



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT



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In Reply Refer To:
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September 20, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Cert# 70123050000105727413

Payne Family Grazing Association, LLC
 c/o Mr. Ted and Mrs. Dorothy Payne
 41691 Juniper Mtn. Rd.
 Jordan Valley, Oregon 97910

Notice of Field Manager's Proposed Grazing Decision
-Trout Springs Allotment Permit Renewal: Authorization #1101594-

Dear Mr. Ted and Mrs. Dorothy Payne:

The Bureau of Land Management's (BLM) Owyhee Field Office (OFO) recently completed the Fundamentals of Rangeland Health (43 CFR 4180) process in response to your August 2009 Application for Permit Renewal (grazing management proposal) for the Trout Springs Allotment. In support of the Fundamentals for Rangeland Health (FRH) process, an interdisciplinary team (IDT) of BLM resource management specialists analyzed and summarized available data to identify resource issues and evaluate the Idaho Standards for Rangeland Health (Standards) and Guidelines for Livestock Management (S&Gs).

Through the FRH process, the IDT identified a number of resource issues and concluded that Idaho S&Gs were not met on the Trout Springs Allotment. Current¹ livestock grazing was the significant causal factor for not meeting all Standards while the expansion of western juniper was identified as an additional significant causal factor for non-attainment of Standards 1, 4, and 8 (both plants and animals). Because current livestock grazing was determined to be a significant

¹ "Current" grazing refers to the most recently authorized livestock use on the Trout Springs Allotment.

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causal factor, BLM must authorize changes in grazing management before the start of the next grazing year in conformance with 43 CFR § 4180.1.

Alternatives for grazing management practices that would allow for making progress towards attainment of the S&Gs were analyzed through the National Environmental Policy Act (NEPA) with the completion of the Environmental Assessment #DOI-BLM-ID-B030-2009-0030-EA (EA)². All actions implemented will be in a manner which is consistent with, and conforms to, the Owyhee Resource Management Plan (ORMP) and the Idaho S&Gs.

This is the first of two decisions for the Trout Springs Allotment; this proposed decision will only address the renewal of your grazing permit (Authorization #1101594), the grazing management associated with the grazing use authorized, and the authorization to construct certain identified range improvement projects³. The second decision will address western juniper treatments to improve watershed condition. The decision to move forward with the grazing permit renewal at this time is necessary in order to comply with the regulatory timeframes identified through 43 CFR 4180.1 at a minimum. While we assume that some improvements in renewable resource values occurred as a result of no authorized grazing on the Trout Springs Allotment, any data collected during the period when no authorized grazing occurred would not accurately represent the potential impacts (either positive or negative) of the previously authorized grazing use. I have found that grazing can be returned to the Trout Springs Allotment but under a different management plan than previously authorized prior to 2008 and allow for significant progress to be made towards the Idaho S&Gs. The system proposed will allow for improved watershed, vegetative, riparian and associated wildlife habitat values.

On August 15, 2013, the Juni fire ignited on the Trout Springs Allotment. The fire has burned a total of 2,225 acres, of which 2,165 are public lands. We have assessed the Juni fire's effects and how the operating environment changed conditions related to the vegetation treatment analysis disclosed in the EA. The western juniper treatment decision will incorporate the findings of the changed conditions report and will be issued in the near future. Livestock closures to facilitate the objectives identified for the western juniper treatments and analyzed in the EA will also be addressed following issuance of the vegetative treatment decision.

Although the wildfire will result in the need to close portions of the Trout Springs Allotment, it will not be included in this proposed grazing decision. This proposed grazing decision will address issuance of a new term grazing permit for Authorization #1101594 and range improvements to be authorized. Future actions will be taken to close the pastures as required through the ORMP, which directs closure to livestock grazing for a minimum of two growing seasons after fire (ORMP

² EA number DOI-BLM-ID-B030-2009-0030-EA ("Term Permit Renewals for Livestock Grazing in Trout Springs and Hanley FFR Allotments") analyzed 5 alternatives for livestock grazing management practices to fully process permits for the Trout Springs Allotment.

³ While renewal of the Trout Springs permit is part of the larger Owyhee 68 permit renewal process, the OFO began the Trout Springs EA in 2009, thus allowing for full consideration of proposed range improvements and completion of necessary clearances.

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pgs. 10, 11, 13, 18 and 26). The interested public will be involved in the closure process prior to issuance of the final grazing decision that will be effective upon issuance in accordance with 43 CFR 4110.3-3.

With completion of the FRH and NEPA processes, I am now prepared to issue a proposed decision that is two-part: 1) to renew your permit to graze livestock within the Trout Springs Allotment, and 2) allow for the construction of range improvements identified in the EA. 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 Trout Springs Allotment;
- Outline my proposed decision to select Alternative E; and
- State the reasons why I made that selection.

Background

Allotment Setting

The Trout Springs Allotment is located in southwestern Owyhee County, Idaho, approximately 30 miles south of Jordan Valley, Oregon (Map 1 of the final EA). The allotment lies in the Owyhee Mountains and includes Juniper Mountain. Elevations range from 4,900 feet near the Fairylawn Pasture to over 6,700 feet at Stauffer Flat on Juniper Mountain. Annual precipitation ranges from approximately 12 to 20 inches. The North Fork of the Owyhee River forms the allotment's northern boundary, the southern boundary lies on the south side of Juniper Mountain, Squaw Creek forms a portion of the western boundary and the eastern boundary is generally near the Mud Flat Road (Map 2 of the final EA).

Fundamentals for Rangeland Health Process History

The BLM, in a 2001 Rangeland Health Evaluation/Determination, found that the Trout Springs Allotment was failing to meet all applicable Standards due to current livestock grazing and western juniper encroachment. The Owyhee Field Manager issued a Final Decision in 2002 to address grazing management and renew grazing permits in 2002⁴.

In 2009, the BLM received applications for livestock grazing on the Trout Springs Allotment in which you applied to renew your term grazing permit for a period of 10 years for a total of 699 Active AUMs and 0 suspended. You also submitted a proposed grazing management system that would change the grazing management system to an April 15 - September 15 season of use.

⁴ See EA #DOI-BLM-ID-B030-2009-0030-EA at 1.7.2 "Litigation History" for a more detailed discussion on the 2002 Final Decision and resulting management.

