



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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November 12, 2013

In Reply Refer To:
4160 ID130

REGISTERED MAIL - FEDEX

LU Ranching Company
PO Box 132
Jordan Valley, OR 97910

Notice of Field Manager's Proposed Decision

Dear Mr. Lowry:

Thank you for your application for permit renewal on the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments. Thank you also 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 recently evaluated current grazing practices and current conditions in the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments. The BLM undertook this effort to ensure that any renewed grazing permit(s) on these allotments are consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, rangeland health assessment/evaluation/determinations were completed according to our established procedures. This proposed decision incorporates by reference the information contained in those documents, as well as the specialist reports, which provide additional information.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments. The process for completing the Jump Creek, Succor Creek, & Cow Creek Watersheds Grazing Permit Renewal Environmental Impact Statement (Chipmunk Group EIS) began with the publication of the Notice of Intent (NOI) in the Federal Register on January 9, 2012. The NOI included a call for resource information and the identification of issues for this project planning effort. The scoping period closed on March 9, 2012, but some relevant comments were submitted after the end of the scoping period. All comments, including those submitted after March 9, 2012, are addressed in the Scoping Report, which can be found at

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html

and were considered during the development of the EIS. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. One public scoping meeting was also held from 5:30 PM to 8:30 PM on February 23, 2012; in addition, an open house was held on June 13, 2013, in Marsing, Idaho, with the public arriving and departing at their leisure. The purposes of these meetings were to provide more information about the issues the BLM identified and give the public an opportunity to ask questions and submit input in person.

After evaluating conditions on the land and meeting with you and the public, it became clear that some resource concerns currently exist on the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments.

As a focus of addressing livestock impacts to public land resources, my office prepared and issued an environmental impact statement¹ (EIS) in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail three alternatives for the Chimney Pot FFR allotment, four alternatives for the Lowry FFR allotment, and five alternatives for the Cow Creek Individual allotment. 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 Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments natural resources conform to the goals and objectives of the Owyhee Resource Management Plan (ORMP) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the EIS. The Draft EIS detailing the alternatives below was made available for public review and comment for a 45-day period ending June 17, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments. Comments that were received are summarized and responses are provided as an appendix to the completed EIS available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html

We have now completed the initial part of the permit renewal process and I am prepared to issue a proposed decision to renew your permit to graze livestock within the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments. Upon implementation of the decision, your permit(s) to graze livestock in the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments will be fully processed using the revisions to the grazing regulations² in 1995, adoption of the Idaho S&Gs in 1997, and implementation of the ORMP in 1999.

¹ EIS number DOI-BLM-ID-B030-2012-0014-EIS analyzed three alternatives for the Chimney Pot FFR allotment, four alternatives for the Lowry FFR allotment, and five alternatives for the Cow Creek Individual allotment to fully process permits for livestock grazing management practices.

² 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.

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 EIS;
- Respond to the application for grazing permit renewal for use in the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments;
- Outline my proposed decision to select Alternative 2 in the Chimney Pot FFR allotment and Alternative 3 in the Cow Creek Individual and Lowry FFR allotments; and
- Explain my reasons for making these selections.

Background

Allotment Setting

The Chimney Pot FFR allotment is located approximately five miles northeast of Jordan Valley, Oregon, in Owyhee County, Idaho, and consists of one pasture. The allotment has 24 acres of public land and 1,256 acres of private land for a total of 1,280 acres (1.9 percent public land, 98.1 percent private land). Because this allotment includes a large acreage of private land, under the current permit, the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 4 animal unit months (AUMs³) permitted were not exceeded and unacceptable impacts to public land resources did not occur. See Map 1 below.

