a low density of crested wheatgrass, with static to declining trends. Shrubs and native perennials have not become re-established in seeded areas, except Sandberg bluegrass. Noxious weed infestations are frequent. In both native plant communities and seedings, current livestock grazing is not a significant causal factor for not meeting the Standards because the winter season of use occurs when perennial grasses are dormant, and because utilization under current management has not exceeded 30%. This level of use during the dormant season is suitable to maintain native and seeded plant communities. Significant causal factors for not meeting Standards 4 and 5 include historic grazing practices (growing season and higher intensity use) and invasive weeds (cheatgrass, tumble-mustard, and Russian thistle).

Special Status Plants (Standard 8)

The Sinker Butte Allotment is meeting Standard 8 for special status plants. Four species of special status plants are known to occur within the allotment, and three additional may occur there. Five are small annuals that grow in open, often sandy or cindery areas, and two are perennials that grow on sandy, gravelly, or rocky openings within salt desert or Wyoming sagebrush communities. The habitat and occurrences that have been visited in recent years appeared undisturbed by livestock or other physical disturbance. Although cheatgrass is in the area, it is not substantially affecting special status plant habitat. Grazing use during the winter has no effect on annual special status plants, and little effect on dormant perennials. Occurrence areas in this allotment are not readily accessible to livestock.

Wildlife/Wildlife Habitats and Special Status Animals (Standard 8)

The BLM's 2013 Evaluation/Determination for the Sinker Butte Allotment concluded that the allotment is not meeting Standard 8 for special status upland wildlife habitat, but current livestock grazing is not a significant causal factor. Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 4 and Standard 2. The allotment is not meeting Standard 8 for special status riparian wildlife habitat but is making significant progress.

The allotment is not meeting Standard 8 for special status upland wildlife habitat because upland habitat has been highly altered by the reduction of perennial grasses across the allotment and of shrubs in burned areas. The altered vegetation composition, structure, and function substantially reduce effective nesting, hiding, escape, travel, and foraging cover values for all upland wildlife species. Current livestock grazing is not a significant causal factor for not meeting Standard 8 for upland wildlife habitat because the season of use occurs mostly during perennial plants' dormant season, which has fewer effects than growing-season grazing.

Because water quality parameters are not being met, the allotment is not meeting Standard 8 for riparian wildlife habitat. However, the allotment is making significant progress toward meeting Standard 8 for special status riparian wildlife habitat because of recent improvements in Sinker Creek riparian areas (Standard 2), providing more suitable riparian habitat conditions for redband trout and other riparian-dependent species. Current livestock management is not a significant causal factor for not meeting Standard 8 because use occurs during perennial plants' dormant

season, resulting in few impacts to riparian vegetation; little or no riparian area impact from livestock was observed during field visits in 2012 and 2013.⁴

Analysis of Alternative Actions

The following alternatives were analyzed for the Sinker Butte Allotment in the EA:⁵

- Alternative A (Current Permit) – The BLM would renew the Sierra Del Rio permit for 10 years with the same terms and conditions as the current permit. The permit would authorize 707 AUMs of cattle use between November 15 and February 28. The allotment would continue to have four pastures and would not include the parcel of previously state-owned land (Figure 2). The fence excluding grazing from the 2012 Con Shea wildfire would be removed when post-fire resource objectives have been achieved. The permit would not specify dates or animal numbers per pasture beyond the allotment level and season of use. 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 (Winmill Stipulations; see page 4) would continue.
- Alternative B (Current Situation) - The BLM would renew the Sierra Del Rio permit for 10 years consistent with livestock grazing management practices on the Sinker Butte Allotment since about 2004. The new permit would authorize a season of use from October 20 to February 28 for 771 AUMs of cattle use on the allotment. One existing water haul site would be retained for use in the allotment in Pasture 3. Five pastures would be authorized, including the parcel of previously state-owned land. The fence excluding grazing from the 2012 Con Shea wildfire would be removed when post-fire resource objectives have been achieved. The permit would not specify dates or animal numbers per pasture beyond the allotment level and season of use. Winmill Stipulations would continue.
- Alternative C (Applicant’s Proposal) - The BLM would renew the permit for Sierra Del Rio in accordance with your submitted application. This alternative would renew the permit for 10 years and would authorize grazing on the Sinker Butte Allotment for 791 AUMs of cattle use consisting of 691 AUMs between October 15 and February 28 and 100 AUMs between April 1 and April 30. The fence currently excluding grazing from the 2012 Con Shea wildfire would be retained, creating an additional pasture to be used when post-fire resource objectives have been achieved. Six pastures, including the former state-owned section, would be used in a rest rotation system of one year of spring use followed by a year of rest and three years of deferred fall/winter use for each pasture. The existing water haul site would be authorized. Winmill Stipulations would not be included.
- Alternative D (BLM Preferred) – The BLM would renew the Sierra Del Rio permit for 10 years. The permit would incorporate the previous state-owned parcel (Pasture 5). The new permit would define a season of use from November 1 to February 28 and authorize

⁴ For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0010-EA Section 3.3.2.1.5 and Appendix A.