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On August 14, 2009, the Owyhee Field Manager initiated scoping with the issuance of a scoping package for the permit renewal process for the Trout Springs and Hanley FFR Allotments. The scoping package was issued for a 30-day review and comment to all affected grazing permittees, interested publics, and other State and local governments of record. A full summary of comments received and BLM's response is in Appendix C of the final EA.

After evaluating conditions on the land and reviewing public comments from the scoping process, it became clear that the Trout Springs Allotment contained resource issues that required improvement. The foremost issues brought forward through these processes were:

1. Hot season grazing frequently results in increased adverse impacts to riparian areas, wetlands, and fish habitat;
2. Juniper encroachment and livestock grazing have adversely affected and altered upland vegetation and watershed conditions away from reference conditions;
3. Sage-grouse habitat may have been reduced due to juniper encroachment and livestock grazing;
4. Improper livestock grazing promotes the spread and establishment of noxious and invasive weeds; and,
5. Proposed prescribed juniper burning would increase carbon emissions and may alter wildlife habitat⁵.

A second Rangeland Health Evaluation/Determination was completed in 2012 based on monitoring data collected during 2003 - 2008. No authorized grazing occurred from 2008 - 2012, which would have been expected to result in improvement to various resources, although the degree of improvement would have been compromised by the unauthorized grazing which occurred. However, the BLM utilized 2003 -2008 timeframe because it most accurately portrayed the results of grazing practices authorized at that time. The 2012 Rangeland Health Evaluation/Determination identified that Standards were still not being met in the Trout Springs Allotment based on conditions created by management from 2003 - 2008 and before; livestock grazing and western juniper expansion continued to be causal factors. The 2001 and 2012 Evaluation and Determination documents are included in Appendix A of the final EA.

To address resource issues on the allotment, my office prepared and issued the Trout Springs and Hanley FFR Permit Renewal EA in which we considered a number of options and approaches to improving resource conditions. Specifically, the BLM considered and analyzed in detail your application for grazing permit renewal and four additional alternatives. We also considered other alternatives that we did not analyze in detail. Our overarching goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the allotment's natural resources conform to the goals and objectives of the ORMP along with making progress towards meeting the Idaho S&Gs. This proposed decision incorporates by reference the analysis contained in the EA.

⁵ Although this treatment and potential impacts were identified as an issue, it will not be further addressed here as it does not relate to the decision to authorize grazing on the allotment or to implement range improvement projects.

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On July 12, 2012, the Draft EA was issued for a 30-day review period. Comments were received from the Southwest Region of the Idaho Department of Fish and Game, Owyhee Range Service (on behalf of Hanley Ranch Partnership), Ted and Dorothy Payne, Brett Nelson and WWP. Comments were considered and incorporated into the Final EA or were addressed individually (Appendix N of the final EA).

Status of AUM Allocation

As part of the FRH and permit renewal process in this case, BLM reviewed past and present AUM allocations for the Trout Springs Allotment. Final allocations after various transfers of grazing preference was 699 active and 0 suspended AUMs to Payne Family Grazing Association, LLC, and 731 active and 3,535 suspended AUMs to Hanley Ranch Partnership (HRP) on the Trout Springs Allotment. However, through the FRH and permit renewal process, BLM found that administrative errors had occurred due to the various transfers; those errors affected the AUM allocation. After discussions with Payne Family Grazing Association, LLC and HRP, all parties agreed that the correct AUM allocations should be as follows (see administrative record):

Operator	Active AUMs	Suspended AUMs	Total Permitted Use
Payne Family Grazing Association, LLC	352	694	1,046
Hanley Ranch Partnership	1,078	2,494	3,572
Total Allocation for Trout Springs	1,430	3,188	4,618

The “Total Allocation for the Trout Springs Allotment” was considered to be the correct AUM allocation for the Trout Springs Allotment and is described as such under Alternative B of the EA. As a result of the March 12, 2013 Interior Board of Land Appeals (IBLA) order (IBLA 2011-147), the HRP permit and preference no longer exist; however, AUMs allocated for the allotment continue to be recognized for the purposes of the analysis of Alternative B.

Resource Issues and Conditions

As noted above, the BLM completed Land Health Assessments, Evaluations, and Determinations for the Trout Springs Allotment in 2001 and 2012, the latter based on data collected between 2003 and 2008. The 2012 Rangeland Health Evaluation/Determination used the data representative of the most recent authorized grazing management on the allotment, as it is this data which best describes the effect of management prior to the closure of the Trout Springs Allotment. This data-set provides the most accurate impacts to resource values during the period when livestock grazing was last authorized. Any data collected during the closure period would not represent impacts (positive or negative) from permitted livestock use and was therefore not considered in the 2012 Evaluation and Determination.

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The 2012 Evaluation and Determination documents concluded that the resources on the Trout Springs Allotment were not meeting the Idaho S&Gs under the last grazing system utilized on a regular and authorized basis. Current⁶ livestock grazing and, for some Standards western juniper expansion, were identified as causal factors for non-attainment. However, current livestock grazing management practices were determined to be the significant causal factor for non-attainment of all applicable Idaho Standards and inconsistent with Idaho's Guidelines for Livestock Grazing Management (Guidelines)⁷.

BLM determined:

- a. Standards 1 (Watersheds) and 4 (Native Plant Communities) are not being met, as indicated in the uplands by a reduction of plant vigor, loss of forage plants, increased western juniper, loss of litter and cover necessary for nutrient cycling and soil protection, reduced native species diversity (particularly of palatable plants), reduced seed production and dispersal, and reduced seedling survival. Primary causal factors were current livestock grazing and an increase in western juniper from what is expected.
- b. Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and 7 (Water Quality) are not being met. Proper functioning condition assessments determined that 93% of the stream miles assessed are not in proper functioning condition. Indications of not meeting Standards include riparian areas dominated by early seral species with insufficient deep-rooted vegetation to protect streambanks, some stream channels incised with little floodplain and others overly wide and lacking sinuosity, and some streams with elevated water temperatures and/or increased sediment loads. Current grazing management is the significant causal factor.
- c. Standard 4 (Native Plant Communities) is not being met as indicated by the reduction in large perennial bunchgrasses (bluebunch wheatgrass) and a reduction of shrubs (big sagebrush and mountain mahogany) expected for the ecological sites. Ground cover, an important indicator of proper functioning ecological processes, indicated some improvement in basal vegetation and a reduction in stable ground cover elements, although not to a statistically significant degree. Primary causal factors were current livestock grazing and an increase in western juniper from what is expected.
- d. Standard 8 (Threatened and Endangered Plants and Animals) is not being met.