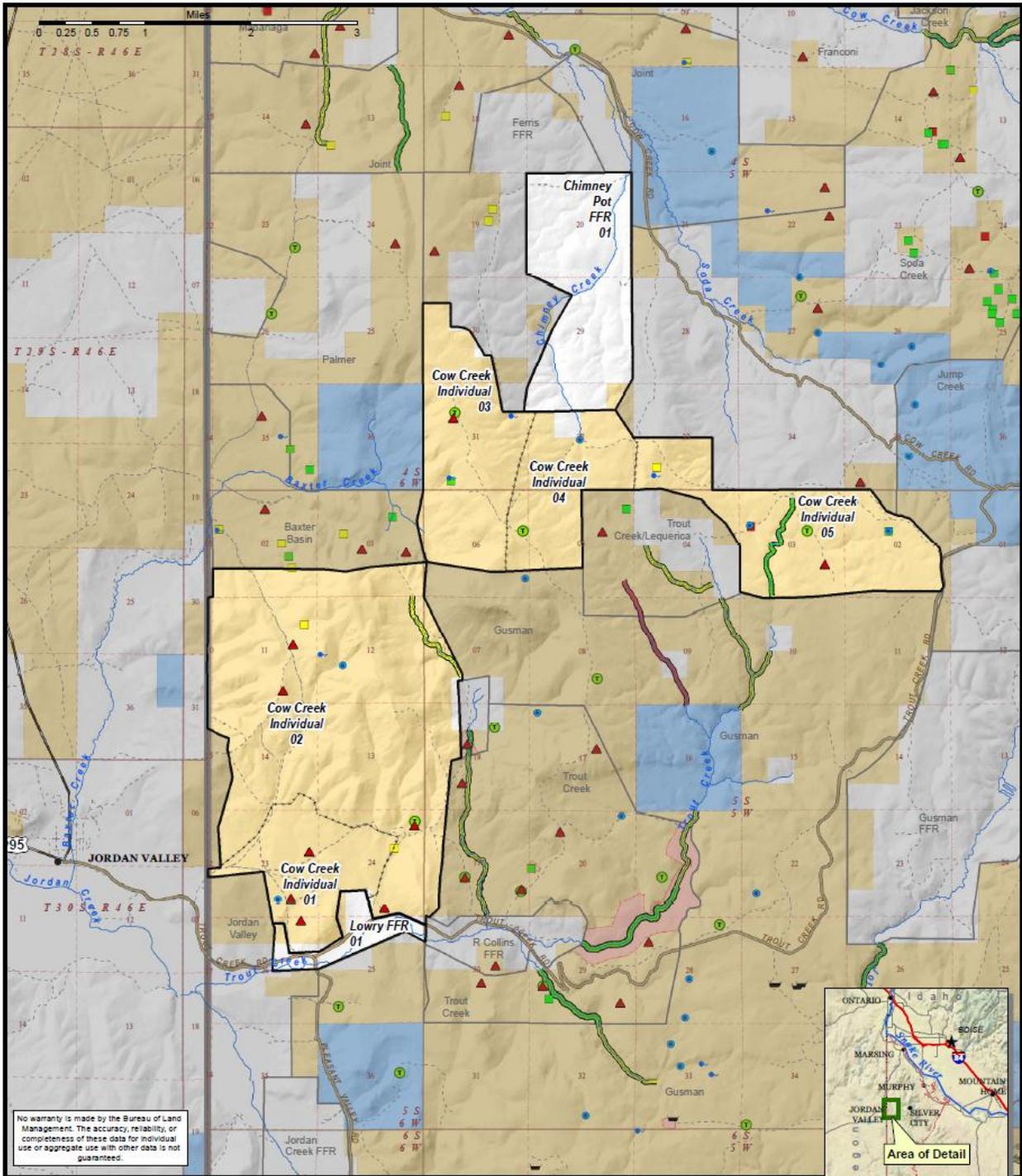
The Cow Creek Individual and Lowry FFR allotments are approximately 2 miles east of Jordan Valley, Oregon, in Owyhee County, Idaho. The Cow Creek Individual allotment consists of five pastures scattered over approximately 8 miles and has 7,832 acres of public land, 115 acres of private land, and 2 acres of Idaho state lands, for a total of 7,956 acres (98.4 percent public land, 1.5 percent private land, <0.1 percent Idaho state land). A five-pasture rotation has been the normal livestock operation in this allotment and usually starts around early-April and ends in late-September. See Map 1 below.