⁵ For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0010-EA Sections 2.1 and 2.3.

771 AUMs of cattle use on the allotment. This allotment would have five pastures, but the permit would not specify dates or animal numbers per pasture beyond the allotment level and season of use. The fence excluding grazing from the 2012 Con Shea wildfire would be removed when post-fire resource objectives have been achieved. The existing water haul site would be authorized. Winmill Stipulations would not be included.

- Alternative E (No Grazing) – No permit would be issued under this alternative for a ten-year period. This alternative would result in no authorized grazing in the Sinker Butte Allotment during the 10-year term.

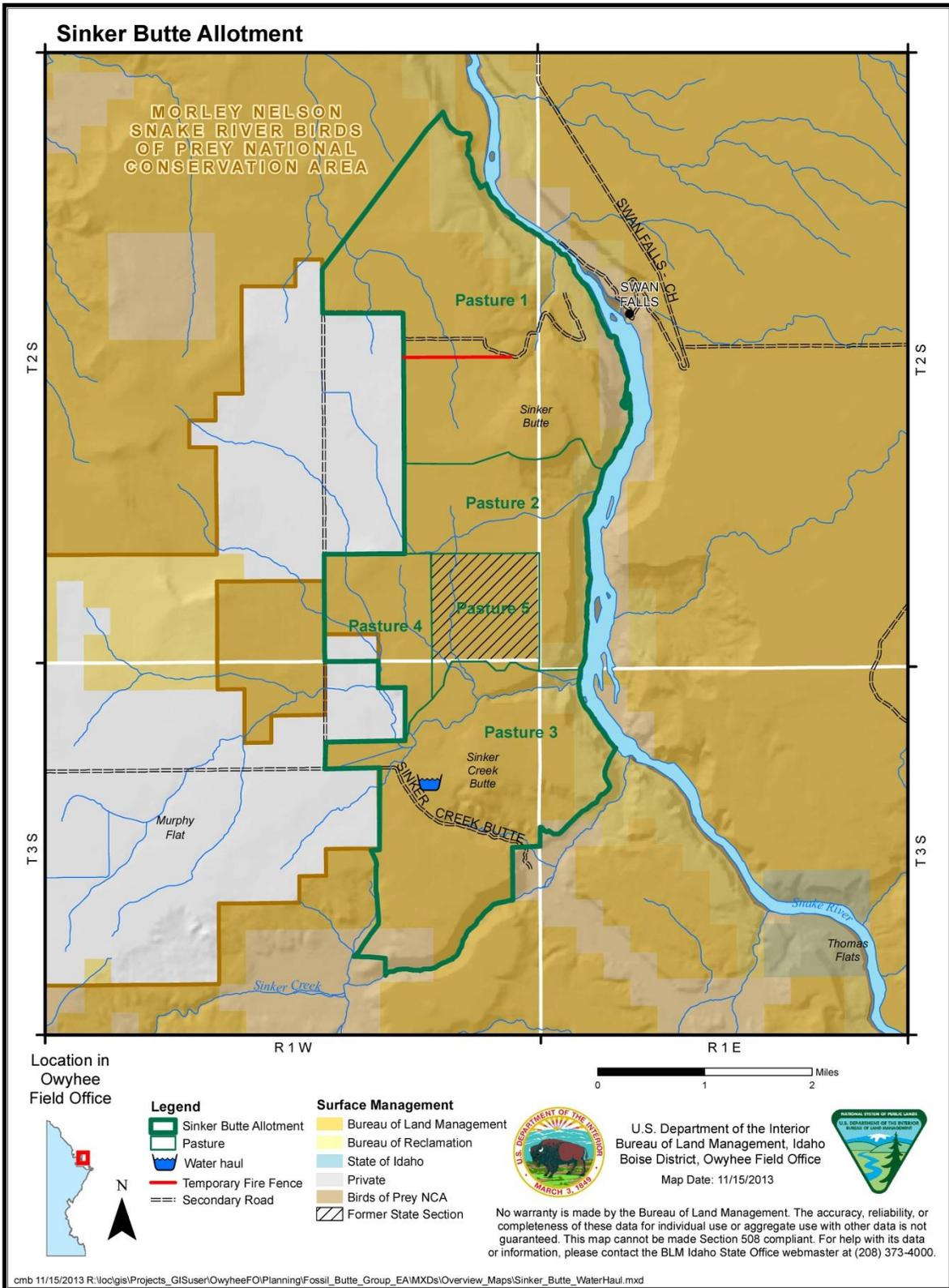


Figure 2 – Sinker Butte Allotment Pasture Map

Montini FFR

The BLM's 2013 Rangeland Health Evaluation and Determination for the Montini FFR Allotment concludes that the allotment is meeting Standards 1 (Watersheds), 2 (Riparian and Wetlands), 3 (Stream Channel and Floodplain), and 6 (Exotic Plant Communities). Standards 7 (Water Quality) and 8 (Special Status Riparian Wildlife) are not being met, but the allotment is making significant progress toward meeting these Standards. Standard 8 (Special Status Plants and Special Status Upland Wildlife) is not being met, but current livestock grazing is not a significant causal factor for not meeting. Standards 4 (Native Plant Communities) and 5 (Seedings) do not apply to the Montini FFR Allotment. See the Determination in Appendix A of the EA for details, which are summarized below.