Although no quantitative data on special status plant occurrence trends within the allotment are available, the plants' habitats are all within plant communities (upland or riparian) that have been altered from reference conditions. As a result, habitat for special status plants that occur within the allotment (Mud Flat milkvetch (*Astragalus yoder-williamsii*), dimeresia (*Dimeresia howellii*), thinleaf goldenhead (*Pyrocoma linearis*), rabbitbrush goldenweed (*Ericameria bloomeri*), short-lobed penstemon

⁶ As discussed above, "current" grazing refers to the most recently authorized grazing on the Trout Springs Allotment.

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2009-0030-EA Appendix A.

(*Penstemon seorsus*), and diverse-leaved pondweed (*Potamogeton diversifolius*) has been degraded. Current livestock grazing management was determined to be a significant causal factor for non-attainment of the standard as it relates to plant species.

The limited abundance and vigor of desirable native bunchgrasses and forbs, and loss of shrubs and associated community structure indicates that the habitat requirements of focal special status animals (Greater sage-grouse, yellow-billed cuckoo, Columbia spotted frog, pygmy rabbit, and Columbia River redband trout) are not being adequately met throughout much of the allotment, likely resulting in reduced numbers and/or species diversity. Riparian areas that are not in proper functioning condition have resulted in impacts to riparian-dependent special status species, including redband trout, spotted frogs, and neotropical birds. Current livestock grazing was also determined to be a significant causal factor for non-attainment of the Standard.

Idaho Guidelines for Livestock Grazing Management

In addition to a discussion of Land Health Standards, the BLM's 2012 Determination for the Trout Springs Allotment identified grazing management practices that did not conform to the Guidelines. Specifically, the Determination concluded that grazing management did not conform to the following Guidelines:

Guideline 1: Use management practices and/or facilities to maintain or promote significant progress toward adequate amounts of ground cover (determined on an ecological site basis) to support infiltration, maintain soil moisture storage, and stabilize soils.

Guideline 3: Use grazing management practices and/or facilities to maintain or promote soil conditions that support water infiltration, plant vigor, and permeability rates and minimize soil compaction appropriate to site potential.

Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate cover appropriate to site potential.

Guideline 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat appropriate to site potential.

Guideline 6: The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological functions, wildlife habitat, and significant cultural and historical/archaeological/paleontological values associated with the water source.

Guideline 7: Apply grazing management practices to maintain, promote, or progress toward appropriate stream channel and streambank morphology and functions. Adverse impacts due to livestock grazing will be addressed.

Guideline 8: Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, nutrient cycle, and energy flow that will support the appropriate types and amounts of soil organisms, plants, and animals appropriate to soil type, climate, and landform.

Guideline 9: Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate, and landform.

Guideline 10: Implement grazing management practices and/or facilities that provide for complying with the Idaho Water Quality Standards.

Guideline 12: Apply grazing management practices and/or facilities that maintain or promote the physical and biological conditions necessary to sustain native plant populations and wildlife habitats in native plant communities.

The BLM used these Guidelines as a starting point for development of livestock grazing strategies to bring authorized grazing within the allotment into compliance with resource objectives identified in the ORMP and the Idaho Standards.

Analysis of Alternative Actions

Based on the condition of the Trout Springs Allotment and the issues identified, the BLM considered a number of alternative livestock management practices in the EA to ensure that any renewed grazing permit would result in improved conditions on the allotment. Specifically, the BLM analyzed five 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 actions⁸. The BLM considered the following alternatives in detail:

- **Alternative A - Current Situation:** Alternative A considered continuation of current livestock management practices as they occurred from 2002 to 2007, and is the No Action alternative. Consideration of this alternative allows the BLM and the public to understand the level and manner of grazing that resulted in the conditions prior to rest from livestock grazing on the Trout Springs Allotment. Alternative A is thus linked to the BLM's description of current conditions on the allotment as outlined in the Affected Environment sections of the EA.

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2009-0030-EA Chapter 2.

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- **Alternative B – Fall Rest Rotation:** This alternative analyzed the implementation of a deferred rest-rotation from September 15 through December 5. A total of 530 cattle would be authorized to graze the Trout Springs Allotment during this timeframe for a total of 1,430 active Animal Unit Months (AUMs). Range improvements would be constructed as identified in Section 2.2.3 of the EA.
- **Alternative C – No-Grazing Alternative:** The BLM would not authorize livestock use on public lands within the Trout Springs Allotment for the next 10 years. The BLM would deny your application for permit renewal (i.e., not reissue the permit) and for the next 10 years not approve any applications to graze public lands in this allotment. After 10 years, the BLM would reevaluate whether to again authorize grazing on the public lands within the allotment, considering such factors as meeting or making significant progress towards meeting Idaho S&G, conformance with the ORMP, and other applicable resource needs not known at this time. We would not cancel the existing preference for grazing use of this allotment's public lands as part of this action but would continue to administer it under applicable law and regulation. After 10 years, the BLM would grant first priority for receipt of a future authorization, if any, to graze public lands within the allotment to the qualified applicant who holds this preference.
- **Alternative D –Payne Family Grazing Association, LLC Submittal:** This proposal was submitted by the Payne Family Grazing Association, LLC (PFL) to BLM on April 2, 2010. The season of use would be April 15 – September 15. A total of 282 cattle and 1,430 Active AUMs would be authorized to graze in the Trout Springs Allotment annually.

Although not submitted as part of the PFL alternative, Management Objectives outlined in Section 2.2.2 of the EA would apply to ensure conformance with the ORMP. Range improvements would be constructed as identified in Section 2.2.3 of the EA.

- **Alternative E – Fall Rest Rotation with Reduced Livestock Numbers:** A deferred grazing system would be implemented as described in Alternative B with reduced livestock numbers and AUMs. In calculating carrying capacity based off of a maximum 40% utilization rate, a total of 425 cattle⁹ and 1,147 Active AUMs would be authorized to graze in the Trout Springs Allotment annually. This alternative expects the allotment to progress toward meeting Standards at an increased rate in comparison to Alternative B due to limiting the carrying capacity to one that expects no greater than 40% utilization across the allotment. This level of use coupled with dormant season grazing will allow for improvement of upland and riparian systems. Range improvements would be constructed as identified in Section 2.2.3 of the EA.