The Lowry FFR allotment consists of one pasture and has 37 acres of public land and 229 acres of private land for a total of 266 acres (13.9 percent public land, 86.1 percent private land). Because this allotment includes a large acreage of private land, under the current permit, the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 6 animal unit months (AUMs) permitted were not exceeded and unacceptable impacts to public land resources did not occur. See Map 1 below.

³ 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.

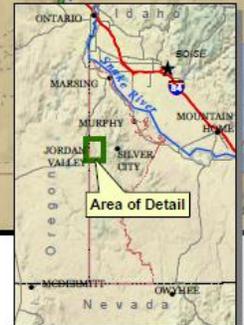


Map 1, Chimney Pot (0464), Cow Creek (0562), and Lowry FFR (0477) Allotments



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

- | | | | | |
|-----------------------------|------------------|------------------|------------------------------|-------------------|
| Allotment Boundary | Perennial Stream | Highway | PFC Assessment Rating | Management |
| Pasture Boundary | Reservoir | Improved Road | PFC | BLM |
| Monitoring | Spring | Primitive Road | FAR | State |
| Nested Plot Frequency Trend | Trough | Exclosure/Corral | NF | Private |
| RHA Point | | | | |



1:75,000

The elevations within the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments range from 4,400 feet to 6,100 feet. All of the perennial running water is located on private land on the Chimney Pot and Lowry FFR allotments, and because livestock tend to graze near water, cattle on these allotments tend to spend the majority of the season grazing private land. A fair amount of available water is located on public lands within the Cow Creek Individual allotment.

The allotments are situated within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses where native vegetation communities are variable. Limited precipitation with cold winters and dry summers constrain plants and animals. Where deeper soils exist, the native vegetation is primarily Wyoming big sagebrush with an understory of native perennial bunchgrasses. In areas of shallow soils, mostly low sagebrush with the same native perennial bunchgrass understory can be found. The effective average annual precipitation for these vegetation communities is approximately 8 in for the drier sites and 13 in for the more moist sites. Precipitation occurs primarily during the winter.⁴

Current Grazing Authorization

You currently graze livestock within the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Table LVST-1: Terms and conditions on the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00464 Chimney Pot FFR	4	Cattle	12/01	12/31	100	Active	4
00562 Cow Creek Individual	201	Cattle	04/01	09/30	100	Active	1,214
00477 Lowry FFR	6	Cattle	12/01	12/31	100	Active	6

Other terms and conditions:

1. The number of livestock and the season of use on the fenced federal range (FFR) allotments are at the permittee’s discretion.
2. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
3. Turn-out is subject to the Boise District range readiness criteria.
4. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use.

⁴ For more detailed discussion, please refer to the affected environment sections of EIS number DOI-BLM-ID-B030-2012-0014-EIS.

5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations or water developments.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. Pursuant to 43 CFR 10.4(B), the permittee 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), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
8. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
9. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
10. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
11. 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.
12. Utilization may not exceed 50 percent of the current year's growth.

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

- Key herbaceous riparian vegetation, where stream bank 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 stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

As you know, the current permit authorizes an annual use of 4 AUMs of forage in the Chimney Pot FFR allotment and 6 AUMs of forage in the Lowry FFR allotment and a season of use

between December 1 and December 31⁵. However, based on recent management actions over the last 10 years, it is clear that in most years, you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the grazing permit.

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

Resource Conditions

The BLM completed a rangeland health assessment, evaluation, and a determination for the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments in 2013. Those documents concluded that some of the resources on the Cow Creek Individual allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined that the allotment met Standard 1 (Watersheds) and 7 (Water Quality), but did not meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), and 8 (Threatened and Endangered Animals). Additionally, current livestock grazing management was identified as a significant causal factor for the allotments failing to meet Standards 2, 3, and 8. Those documents also concluded that Standards 1 and 6 were met on the Lowry FFR allotment, but Standard 8 (wildlife only) was not met due to exotic species. All applicable Standards are being met on the Chimney Pot FFR allotment (Standards 1, 4, and 8).

Vegetation - Uplands⁶

Chimney Pot FFR

This one-pasture allotment is dominated by native plant communities and is meeting Standard 4 (Native Plant Communities). A rangeland health field assessment was conducted in 2011 and shows a none-to-slight departure from expected conditions for the ecological site.