Watershed and Exotic Plant Communities (Standards 1 and 6)

The allotment is evaluated under Standard 6 rather than 4 because native understory vegetation has been almost entirely replaced by cheatgrass, altering the site potential. Watershed, soil, and plant community conditions for altered, exotic plant communities depend primarily on retaining soil cover, so Standards 1 and 6 are evaluated using similar indicators. Standards 1 and 6 are being met because under current management residual cheatgrass litter provides adequate cover to protect the soil from surface erosion and to replenish soil nutrients. The shrub cover and vigor are within expected conditions for the ecological site. Noxious weeds are few and not increasing. The current season of use (late winter/early spring) and level of use (low utilization measurements) are appropriate to maintain existing, altered plant communities and soil cover.

Riparian, Wetlands, Stream Channel, Floodplain, and Water Quality (Standards 2, 3, and 7)

In the Montini Allotment, livestock have limited access to the Snake River on federal lands, and little effect on its riparian or channel areas, so only Sinker Creek is evaluated for Standards 2 (Riparian and Wetlands), 3 (Stream Channel and Floodplains), and 7 (Water Quality). The Montini FFR Allotment is meeting Standards 2 and 3, and making significant progress toward meeting Standard 7. The 0.75-mile segment of Sinker Creek in this allotment was assessed as properly functioning condition in 2012. In 2013, observations on this reach of Sinker Creek noted the creek goes underground before its confluence with the Snake River, indicating minimal to no connectivity between Sinker Creek and the Snake River. Sediment deposits indicate annual high flow sediment capture. Mature riparian vegetation (willows, rushes, cottonwoods, and cattails), functioning floodplain, beaver dams, and large pools occur in the middle and upper sections of this reach. No livestock grazing impacts were observed. The stream is at its potential given upstream dewatering (diversions). The allotment is not meeting Standard 7 because the Idaho Department of Environmental Quality identified Sinker Creek as water quality limited due to flow alteration, sediment, and temperature. However, water quality improves concurrent with riparian conditions, and the improved riparian conditions (Standards 2 and 3) indicate progress toward meeting Standard 7. Existing and improving riparian vegetation improves water quality by shading the creek, thereby lowering water temperatures. The riparian vegetation has root systems capable of holding and securing streambanks during high flow events, and they slow flows and effectively buffer sediment and other contaminants from the upland area, thereby decreasing the sediment load. Upstream water diversion is likely the primary causal factor for failure to meet water temperature criteria.

Special Status Plants (Standard 8)

The allotment is not meeting Standard 8 for special status plants, but current livestock grazing is not a significant causal factor. Six special status plants are recorded within the Montini FFR

Allotment, although only two have specific locations visited in recent years. Occurrences are impacted by plant community changes (lack of native understory vegetation and presence of cheatgrass). Little or no direct effect from livestock grazing was observed in recent records due to the typical season of use (generally before spring growth).

Wildlife/Wildlife Habitats and Special Status Animals (Standard 8)

The allotment is not meeting Standard 8 for special status upland or riparian wildlife habitat, but it is making significant progress toward meeting the Standard for riparian wildlife habitat. Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 6 and Standard 2.

Upland wildlife habitat has been highly altered by the lack of perennial grasses and the dominance of cheatgrass (Standard 6). The altered vegetation composition, structure, and function substantially reduce effective nesting, hiding, escape, travel, and foraging cover values for all upland wildlife species. Current livestock grazing is not a significant causal factor for not meeting Standard 8 for upland wildlife habitat because the season of use occurs mostly during perennial plants' dormant season, which has fewer effects than growing-season grazing.

Because water quality parameters are not being met, the allotment is not meeting Standard 8 for riparian wildlife habitat. However, the allotment is making significant progress toward meeting Standard 8 for special status riparian wildlife habitat because of recent improvements in Sinker Creek riparian areas (Standard 2), providing more suitable riparian habitat conditions for redband trout and other riparian-dependent species. Current livestock management is not a significant causal factor for not meeting Standard 8 because use occurs during perennial plants' dormant season, resulting in few impacts to riparian vegetation; little or no riparian area impact from livestock was observed during field visits in 2012 and 2013.

Analysis of Alternative Actions

The following alternatives were analyzed for the Montini FFR Allotment in the EA:⁶

- Alternative A (Current Permit) – The current permit for the Montini FFR Allotment is the same as the applicants' proposal (Alternative C), except that interim terms and conditions are not included in the applicants' proposal. The interim terms and conditions make no substantial change to management because little to no livestock grazing has been observed in riparian areas in this allotment, so this alternative was not analyzed separately.
- Alternative B (Current Situation) - The BLM would renew the Sierra Del Rio permit for 10 years consistent with recent livestock grazing management practices on the Montini FFR Allotment. The new permit would authorize a season of use from January 1 to April 30 for 140 AUMs of cattle use on the allotment. One existing water haul site would be authorized. The allotment consists of two pastures (Figure 3); the permit would not specify dates or animal numbers per pasture beyond the allotment level and season of use. 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 (Winmill Stipulations) would continue.