⁹ As analyzed under this alternative, up to 466 cattle could be authorized annual to graze in Pastures 1A, 1B, 2A, and 3 of the Trout Springs Allotment. This would require a shorter duration than scheduled in each pasture. A total of 1,122 AUMs would not be exceeded in these pastures.

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After over three years of in-depth background work and analysis, I am prepared to move forward with a Proposed Decision that is designed to authorize grazing and other action(s) in order to make significant progress toward achieving Rangeland Health Standards over the course of the next ten years in the Trout Springs Allotment.

Proposed Decision

After considering the current¹⁰ situation, the March 12, 2013 IBLA order, recommendations of the IDT, as well as comments from the permittee and the interested public, it is my Proposed Decision as the Authorized Officer to 1) authorize renewal of Authorization #11010594 as analyzed under Alternative E, with modifications to the permitted Active AUMs to 699 and other Terms & Conditions, and 2) authorize construction of identified range improvement projects as follows:

Decision 1) Renew your grazing permit (Authorization #1101594) for 10 years that:

- Implements a permitted season of use of September 15 - December 5.
- Establishes seven (7) pastures for the allotment with specific seasons of use and periods of rest.
- Authorizes 699 Active AUMs as applied for by Payne Family Grazing Association, LLC and retain 282 “Historic” Suspended AUMs for a total permitted AUMS of 981. The permitted grazing use will be:

Permit	Livestock No. & Kind	Season of Use	%Public Land	Active AUMs	Suspended AUMs	Permitted AUMs
Trout Springs Allotment						
Payne Family Grazing Association LLC	259 cattle*	9/15 - 12/5	100	699	282	981

*Up to 284 cattle could be authorized annually to graze in Pastures 1A, 1B, 2A, 2B, and 3 of the Trout Springs Allotment. This would require a shorter duration than scheduled in each pasture. As analyzed in EA#DOI-BLM-ID-B030-2009-0030-EA, a maximum of 466 head could graze these pastures for a shorter duration than scheduled in each pasture. 259 head represents 61% of the total head allocated as analyzed; therefore, 61% of the maximum allowed is 284.

¹⁰ As discussed above, “current” grazing refers to the most recently authorized grazing on the Trout Springs Allotment.

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Permitted Grazing Management System:

Trout Springs	Year 1	Year 2	Year 3
Pasture*			
1A Middle Fork	REST	9/15 - 10/3	Repeat Cycle
1B Thomas Cr	9/15 - 10/14	REST	
2A Twin Spring	REST	10/4 - 10/14	
2B Grave Cr	10/15 - 11/11	10/15 - 11/11	
3 Cottonwood	11/12 - 12/5	11/12 - 12/5	
4 Fairylawn	9/15 - 12/5		
Hanley Holding Field	9/15 - 12/5		

* See Map 5 of the EA for pasture designations.

Other Terms and Conditions

1. Hanley Holding Field will only be used to gather livestock. 20 Active AUMs will be authorized.
2. Pasture use flexibility would be authorized allowing five days to make pasture moves, provided pastures are cleared of cattle within five days following the annually scheduled pasture move date and as long as AUMs are not exceeded.
3. Changes to scheduled grazing use require prior approval by the Authorized Officer.
4. Grazing is not authorized in the enclosures in the Trout Springs Allotment. These include:
 - a. Trout Springs, Middle Fork Spring, Alto Spring, Three Springs, Loveland Spring, Cottonwood Creek Headwaters, Cottonwood/Albiston Spring enclosures, and North Fork Owyhee River. All other enclosures within the allotment are also excluded from grazing.
5. Properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4130-5) annually. The completed form(s) must be submitted to BLM, OFO within 15 days from the last day of authorized annual grazing use.
6. 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 (1/4) mile away from any riparian area, spring, stream, meadow, aspen stand, sensitive plant species, playa, or water development.
7. 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.
8. Motorized or mechanized transport and motorized equipment is not allowed in wilderness areas without prior authorization.

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RATIONALE FOR PERMITTED GRAZING USE

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 Trout Springs Allotment. Although you were found to be in trespass in 2012, this violation has been remedied and settled to the satisfaction of the BLM. I have also found you to be in compliance prior to and since this occurrence, placing you in substantial compliance with your term permit. Therefore, I have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of the permit renewal.

Permitted Grazing Management

Based on my review of this EA, the Rangeland Health Evaluation and Determination, and other documents in the grazing files, it is my decision to select Alternative E, as modified, as my proposed decision for the grazing system and allocated AUMs to be available for grazing. The 2012 Determination for the Trout Springs Allotment found that the allotment was failing to meet all applicable Rangeland Health Standards. Current livestock grazing was the significant causal factor for non-attainment of Standards 1, 4 and 8, although western juniper encroachment was an additional contributing factor. Current livestock grazing management alone was the significant causal factor for non-attainment of Standards 2, 3 and 7. I have decided that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's (FLMPA) multiple use and sustained yield mandate, and will result in the Trout Springs Allotment making significant progress towards meeting the Idaho S&Gs and the resource objectives of the ORMP.

In the EA the permitted use for "Permit 2" (or Authorization #1101594) was identified as 106 cattle from 09/15 - 12/5; AUMs were identified as 287 Active and 694 Suspended for a total of 981 permitted. In accordance with 43 CFR 4110.3-1(b), Authorization #1101594 will increase Active AUMs to 699 by taking 412 AUMs out of suspension. 699 AUMs will coincide with the Active AUMs Payne Family Grazing Association LLC applied for in August 2009 and April 2, 2010 in the renewal of Authorization #1101594. No additional AUMs will be permitted for the term of the permit due to recent wildfires (Grasshopper in 2012 and Juni in 2013) and past unauthorized livestock use within the Trout Springs Allotment.