Cow Creek Individual

Pastures 1, 3, 4, and 5 are meeting Standard 4, but pasture 2 is not. Three noxious weed sites are known in the allotment but are not contributing factors in failing to meet Standard 4.

Pasture 1: Pasture 1 was partially burned in 1960. In the 1970s, pasture 1 was seeded after a prescribed burn. The pasture is currently host to a mix of shrubs (bitterbrush, rabbitbrush, and sagebrush), perennial grasses (Sandberg bluegrass, crested wheatgrass), and forbs and annual grasses (medusahead, cheatgrass, six-week fescue). This pasture is meeting Standard 4. Trend in perennial grasses is generally static and increases of six-week fescue and medusahead have been detected in recent years.

⁵ Although the season of use in the grazing permit states 4 cattle in the Chimney Pot FFR allotment and 6 cattle in the Lowry FFR allotment with a season of use from 12/1-12/31 in the Mandatory Terms and Conditions, the permit states that, "the number of livestock and season of use is at your discretion" in the Other Terms and Conditions, which allows flexibility.

⁶ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.1.

Pasture 2: Two-thirds of this pasture burned in 1960. Vegetation trend data reflect a low sagebrush canopy and an understory dominated by medusahead, squirreltail, field brome, and bluebunch wheatgrass. Trend in perennial grasses is mostly decreasing, with an increase in annual weeds (medusahead, field brome, and North Africa grass). Low sagebrush has a long-term decrease in frequency. The biotic integrity of this pasture is compromised due to the strong presence of invasive annuals; for this reason the pasture is not meeting Standard 4.

Pastures 3, 4, and 5: All three pastures burned in 1960. A diversity of shrubs, perennial grasses, and forbs are present in each pasture in amounts similar to reference condition. The exception is the presence of bulbous bluegrass in trace amounts and greater-than-expected juniper presence in pastures 4 and 5. The strong understory of perennial grasses contributes to a stable soil surface. Vegetation trend data show a static to increasing frequency of bluebunch wheatgrass and a recent presence of cheatgrass in pasture 5. The overall biotic integrity of these pastures is being maintained and they are meeting Standard 4.

Lowry FFR

This one-pasture allotment is dominated by invasive annual weeds and is meeting Standard 6 (Exotic Plant Communities). Standard 4 does not apply due to the dominance of invasive annual species. The community is dominated by low sagebrush, Sandberg bluegrass, and invasive annuals (medusahead wildrye). The shrub component is higher than expected and minimum requirements of soil stability and maintenance are present, therefore meeting Standard 6.

Watersheds/Soils

Chimney Pot FFR/Cow Creek Individual/Lowry FFR

Soil and hydrologic indicators show adequate watershed function and site stability and suggest that proper nutrient, hydrologic, and energy cycling are maintained. However, biotic function is reduced in pasture 2 of the Cow Creek Individual allotment due to a departure of the plant community from reference conditions and replacement by invasive species, especially annual grasses, which have a tendency to alter soil infiltration and water holding capacity over time. Although pasture 2 of the Cow Creek Individual allotment is identified to be at risk, indicators show adequate watershed function is present. Therefore, current livestock management is compatible with the attainment of Standard 1.

Water Resources and Riparian/Wetland Areas⁸

Chimney Pot FFR/Lowry FFR

These resources are not present on public land within the Chimney Pot FFR and Lowry FFR allotments.

Cow Creek Individual

The BLM's 2013 Rangeland Health Evaluation and Determination for the Cow Creek Individual allotment concluded that Standards 2 (Riparian Areas and Wetlands) and 3 (Stream

⁷ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.4.1.

⁸ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.1 and Appendix E.

Channel/Floodplain) are not being met. Approximately 1.2 intermittent miles of Split Rock Canyon that occur in pasture 2 were assessed and rated as functional-at-risk (FAR) because of bank instability, lack of deep-rooted hydric species, a skewed age distribution, and the presence of headcuts. A 1.1-mile reach of the East Fork of Trout Creek was assessed and rated as properly functioning condition (PFC) in 2011 because the stream is armored against erosion by large boulders and riparian vegetation appeared healthy and occurred as expected intermittently with the flow. Five springs have been assessed throughout the allotment; one was in PFC, two were FAR, and three were non-functional (NF). Two of the NF springs are developed reservoirs to which the PFC protocol is not applicable. Standard 7 (Water Quality) is being met because none of the streams that occur within the allotment are on IDEQ's 303(d) list of impaired waters.