⁶ For more detailed discussion, please refer to EA # DOI-BLM-ID-B030-2011-0010-EA Sections 2.1 and 2.3.

- Alternative C (Applicant's Proposal) - The BLM would renew the permit for Sierra Del Rio in accordance with your submitted application. This alternative would renew the permit for 10 years and would authorize grazing on the Montini FFR Allotment for 140 AUMs of permitted cattle use between March 1 and February 28 (i.e., year-long). The number of livestock and season of use on the allotment would be at your discretion. The existing water haul site would be authorized. Winmill Stipulations would not be included. Limited supplemental hay feeding would be authorized.
- Alternative D (BLM Preferred) – The BLM would renew the Sierra Del Rio permit for 10 years. The new permit would define a season of use from November 1 to March 15 and authorize 140 AUMs of cattle use on the allotment. This allotment would have two pastures, but the permit would not specify dates or animal numbers per pasture beyond the allotment level and season of use. The existing water haul site would be authorized. Winmill Stipulations would not be included. Supplemental hay feeding would not be authorized.
- Alternative E (No Grazing) – No permit would be issued under this alternative for a ten-year period. This alternative would result in no authorized grazing in the Montini FFR Allotment during the 10-year term.

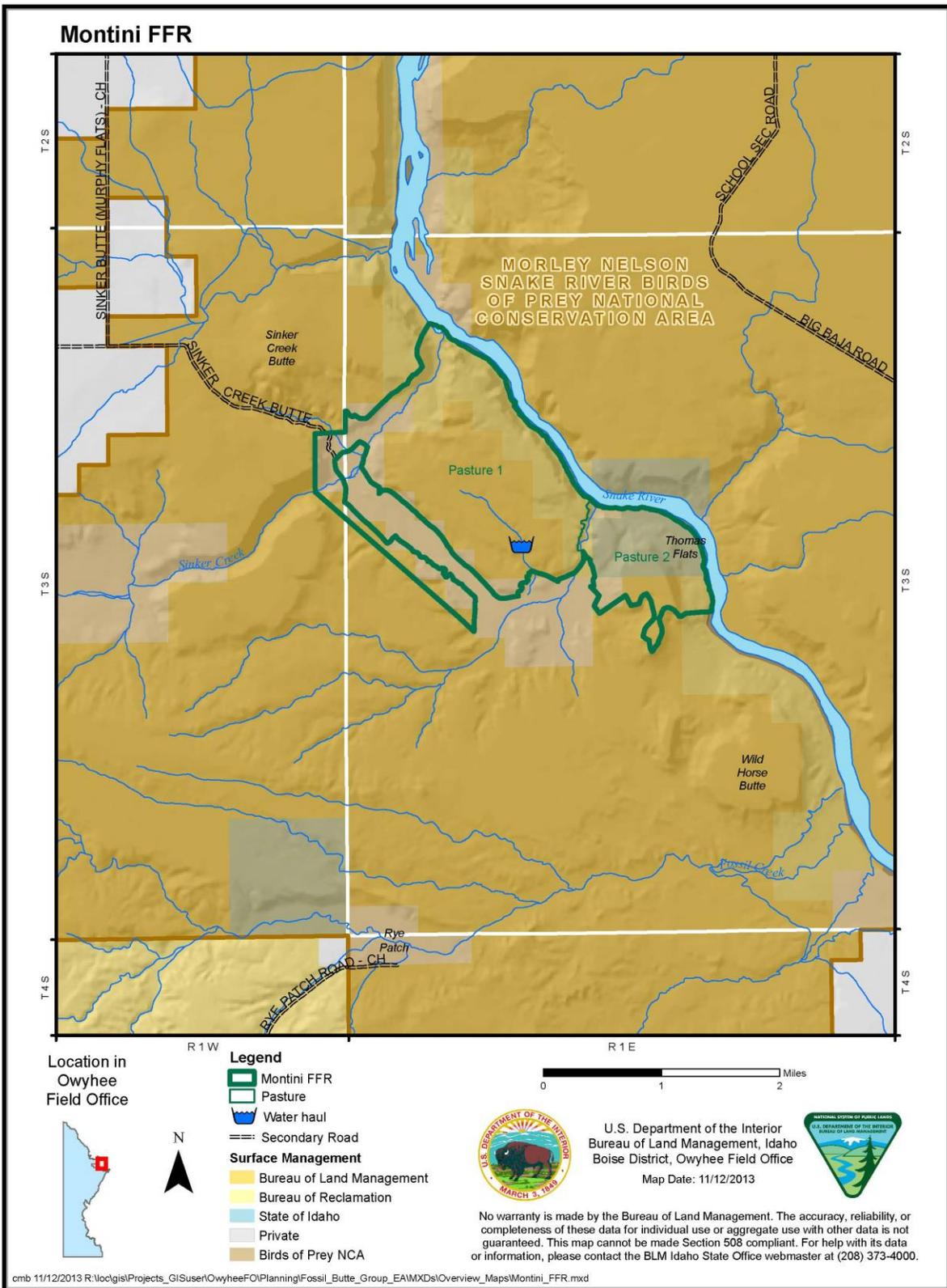


Figure 3. Montini FFR Allotment

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 the Sinker Butte #00578 and Montini #00654 allotments for ten years and authorize two water haul sites consistent with Alternative D (Preferred Alternative), amended as follows:

- Allotment #00654 would be designated the Montini Allotment instead of the Montini FFR Allotment, reflecting the preponderance (71%) of public land within the allotment. No adjustments in active permitted use, allotment management category, or percent public land would result from this designation.

One water haul site is authorized in each allotment. As a result of the 2012 Con Shea Wildfire, the portion of Pasture 1 north of the Sinker Butte Pasture 1 division fence will be rested for a minimum of two growing seasons. This fence will be removed when post-fire resource objectives have been achieved.

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

Table 3. Proposed Decision Terms and Conditions.

| Allotment | Livestock | | Grazing Period | | % PL | AUMs | | |
|--------------------|-----------|--------|----------------|-------|------|--------|-----------|-----------|
| | Number | Kind | Begin | End | | Active | Suspended | Permitted |
| 00587 Sinker Butte | 195 | Cattle | 11/01 | 02/28 | 100 | 771 | 0 | 771 |
| 00654 Montini | 31 | Cattle | 11/01 | 03/15 | 100 | 140 | 0 | 140 |

Other Terms and Conditions

1. In Allotment #00654, the number of livestock may vary annually, with prior approval by the authorized officer, as long as season of use and active AUMs are not exceeded.
2. Grazing use will be in accordance with the Final Decision of the Owyhee Field Manager dated _TBD_.
3. Livestock grazing exclosures located within your grazing allotments are closed to all domestic grazing use.
4. You are required to properly complete, sign, and date an actual grazing use report form (4130-5) for each allotment. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter mile away from any riparian area, spring, stream, meadow, aspen stand, playa, special status plant population, or water development.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization will be required prior to crossing public lands.
7. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee.
8. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
9. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10% percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1
10. 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.

Notes on the Terms and Conditions

Flexibility is provided in the dates that pastures may be used, within your authorized grazing period, and flexibility in animal numbers is provided for the Montini Allotment (i.e. a higher number of animals may be used for a shorter period of time, with prior approval). This proposed decision results in an increase of 64 AUMs in the Sinker Butte Allotment and no change in AUMs in the Montini Allotment from your current permit. Permitted use within the Sinker Butte and Montini allotments will be as follows:

| Allotment | Active Use | Suspension | Permitted Use |
|--------------------|-------------------|-------------------|----------------------|
| 00587 Sinker Butte | 771 AUMs | 0 | 771 AUMs |
| 00654 Montini | 140 AUMs | 0 | 140 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 Sinker Butte and Montini FFR allotments, 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 Evaluation/Determination for each allotment, and other documents in the grazing files, it is my decision to select Alternative D. 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 Sinker Butte and Montini allotments making significant progress in the long term towards meeting the resource objectives of the ORMP and NCA RMP, 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 Sinker Butte and Montini allotments. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with these allotments before I made my decision. My selection of Alternative D is 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 Fossil Butte Group allotments to promote the spread of weeds on public lands, including at existing and proposed water haul sites.

AND

Issue 2: The potential for livestock grazing in the Fossil Butte Group allotments to reduce cover and health of microbiotic crusts.

Annual invasive grasses and noxious weed infestations are expected to remain static under Alternative D. Cheatgrass is expected to continue to be subdominant with Sandberg bluegrass and crested wheatgrass in the Sinker Butte Allotment, but not increase, and it is expected to remain the dominant grass in the Montini Allotment. Winter grazing on fall-sprouting annuals like cheatgrass is expected to reduce their competition with desirable perennial herbaceous species during the following growing season. Noxious weeds would be kept in check by noxious weed treatments in both allotments, as per Environmental Assessment #ID100-2005-EA-265 (Noxious and Invasive Weed Treatment for the Boise District and Jarbidge Field Offices). Competition with existing perennial grasses would also help to control instances of noxious weed infestations in the Sinker Butte Allotment. Concentrated use areas, including around water haul sites, would remain similar to existing conditions, resulting in localized bare-ground areas conducive for weeds. The two water haul sites (one in each allotment) authorized in this proposed decision along with other concentrated use areas make up a very small proportion of the allotments, and are expected to have little effect on weed spread and biological soil crust health on the entire allotments area.