Terms and conditions identifying utilization limits of upland vegetation, woody browse, streambank alternation, herbaceous riparian residual stubble height and riparian willow use will not be carried forward in the term permit as described in the EA. The design of the grazing management system, the reduced number of active AUMs authorized, and the fall grazing system, taken together, alleviates the need for such. I am confident this decision will result in improvements to upland and riparian systems and the associated wildlife habitat. With the modification of AUMs as originally analyzed in Alternative E, utilization is expected to be below 40% for upland species, resulting in improved conditions. In a synthesis of grazing studies,

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Holechek et. al (1999) found that moderate grazing is considered to be 35-45% utilization, and that improvement in rangeland vegetation is witnessed when utilization rates are between 30-35%. Concentrated use of riparian areas is less likely to occur during the fall months as livestock tend to move back to the uplands, resulting in less riparian vegetative utilization and streambank damage (Section 3.3.2.2 and 3.3.2.5 of the EA). Fall use coupled with the construction of the identified riparian exclosures will result in further reduced use of riparian herbaceous and woody vegetation along with limits to streambank alteration. Every-other year rest in Pastures 1A, 1B and 2A will further allow for improvement of upland and riparian systems, along with the associated wildlife habitat, without the need to implement short-term trigger-based terms and conditions. The removal of these terms and conditions does not eliminate the similar requirements identified under the ORMP.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Trout Springs Allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. Because this decision speaks only to the livestock grazing management of the Trout Springs Allotment, any issues specific to western juniper treatments, or the Hanley FFR Allotment will not be further discussed in this document. My selection of the grazing management practices analyzed under Alternative E, as modified, was the result of my understanding that this selection best addressed livestock grazing issues, given the BLM's legal and land management obligations.

Issue 1: Hot season grazing encourages increased impacts to riparian areas, wetlands, and fish habitat.

Alternative E eliminates all hot season grazing, providing instead for a fall grazing system which starts on September 15 and ends on December 5. In addition, cattle will be moved through the allotment, spending no more than 3 weeks in any given pasture, thus further protecting riparian areas and, by extension, the plant and animal communities dependent upon them. The lower stocking rates and season of use for the allotment will decrease overall grazing pressure on riparian vegetation. In addition, resting Pastures 1A, 1B and 2A every other year will allow for improved riparian vegetation recruitment, reproduction, and vigor (USDI-BLM 2006) along with reducing potential streambank damage.

Implementation of Alternative E, as modified, will allow the Trout Springs Allotment to make progress towards meeting Standards 2, 3, 7, and 8 (riparian obligate/aquatic special status species), will conform with Guidelines 5, 6, 7, and 10, and move towards attainment of the ORMP objective to "maintain or improve riparian areas to attain proper functioning and satisfactory conditions into the future".

Issue 2: Livestock grazing has adversely affected and altered upland vegetation and watershed conditions away from reference conditions.

My proposed selection of Alternative E, as modified, will directly address **the issues of adversely affected and altered upland vegetation and watershed conditions** on two fronts; reduction of authorized Active AUMs and changes the season of use from season-long to fall-use only while providing alternate-year rest for pastures 1A, 1B and 2A.

Alternative E, as modified, decreases active grazing on the allotment by 65% when compared to active use authorized average actual use from 2002-2007 (Alternative A of the EA). The AUMs were calculated utilizing average actual use from 2006-2007 average actual use, average actual utilization in 2006 and 2007, and a 40% desired utilization rate. Forty percent utilization is recommended for northern desert shrublands grazed during the dormant season (Valentine 2001).

Alternative E implements deferment of grazing use to periods outside the active growing season unlike Alternatives A and D. The elimination of growing season use allows native perennial species to complete the annual growth cycle at a rate that will allow recovery of plant health and vigor. Direct effects from early spring and late spring grazing during the critical growing season have detrimental effects on native bunchgrass vigor and ability to reproduce (Smith 1998, Brewer et al. 2007). With no grazing occurring during the critical growing season, Alternative E allows for proper nutrient cycling, hydrologic cycling and energy flow, and provides the opportunity for enhanced ecological function and progress toward ecological site potential and vegetation reference site communities.

The selection of the management system analyzed through Alternative E is also expected to positively affect soil stability, productivity, and hydrologic function over the short- and long-term. Improved herbaceous vegetation health, vigor, reproduction and cover (both herbaceous and litter) due to the shortened grazing schedule, decreased livestock numbers, and lower stocking rate will occur as a result of this selection. Therefore, this alternative implements livestock management practices that maintain or improve upland vegetation and watershed conditions consistent with Guidelines 1, 3, 4, 8, and 9.

Fall grazing at reduced livestock levels will have relatively minor effects on herbaceous upland vegetation. Van Poolen and Lacey (1979) showed that both grazing systems and grazing intensity affect herbage production, with grazing intensity having a greater effect. By eliminating active growing season grazing use, reducing AUMs and livestock numbers, and efficient movement of cattle through allotment pastures, implementation of Alternative E, as modified, will improve upland vegetation, rangeland health and plant composition, ensure significant progress is made toward meeting Standard 4 and 8 (upland/sagebrush-obligate special status animals) of the Idaho S&Gs, and move the native plant communities in the Trout Springs Allotment toward the long-term objectives laid out in the ORMP.

Issue 3: Sage-grouse habitat may have been reduced due to livestock grazing.

Specific to sage-grouse, the EA at section 3.4.1, identifies that potential sage-grouse use is limited to the northern portion of the Trout Springs Allotment where western junipers are absent or sparse and have not completely replaced sagebrush communities. Multiple incidental sage-grouse observations occur within mapped habitat of the allotment and in adjacent Pleasant Valley pastures (Map 8 of the EA). Marginal nesting habitat occurs due to the presence at least one active lek within 4 miles of the northern portion of the allotment. This area is also serving as a travel corridor between the Trout Springs Allotment and more suitable habitat in the Pleasant Valley Allotment. Habitat within the remainder of the Trout Springs Allotment is generally unsuitable for sage-grouse.

Breeding and late brood-rearing habitat assessments conducted within the Trout Springs Allotment in 2000 and 2008 documented unsuitable or marginal conditions due to forb scarcity, degraded riparian site stability, and western juniper expansion. The movement of xeric plant species into riparian areas was also a contributing factor to the current unsuitability of the habitat. Riparian and wetland areas within the allotment that sage-grouse could potentially use during late brood-rearing and summer were found to be marginal due to season-long livestock grazing practices (3.4.1 of the EA). Changes in livestock management will address improvement in habitat quality as it relates to riparian site stability in particular, along with improving upland habitats where western juniper have not expanded.