Special Status Plants⁹

No special status plants are known to occur on these allotments; therefore, this will not be discussed.

Wildlife/Wildlife Habitats and Special Status Animals¹⁰

Chimney Pot FFR

This allotment is managed as a native plant community and is meeting Standard 4. Upland habitat conditions are providing at least minimally adequate sagebrush/grass composition and structure to meet upland wildlife needs and therefore the allotment is meeting Standard 8.

Cow Creek Individual

Suitability of upland and riparian wildlife habitat is closely related to the health and vigor of vegetation community conditions discussed in Standard 4 (Native Plant Communities) and Standard 2 (Riparian Areas and Wetlands). Shrub steppe habitats dominated by several species of sagebrush and perennial bunchgrasses that would be expected to occur across the vast majority of the allotment based on ecological site descriptions have the potential to provide vital nesting and foraging habitat for many special status wildlife species. Currently, however, upland habitats in Pasture 2 are generally characterized by a less-desirable community of more grazing-tolerant species such as Sandberg bluegrass, cheatgrass, and medusahead. In addition, healthy, productive, and diverse populations of native perennial grasses (especially tall-statured, deep-rooted bunchgrasses) and forbs are not being maintained. The absence of shrub structure at various heights affects nesting habitat by reducing nesting substrate and increasing the likelihood of predation. In addition, the absence of tall native grasses and forbs affects species that are adapted to foraging on seeds and insects in native habitats. Of primary concern is the ability of these sagebrush communities to provide habitat structure (diverse and intersecting overstory/understory interface) and function (nesting, security, and foraging cover) for effective habitat for shrub-obligate and -dependent species such as greater sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, sage sparrows, and Wyoming ground squirrels. The presence of invasive species is also contributing to reduced cover and forage production for some special status species.

⁹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.7.1 and Appendix E.

¹⁰ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.1 and Appendix E.

Standards 2, 3, and 7 identified streams and springs within this allotment that are not properly functioning or meeting water quality parameters due to current grazing practices. The streams, springs, and wetlands that are NF or are FAR are lacking a full range of adequate upland/riparian vegetation composition, structure, or function to provide for terrestrial and aquatic species sustainability. Habitat conditions within this allotment are inadequate to support viable aquatic and terrestrial species populations, and therefore, the allotment is not meeting Standard 8.

Lowry FFR

The Lowry FFR allotment is assessed under Standard 6 (Exotic Communities), which contributes very little to habitat composition and structure for wildlife overall. The allotment has an altered plant composition from a native plant community to a landscape dominated by low sagebrush, Sandberg bluegrass, invasive annuals, and medusahead wildrye, and provides little in the way of habitat structure and function for nesting, hiding, escape, and foraging cover for wildlife, leaving species vulnerable to increased predation and reduced forage. Spatially, this community has created large areas of open space with little to no large bunchgrass cover resulting in habitat loss and fragmentation. Although the community is meeting Standard 6, it is not meeting Standard 8 due to limited resources and habitat value for wildlife.

Guidelines for Livestock Grazing Management

The Chimney Pot FFR and Lowry FFR allotments are conforming to all guidelines. The BLM's 2013 Determination for the Cow Creek Individual allotment identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

Guideline 2: Locate livestock management facilities away from riparian areas wherever they conflict with achieving or maintaining riparian-wetland functions.

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.