Alternative D is expected to maintain existing levels of biological soil crusts in the Sinker Butte and Montini allotments. Biological soil crusts on most soils are most fragile and sensitive to disturbance when dry, because they are more brittle and subject to displacement that breaks microbiotic connections between soil particles (Belnap and Gardner 1993, Cole 1990). Winter grazing, when soils are wet or frozen, results in less soil crust damage than use in other seasons (Belnap and Eldridge 2003). Removing livestock while soils are moist and soil crust species are still metabolically active in late winter/early spring allows organisms to recover from the disturbance and reduces soil erosion. The intensity of grazing under Alternative D and winter season of use (with time to recover before the summer dry season) is expected to maintain biological soil crusts at existing reduced cover levels. Biological soil crusts would continue to be limited in some areas within the allotments by cheatgrass litter.

Thus, my decision to implement Alternative D will maintain microbiotic crust cover and will not promote the spread of noxious or invasive weeds in the Sinker Butte and Montini allotments, consistent with ORMP and NCA RMP management objectives.

Issue 3: The potential for livestock grazing in the Fossil Butte Group allotments to adversely affect general habitat requirements for upland and riparian wildlife species, including raptors, sage-grouse, and big game.

The light to moderate winter grazing prescribed in Alternative D would be expected to have negligible effects to upland bird habitats, including raptors, due to the maintenance of current upland habitat conditions, lack of physical impacts, and potential increases in raptor prey species. This may lead to increased raptor reproduction over time as conditions are maintained or improve for prey species across the allotments. Potential effects of light to moderate winter grazing on big game mammals and associated upland habitats would be negligible due to the maintenance of current upland habitat conditions and lack of physical impacts.

In the Sinker Butte and Montini allotments, the prescribed level of dormant season use is expected to maintain existing native and seeded perennials, shrubs, and adequate soil cover. Thus, due to this dormant season of use, the impacts to wildlife habitat would be the same or less than current management. Cheatgrass would continue to be dominant (Montini) or subdominant with Sandberg bluegrass and crested wheatgrass (Sinker Butte), but not increase. Noxious weeds

would be kept in check by noxious weed treatments in both allotments. Competition with existing perennial grasses would also decrease the instances of noxious weed infestations in the Sinker Butte Allotment. Standard 8 for threatened and endangered animals in upland and riparian habitats would continue to not be met due to invasive plants, historic grazing, and water diversions, but current grazing management would not be a causal factor.

Under Alternative D, both allotments would be expected to continue to make significant progress toward meeting Standard 8 for special status riparian wildlife habitat. Riparian habitats have been improving in recent years, and this improvement is expected to continue under Alternative D because of the dormant season of use and expected light to moderate utilization. Although outside of BLM management authority, it is likely that Sinker Creek will continue to fail to meet IDEQ water quality standards and fail to fully support cold water aquatic life beneficial uses because of upstream water diversions.

Sinker Butte and Montini allotments are not considered key sage-grouse habitat, with no preliminary priority habitat or preliminary general habitat mapped within the allotments. Because of the lack of sage-grouse habitat in these allotments, permitted livestock grazing is not expected to have any effect on sage-grouse.

Therefore, my selection of Alternative D implements livestock management practices that will maintain or improve wildlife habitat consistent with BLM's Idaho S&Gs and move toward meeting ORMP and NCA RMP management objectives.

Issue 4: The potential for livestock grazing in the Fossil Butte Group allotments to cause detrimental impacts to special status plants and their habitats when combined with off-highway vehicle use in the area.

The Sinker Butte Allotment is meeting Standard 8 for special status plants. The Montini Allotment is not meeting Standard 8 for special status plants, but current livestock grazing is not a significant causal factor. In both allotments, little or no livestock impact to special status plant occurrence areas is expected under Alternative D because of the winter season of use which occurs when plants are dormant, and because most occurrence areas in the allotments are not readily accessible to livestock. Off-highway vehicle use has affected special status plant habitat in other areas in the Fossil Butte Group, but not substantially within the Sinker Butte or Montini allotments. Therefore, effects from livestock grazing in these allotments are not expected to cumulatively add to effects on special status plants from off-highway vehicles or other disturbances within the Fossil Butte Group area. My decision to implement Alternative D will maintain special status plant habitat in the Sinker Butte and Montini allotments, consistent with Idaho S&Gs and with ORMP and NCA RMP management objectives.

My decision to implement Alternative D will maintain special status plant habitat in the Fossil Butte Group allotments, consistent with Idaho S&Gs and with ORMP and NCA RMP management objectives.

Issue 5: The potential for livestock grazing in the Fossil Butte Group allotments to result in a shift from desirable to undesirable native plant communities.

AND

Issue 6: The potential for livestock grazing in the Fossil Butte Group allotments to impair upland watershed conditions.

The native plant communities in the Sinker Butte and Montini allotments have already been highly altered from reference, desirable plant communities by the loss of large bunchgrasses throughout, the loss of nearly all perennial grasses in the Montini Allotment, a reduction in native forb abundance and diversity, a reduction in biological soil crust cover, and an increase in cheatgrass and other invasive weeds due to historic livestock grazing. Wildfire has also resulted in the loss of shrub cover in much of the Sinker Butte Allotment. Likewise, watershed conditions have also been highly altered due to these changes in native plant communities.