My decision to change the permitted season of use and Active AUMs will further allow upland and riparian areas on the allotment to improve in the short and long-term. Grazing management in sage-grouse habitat should include the long-term objective of promoting desirable plant communities and the annual objective of retaining a standing crop that adequately provides cover for sage-grouse (Cagney et al. 2010). Current guidelines recommend managing breeding habitats to support perennial herbaceous vegetation averaging more than 7 inches in height at the end of the nesting period (Connelly, et al. 2000), and residual grass heights more than 4 inches at the beginning of the nesting season (Holloran et al. 2005). Taken together, the permitted active use identified under this proposed decision¹¹, fall grazing, and expected light use levels ($\leq 40\%$) will promote high plant community vigor and provide an adequate perennial herbaceous vegetation height during the subsequent nesting/early brood-rearing season.

Although Alternative C would further reduce the potential impacts to special status species habitats by eliminating livestock grazing on the allotment for at least ten years, proper livestock management practices that implement appropriate seasons, intensities, and duration of use have been identified as consistent with providing habitats for sagebrush-obligate and shrub-dependent special status species. Alternative E implements proper livestock management by establishing seasons and the duration of grazing use in pastures that have the potential to provide seasonal habitats for sage-grouse and limits the intensity of impacts to upland and riparian resources.

¹¹ Refer to EA#....section 2.4.5 for permitted use calculations for the Trout Springs Allotment for Alternative E.

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My proposed selection of Alternative E, as modified, will allow for the improvement of wildlife habitat within upland and riparian areas due to improving health and vigor of plant communities. Improvement will be accomplished primarily by limiting the frequency of livestock grazing use during the active growing season for upland native perennial species, decreasing the stocking rate for the allotment as whole, and reducing authorized AUMs¹². Reductions in utilization levels will result in greater forage and cover for wildlife in the short term and healthier plant communities in the long term. Therefore, selection of Alternative E, as modified, implements livestock management practices that will maintain or improve wildlife habitats consistent with the Guidelines for Livestock Management 1, 4, 5, 8, 9, and 12¹³.

Issue 4: Improper livestock grazing promotes the spread and establishment of noxious and invasive weeds.

Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in livestock numbers and active use inherent in Alternative E will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and from the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives A, B, and D, the risk of invasive species spreading is lower under Alternative E, as native perennial species health and vigor is improved and progress is made toward meeting Standards 4 and 8 (both wildlife and plants) along with the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative C would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to all alternatives that would continue to authorize grazing within the Trout Springs Allotment, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM’s coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment¹⁴.

Additional Rationale

Consideration of other factors contributed to my decision to select Alternative E, as modified. Alternative A would not have led the allotment toward meeting or making significant progress towards meeting the Idaho S&Gs.

¹² Such improvement is consistent with the BLM’s Interim Management Policy to “maintain and/or improve greater sage-grouse (GSG) and its habitat” by incorporating management practices that provide for adequate residual plant cover and diversity in the understories of sagebrush plant communities and “promote the growth and persistence of native shrubs, grasses and forbs” and balance grazing between riparian and upland habitat to promote the production and availability of beneficial forbs to GSG in ‘meadows, mesic habitats, and riparian pastures while maintaining upland conditions and functions’. IM 2012-043.

¹³ For more detailed discussion, please refer to EA #DOI-BLM-ID-B030-2009-0030-EA 3.4.2.5.

¹⁴ For more detailed discussion, please refer to EA #DOI-BLM-ID-B030-2009-0030-EA Section 3.2.2.2 and 3.2.2.5.

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I did consider selecting Alternative C (No Grazing) for the Trout Springs 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 allotment. In selecting Alternative E rather than Alternative C, I especially considered (1) BLM's ability to meet resource objectives using Alternative E, (2) the impact of implementation of Alternative C on your operation and on regional economic activity, and (3) your past performance under previous permits. The allotment's resource issues are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing Alternative E, the resource issues identified will be addressed. The suspension of grazing for a 10-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 E. 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. Alternative E's combined seasons, intensities, and durations of livestock use promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on the Trout Springs Allotment will be better armed to survive such changes under Alternative E as compared with Alternatives A, B, and D. The native plant health and vigor protected under Alternative E will provide resistance and resilience to additional stressors, including climate change.¹⁵ The relatively low intensity of use and generally favorable season of use in Alternative E will provide a reduction of stressors to biotic function, and as such is anticipated to mitigate the additive stressors induced by climate change, primarily altered precipitation and temperature regimes.

Monitoring

Monitoring studies will be conducted during the term of the Trout Springs Allotment permit in accordance with the Idaho Minimum Monitoring Standards (USDI-BLM 1984) and IM ID-2008-022 (USDI- BLM 2008a). Monitoring studies (occurring every 1-6 years) will include, but are not limited to, the following: nested plot frequency, upland utilization, browse utilization, photo plots, multiple indicator monitoring (MIM), stubble height measurement, bank alteration, riparian woody browse utilization, and water quality testing.

¹⁵ For more detailed discussion, please refer to EA #DOI-BLM-ID-B030-2009-0030-EA Section 3.2.2.5.

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Decision 2) Authorize construction of the following range improvement projects within no more than five years of the date of this decision (see Map 5 of the EA):

1. Pasture 2B/3 Division Fence - Approximately 0.5 mile of new 3-wire fence will be constructed and serve as the division fence for Pasture 2B and 3. It will tie into natural barriers from an existing fence line for Pasture 2B and 3. This fence will also tie into natural barriers from an existing fence line in Section 16 to the east and Cottonwood Creek Canyon to the west.
2. Cottonwood Headwaters Exclosure - Approximately 1.0 mile of new 4-wire fence will be constructed west of the current holding field fence. Two cattleguards will also be installed: one on the new fence and one on the existing fence line in the southwest corner of Section 35. This will create an exclosure of approximately 320 acres that will allow for recovery of an active gully system and create an upland reference area.
3. Pasture 2A/2B Northern Gap Fence - Natural topography and rimrock make up most of the pasture boundary. Up to 0.5 miles of gap fencing will be installed. This fence will provide a pasture boundary creating two pastures.
4. Reconstruction of Pasture 2A Southern fence line - Approximately 4 miles of existing 3-wire fence between Pasture 2A and Pastures 1A and 1B will be reconstructed as a let-down fence.
5. North Fork Owyhee River Buck and Pole Gap Fence - One short gap fence (approximately 100 ft.) will be constructed along the top of the southern rim of the North Fork Owyhee River, designated as a Wild River, near the Pleasant Valley Allotment in the North Fork Owyhee Wilderness to eliminate livestock access to the river from the Trout Springs Allotment. This fence will be constructed entirely of native materials (i.e., juniper and rocks). BLM will utilize the minimum tool policy in accordance with BLM Manual 8560 for all construction within wilderness.
6. Water Haul Site - One water haul site will have up to two troughs on the west portion of Pasture 3 to provide an additional water source. All troughs will include a bird ladder meeting Boise District specifications.

RATIONALE FOR CONSTRUCTION OF IDENTIFIED RANGE IMPROVEMENT PROJECTS

The range improvement projects proposed for implementation assist with the prescribed grazing management plan and the Terms and Conditions of the grazing permit. The prescribed grazing management plan and allotment Terms and Conditions alone will move the Trout Springs Allotment towards meeting Standards by improving the overall management of livestock grazing on public land in the allotment with implementation of the grazing management outlined in this decision.

The range improvements planned for the allotment during the life of the proposed permit will assist in the management system and will be beneficial to riparian-wetlands, uplands, and wildlife

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species within the allotment. Specific benefits for each range improvement project authorized through this decision are:

- **Pasture 2B/3 Division Fence:** This fence will provide for a pasture boundary creating two pastures. Additional pastures will allow improved management of livestock by reducing the amount of time livestock are grazing within each pasture, which decreases the possibility of livestock re-grazing plants, grazing in riparian areas, and disturbing wildlife.
- **The Cottonwood Headwaters Exclosure:** The exclosure will provide protection to the headwaters of Cottonwood Creek. Exclusion of livestock from the exclosure will prevent excessive bank sloughing from hoof impacts and allow deep-rooted riparian vegetation currently present to increase and eventually stabilize the area of Cottonwood Creek, because a gully is currently present in the lentic system. By excluding livestock, excessive bank sloughing from hoof effects and allowing resident, deep rooted riparian vegetation that is currently present to increase would eventually stabilize the area (Section 3.1.2.2 of the EA). The exclosure will also serve as an upland reference area as requested by WWP.
- **Pasture 2A/2B Northern Gap Fence:** Additional pastures will allow for the pastures to improve in the management of livestock by reducing the amount of time livestock are grazing within each pasture which decreases the possibility of livestock re-grazing plants, grazing/trampling in riparian-wetland areas, and disturbing wildlife (Sections 3.2.2.2, 3.3.2.2, and 3.4.2.2 of the EA).
- **Reconstruction of Pasture 2A southern fence line between pastures 2A and Pastures 1A and 1B** will be rebuilt as a let-down fence. Currently, heavy snow makes this fence non-functional and a significant amount of annual maintenance is required to keep this fence in good working condition. By making this a let-down fence, this will allow for improved wildlife movement within the Trout Springs Allotment. This fence will also allow for the pastures to improve in the management of livestock by reducing the amount of time livestock are grazing within each pasture which decreases the possibility of livestock re-grazing plants, grazing/trampling in riparian-wetland areas, and disturbing wildlife.
- **The North Fork Owyhee River Buck and Pole Gap Fence** will be constructed along the top of the southern rim of the North Fork Owyhee River, designated as a Wild River, near the Pleasant Valley Allotment in the North Fork Owyhee Wilderness to eliminate livestock access to the river from the Trout Springs Allotment. The fence will prevent any degradation associated with livestock use and improve the scenic quality that enhances the overall recreational experience (Section 3.8.2.2 of the EA). Negligible soil/watershed disturbance will be expected from the proposed Buck and Pole gap fence construction along the North Fork of the Owyhee River (Section 3.1.2.2 of the EA). BLM will utilize the minimum tool policy in accordance with BLM manual 8560 for all construction within the wilderness.

- One water haul site will be established adjacent to an existing private watering site to aid in the distribution of livestock thereby reducing grazing effects to the surrounding areas as a whole, resulting in long-term positive watershed and soil effects. Localized negative effects to soil resource in the form of soil compaction, physical disturbance to soil surface, loss of cover and organic matter inputs would occur. These limited effects will generally be confined to the immediate area (approximately 0.1 acre of disturbance) and dissipate radically out from the site. The proposed livestock watering site will allow for more uniform use in the pasture thereby leaving more residual material on the ground for watershed protection, aiding in better hydrologic function in the long term (Section 3.1.2.2).

The actions associated with construction of range improvements authorized through this decision will result in short-term negative impacts to resources such as localized compaction of soils, disturbance to vegetation, and possible collision by wildlife. However, long-term benefits exceed the short-term detriments in that soils/watersheds, upland vegetation, riparian functionality, water quality, wild and scenic river corridors, and wildlife habitats will be improved by facilitating distribution of livestock, movements between pastures, and/or exclusion of livestock (EA at Sections 3.1.2.2; 3.1.2.5; 3.2.2.2; 3.2.2.5; 3.3.2.2; 3.3.2.5; 3.4.2.2; 3.4.2.5). All construction sites have been cleared for cultural resources and special status plant species; there will be no negative impact to these resources as they are either not present or avoided.

These projects will be constructed within five years of the date of this decision to facilitate improved pasture management. Until range improvements are constructed, the permittee will be required to actively herd livestock to conform to the grazing practices permitted through this decision. The BLM may, but cannot commit to, provide funding, materials, or assistance in construction of range improvements, depending on the availability of funding and future appropriations. A cooperative agreement or range improvement permit (water haul site only) will be developed and signed by both the permittee and BLM prior to construction of any given project, in accordance with 43 CFR §4120.3-1(b).

Any new fences located on public land will conform to the specifications for standard livestock fences in deer/elk/antelope and sage grouse habitat (IM# ID-2012-043), and in accordance with the ORMP or Boise District Office fence specifications and fence marking guidelines (IM # ID-100-2011-001). Motorized travel for survey, design, construction, or maintenance of projects (i.e. fences) will be limited to existing, authorized roads and trails, unless approved by the Authorized Officer. Total miles of fence will include a maximum of 6.5 miles of new construction, of which 4 miles will be redesign of an existing fence to a let-down fence (Pasture 2A Southern Fence).