Alternative D is expected to maintain current upland conditions (existing shrubs, native and seeded bunchgrasses, biological soil crusts, and native forbs at their reduced levels) because winter grazing at a moderate or lower (less than 50% utilization) levels are appropriate for maintaining perennial plant health. As a result, no further shift toward undesirable native plant communities is expected and watershed conditions are expected to remain stable.

These allotments have transitioned from large bunchgrass communities to shallow rooted perennial and annual grass communities (e.g., Sandberg bluegrass and cheatgrass), but the management of livestock grazing is essential to maintain the intact native components and watershed function. It would take decades to notice any significant (defined as measurable and/or observable changes to the indicators) progress toward meeting all Standards; progress in these lower elevation areas would be slow and climatically dependent. As outlined in the transitional models in the USDA NRCS (2005) Ecological Site Descriptions for these vegetative communities, a transition back to a state that is dominated by deep rooted cool season plants is unlikely. According to Laycock (1991), these communities have crossed a threshold into a different vegetation state and the transition back to a perennial grass understory is “difficult to cross, and is highly unlikely if annuals are adapted to the area.” Alternative D is expected to maintain existing desirable components, and perhaps improve them over the long term.

Therefore, my decision to implement Alternative D results in livestock management practices that will maintain or improve remaining native plant communities and upland watershed conditions. Thus, my selection is consistent with Idaho S&Gs and ORMP and NCA RMP management objectives.

Issue 7: The potential for livestock grazing in the Fossil Butte Group allotments to reduce riparian vegetation and stream-bank stability.

Both the Sinker Butte and Montini allotments are meeting Standards 2 and 3, and making significant progress toward meeting Standard 7 under current grazing management. Recent observations of riparian areas on Sinker Creek in these allotments indicated healthy riparian vegetation, stable banks, and little or no livestock impacts. Livestock grazing management resulting in light to moderate utilization during the dormant season is expected to continue under Alternative D, so no reduction in riparian vegetation and stream-bank stability is expected under the proposed decision. Masters et al. (1996) found that winter grazing has maintained or improved riparian conditions. Kauffman et al. (1983) suggested late-season grazing for some riparian areas based on the maintenance of plant vigor, plant production, and minimizing disturbances to wildlife populations. Studies have suggested that streambanks were most stable,

and associated sediment losses were at their lowest levels, when riparian areas were grazed in the fall (Agouridis et al. 2005).

Therefore, my selection of Alternative D implements livestock management practices that will maintain or improve riparian vegetation and stream-bank stability consistent with BLM's Idaho S&Gs and move toward meeting ORMP and NCA RMP management objectives.

Additional Rationale

A tremendous amount of thought and effort went into developing grazing management that is responsive to your allotments' specific resource needs, geography, and size. These considerations were taken to address all concerns and requirements mandated to the BLM. Each allotment has different ecological and management capabilities due to the size and location/topography that result in various issues and priorities. All attempts to coordinate grazing throughout the allotments 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 your needs and capabilities as a permittee. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

I considered selecting Alternatives A, B, or C for these allotments. However, I felt that Alternative D provides the best combination of resource protection and livestock management flexibility. Although I know that you would prefer to include spring grazing in the Sinker Butte Allotment, the fact that the allotment is not meeting all applicable Standards under winter grazing does not support the incorporation of spring grazing, which would be harder on the perennial bunchgrasses. The grazing period starting date of Alternative D for the Sinker Butte Allotment (11/01) is designed to minimize grazing impacts to perennial bunchgrasses during fall green-up and results in a compromise between the current permit start date (11/15) and your requested earlier start date (10/15).

Alternative D has an increase of 64 AUMs for the Sinker Butte Allotment over the current permit (771 versus 707 AUMs), thus accounts for incorporation of a section of previously state-owned land and accompanying AUMs into the allotment, thus addressing an administrative oversight. Although you also requested an additional 20 AUMs based on increased recorded allotment acreage from more accurate fence mapping, both Alternative B and D reflect this increased acreage and do not support an increase in the level of use.

In selecting Alternative D for the Montini Allotment, we are reducing the flexibility allowed under the previous FFR permit, but are providing for much of the same season of use that you have generally used on the allotment. This season is expected to maintain vegetation and soil conditions in the allotment. Although you requested authorization for supplemental hay feeding to assist in herd management, I do not feel this is appropriate on public lands, particularly given the proximity of private lands where this feeding could occur. Supplemental hay feeding is not allowed under BLM regulations except in extraordinary circumstances, which are not evident here.

I am authorizing continued use of one water haul site in each allotment in order to improve cattle distribution within the allotments. Analysis in the EA shows that the disturbance around these two sites has only localized impacts on soils and vegetation, an acceptable trade-off to the improved livestock distribution across the pastures.

I also considered selecting Alternative E. 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 D for the Sinker Butte and Montini allotments rather than Alternatives A, B, C, or E, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of alternatives on your operation, and (3) your past performance under previous permits. The resource issues identified (large bunchgrass and soil loss, past livestock grazing, and invasive plants) are not related to current livestock management, therefore, it is appropriate to continue similar to current management.