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on September xx, 2013, and concluded that the proposed decision to implement Alternative E for renewal of the term grazing permit for Authorization #1101594 and authorization of identified range improvements is not a major federal

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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 No. DOI-BLM-ID-B030-2009-0030-EA is available on the web at:

https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

Conclusion

In conclusion, it is my decision to select Alternative E over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where Standards were not met due to current livestock management practices. Alternative A fails to implement livestock management practices that would meet the objectives and standards. Although Alternatives B and D enable the allotment to make progress towards meeting the Idaho Standards, Alternative E facilitates improvement to watersheds, riparian functionality, and vegetative conditions in less time due to deferred use, periods of rest, and reduced AUMs. Alternative C removes the economic activity of one large livestock operation from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of Alternative E leads me to believe elimination of livestock grazing from the Trout Springs Allotment is unnecessary at this point. Due to the conditions present at the time the assessments were completed, it is my decision to implement management that will allow for attainment of the S&Gs in as short of a timeframe as reasonably possible, without eliminating grazing from this allotment. Range improvements authorized through this decision will further aid in the efficiency of the grazing management system implemented.

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 Trout Springs Allotment available for livestock grazing;
- 4120.3 Range Improvements. Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C 4371 et. seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.
- 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;

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- 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

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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 V. Chandler

Loretta V. Chandler
Field Manager
Owyhee Field Office

cc: Trout Springs Allotment Interested Public

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TROUT SPRINGS ALLOTMENT INTERESTED PUBLIC

Name & Address

Golden Eagle Audubon Society, PO Box 8261, Boise, ID 83707
Boise District Grazing Board, Stan Boyd, PO Box 2596, Boise, ID 83701
Budd-Falen Law Offices PC, PO Box 346, Cheyenne, WY 82003
Idaho Wild Sheep Foundation, Herby Meyr, 570 E 16th N, Mountain Home, ID 83647
Friends of Mustangs, Robert Amidon, 8699 Gantz Ave, Boise, ID 83709
Gusman Ranch Grazing Assoc. LLC., Forest Fretwell, 27058 Pleasant Valley Rd., Jordan Valley, OR 97910
Hanley Ranch Partnership, Michael Hanley, PO Box 271, Jordan Valley, OR 97910
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 7249, Boise, ID 83707
ID Dept of Parks & Recreation, Director, PO Box 83720, Boise, ID 83720
ID Native Plant Society, President, PO Box 9451, Boise, ID 83707
Idaho Dept of Lands, PO Box 83720, Boise, ID 83720
IDEQ, 1445 N Orchard, Boise, ID 83706
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, Time Lowry, PO Box 132, Jordan Valley, OR 97910
Maestrejuan, Teo & Sara, 26613 Pleasant Valley Rd., Jordan Valley, OR 97910
Moore Smith Buxton & Turcke, Paul Turche, 950 W Bannock, Ste 520, Boise, ID 83702
OR Natural Desert Assoc., Brent Fenty, 50 SW St #4, Bend OR 97702
Oregon Division State Lands, 1645 NE Forbes Rd., Ste 112, Bend OR 97701
Oregon Natural Resources Council, 5825 N. Greeley, Portland, OR 97217
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, Gen Gray, 2393 Watts Lane, Payette, ID 83661
Schroeder & Lezamiz Law Offices, PO Box 267, Boise, ID 83203
Shoshone-Bannock Tribes, Tribal Chair, Nathan Small, PO Box 306, Ft. Hall, ID 83203

TROUT SPRINGS ALLOTMENT INTERESTED PUBLIC

Name & Address

Sierra Club, PO Box 552, Boise, ID 83701
State Historic Preservation Office, 210 Main St., Boise, ID 83702
The Nature Conservancy, Lou Lunte, 950 W. Bannock St., Ste 210, Boise, ID 83702
The Wilderness Society, 950 W. Bannock St., Ste 210, Boise, ID 83702
US Fish & Wildlife Service, 1387 S Vinnell Way, Rm 368, Boise, ID 83709
Western Watershed Projects, PO Box 1770, Hailey, ID 83333
Western Watershed Projects, Katie Fite, PO Box 2863, Boise, ID 83701
Alice Armstrong, 2781 NE Sunset View Lane, Prineville, OR 97754
John Barringer, 6016 Pierce Park, Boise, ID 83703
Chad Gibson, 16770 Agate Ln, Wilder, ID 83676
Brian Goller, 2722 E Starcrest, Boise, ID 83712
Vernon Kershner, PO Box 38, Jordan Valley, OR 97910
Kenny Kerhsner, PO Box 300, Jordan Valley, OR 97910
Brett Nelson, 9127 Preece St, Boise, ID 83704
Ramona Pascoe, PO Box 126, Jordan Valley, OR 97910
Bob Salter, 6109 N. River Glenn, Garden City, ID 83714
John Richards, 8933 State Hwy. 78, Marsing ID. 83639
Colyer Cattle Co., Ray & Bonnie Colyer, 31001 Colyer Rd. Bruneau, ID 83604
Holland & Hart LLP, PO Box 2527, Boise, ID 83701
Idaho Wild Sheep Foundation, Jim Jeffress, PO Box 8224, Boise, ID 83707
Idaho Farm Bureau Fed., PO Box 167, Boise, ID 83701
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
Natural Resources Defense Council, Johanna Wald, 111 Sutter St. 20th Floor, San Francisco, CA 94104
Congressman: Raul Labrador, 1523 Longworth HOB, Washington, DC 20515
Soil Conservation District, Cindy Bachman, PO Box 186, Bruneau, ID 83604
State of NV Division of Wildlife, 60 Youth Center Rd., Elko, NV 89801
The Fund for the Animals Inc., Andrea Lococo, 1363 Overbacker, Louisville, KY 40208
USDA Farm Services, 9173 W. Barnes, Boise, ID 83704
Russ Heughins, 10370 W. Landmark Ct., Boise, ID 83704
Tony & Brenda Richards, 8935 Whiskey Mtn. Rd., Reynolds Cr., Murphy, ID 83650

TROUT SPRINGS ALLOTMENT INTERESTED PUBLIC

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Dan Jordan, 30911 Hwy. 78, Oreana, ID 83650

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John Townsend, 8306 Road 3.2 NE., Moses Lake, WA 98837

Senator: Mike Crapo, 239 Dirksen Senate Office Building, Washington, DC 20510

Congressman: Mike Simpson, 2312 Rayburn House Office Building, Washington, DC 20515