Climate change is another factor I considered in building my decision around Alternative D for the Sinker Butte and Montini allotments. 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. Assuming that climate change affects these arid landscapes in the long term, the native plant communities on these allotments will be maintained and thus be better armed to survive such changes.

Finding of No Significant Impact (FONSI)

A Finding of No Significant Impact (FONSI) was signed on November 15, 2013, and concluded that the proposed decision to implement Alternative D 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-B030-2011-0010-EA is available on the web at:

<https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=2003>

Conclusion

In conclusion, it is my decision to select Alternative D over the other three or four alternatives analyzed because livestock management practices under this selection best meet regulatory requirements, the ORMP and Snake River Birds of Prey NCA RMP 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 Sinker Butte and Montini FFR allotments as 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 public 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/ Loretta Chandler

Loretta V. Chandler
Field Manager
Owyhee Field Office

cc: Fossil Butte Group Interested Public

LITERATURE CITED

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- USDA-NRCS. 2005. Ecological Site Descriptions. Draft electronic documents filed on BLM server.

Fossil Butte Group Interested Public

| Company Name | First Name | Last Name | Address 1 | City | State | Zip |
|---|---------------------------|------------|--|---------------|-------|------------|
| 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 |
| 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 Wild Sheep Foundation | Director: Jim | Jeffress | PO Box 8224 | Boise | ID | 83707 |
| ID Wild Sheep Foundation | Herb | Meyr | 570 E. 16th N. | Mountain Home | ID | 83647 |
| ID Dept. of Parks & Recreation | Director | | PO Box 83720 | Boise | ID | 83720 |
| 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 | Karen | Sussman | PO Box 55 | Lantry | SD | 57636 |
| Jaca Livestock | Elias | Jaca | 817 Blaine Ave. | Nampa | ID | 83651 |
| Joyce Livestock | Paul | Nettleton | 14568 Joyce Ranch Rd. | Murphy | ID | 83650 |
| 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 |
| Moore Smith Buxton & Turcke | Paul | Turcke | 950 W. Bannock, Ste. 520 | Boise | ID | 83702 |
| Natural Resources Defense Council | Johanna | Wald | 111 Sutter St., 20 th 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 128 | 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 |
| Sierra Del Rio | Craig | Baker | PO Box 127 | Murphy | ID | 83650 |
| 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 | 83702-5999 |
| US Fish & Wildlife Service | | | 1387 S. Vinnell Way Rm. 368 | Boise | ID | 83709 |
| USDA Farm Services | | | 9173 W. Barnes | Boise | ID | 83704 |
| Wells Fargo Bank NW | Loan Servicing Rep: Alice | Ellis | 102 Main Ave. South | Twin Falls | ID | 83303 |
| Western Watershed Projects | | | PO Box 1770 | Hailey | ID | 83333 |
| Western Watershed Projects | Katie | Fite | PO Box 2863 | Boise | ID | 83701 |

| Company Name | First Name | Last Name | Address 1 | City | State | Zip |
|-----------------------------------|-------------------|-----------------|-----------------------------------|---------------|-------|------------|
| | Russ | Heughins | 10370 W. Landmark Ct. | Boise | ID | 83704 |
| | Bill | Baker | 2432 N. Washington | Emmett | ID | 83617-9126 |
| | Brett | Nelson | 9127 W. Preece St. | Boise | ID | 83704 |
| | Anthony & Brenda | Richards | 8935 Whiskey Mtn. Rd | Murphy | ID | 83650 |
| | Ed | Moser | 22901 N. Lansing Ln. | Middleton | ID | 83644 |
| | 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 |
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| | John | Edwards | 15804 Tyson Rd. | Murphy | ID | 83650 |
| | John | Miller | PO Box 59 | Melba | ID | 83641 |
| | Nick | Nettleton | 18542 Wilson Rd. | Glenns Ferry | ID | 83623 |
| | Senator: James E. | Risch | 350 N. 9th St., Ste. 302 | Boise | ID | 83702 |
| | Senator: Mike | Crapo | 251 E. Front St., Ste. 205 | Boise | ID | 83702 |
| | Congressman: Mike | Simpson | 802 W. Bannock, Ste. 600 | Boise | ID | 83702 |
| | Congressman: Raul | Labrador | 33 E. Broadway Ave., Ste. 251 | Meridian | ID | 83642 |
| | 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 |
| Hook Family LLC | Thomas | Hook | 20509 Upper Reynolds Ck. Rd. | Murphy | ID | 83650 |
| | Lloyd | Knight | PO Box 47 | Hammett | ID | 83627 |
| | John | Romero | 17000 2X Ranch Rd. | Murphy | ID | 83650 |
| | Bob | Salter | 6109 N. River Glenn | Garden City | ID | 83714 |
| | John | Townsend | 8306 Road 3.2 NE | Moses Lake | WA | 98837 |
| | John | Richards | 8933 State Hwy. 78 | Marsing | ID | 83639 |
| Office of Species Conversation | Cally | Younger | 304 N. 8th St., Ste. 149 | Boise | ID | 83702 |