Since the Cow Creek Individual allotment is not meeting one or more of the Idaho S&Gs due to current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues¹¹

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Chipmunk Group allotments:¹²

1. **Habitat conditions for greater sage-grouse (*Centrocercus urophasianus*;** from this point on referred to as sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Chipmunk Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.
2. **Riparian vegetation conditions:** Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.
3. **Fish and amphibian habitat conditions:** Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.
4. **Upland vegetation and watershed conditions:** Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.
5. **Noxious and invasive weeds:** Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
6. **Livestock trailing:** Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.
7. **Socioeconomic impacts:** Livestock grazing affects local and regional socioeconomic activities generated by livestock production.
8. **Wildfire fuels:** Livestock grazing has the potential to change vegetation that may affect wildfire.
9. **Climate Change:** The issue of climate change and its relationship to the proposed federal action of renewing grazing permits is twofold. Livestock grazing in Owyhee County contributes CO² and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

Analysis of Alternative Actions

Based on the current condition of the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments and the issues identified above, the BLM considered a number of alternative livestock

¹¹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5.

¹² Issues identified in EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5 that were not present within the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments are not discussed in this decision.

management schemes in the EIS to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, six alternatives were considered and analyzed in the EIS, although only Alternatives 1, 2, 3, 4, and 6 were considered in detail and analyzed for the Cow Creek Individual allotment and only Alternatives 1, 2, 3, and 6 were considered in the Lowry FFR allotment. Alternatives 1, 2, and 6 were considered in detail and analyzed for the Chimney Pot FFR allotment. The range of alternatives developed include: Alternative 1 - No Action/Current Condition, Alternative 2 - Permittee's Application, Alternative 5 - Sheep-to-Cattle Conversion, Alternative 6 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints. The following sections describe the theme of each of the alternatives and the allotment-specific authorizations and actions under each alternative.

Alternative 1 - No Action/Current Condition

Alternative 1 would allow a continuation of your current management on the allotments. This includes flexibility in the Chimney Pot and Lowry FFR allotments which would authorize livestock grazing at your discretion within active AUMs limits. The Cow Creek Individual allotment would be authorized from April 1 through September 30. Interim terms and conditions imposed by the U.S. District Court in February 29, 2000 are also included.

Alternative 2 - Permittee Applications

Alternative 2 would authorize livestock grazing as you applied for on January 27, 2012. The management on the Chimney Pot FFR and Lowry FFR allotments is based on a percent public land and the season of use (Mandatory Terms and Conditions) is described as March 1 through February 28, and livestock numbers and AUMs vary depending on total acres of unfenced BLM lands within the allotment boundaries. Flexibility in the FFR allotments would authorize livestock grazing at your discretion. Grazing on the Cow Creek Individual allotment would be authorized from April 1 through September 30.

Alternative 3 - Deferred Grazing

Alternative 3 does not apply to the Chimney Pot FFR allotment. Alternative 3 for the Cow Creek Individual allotment includes rest/deferment in pastures 1-3, and the season of use would be from April 1 through September 30 in a 3-year rotation with specific use dates and AUMs for each pasture. The identified rest would result in a reduction in active AUMs during the rest years. Alternative 3 for the Lowry FFR allotment would include deferment 1 in 3 years and would have a specific season of use on a three year rotation: Year 1 - 03/01-08/31, Year 2 - 03/01-08/31, Year 3 - 09/01-02/28. Resource constraints were applied where there were issues and/or where Standards were not being met. Stubble height, browse (where applicable), streambank alteration in key riparian areas, and maintenance of perennial grass height on upland key species would be identified as terms and conditions.

Alternative 4 - Season-based

Alternative 4 does not apply to the Chimney Pot FFR or Lowry FFR allotments. The Cow Creek Individual allotment would have rest and deferment 2 out of 3 years in the rotation, and the season of use would be from April 1 through September 30 in a 3-year rotation with specific use dates and AUMs for each pasture. The identified rest would result in a reduction in active AUMs during the

rest years. Resource constraints were applied where there are issues and/or where Standards are not being met.

Alternative 6 - No Grazing

This alternative would result in no grazing during the 10-year term of the permit for the Cow Creek Individual, Chimney Pot FFR, and Lowry FFR allotments.

Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EIS, as well as other information, it is my proposed decision to renew your grazing permit for 10 years with modified terms and conditions consistent with the following:

Chimney Pot FFR allotment - Alternative 2 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS

Cow Creek Individual allotment - Alternative 3 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS

Lowry FFR allotment - Alternative 3 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS

Implementation of these alternatives over the next 10 years will allow the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

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

Table LVST-2: Proposed Decision Terms and Conditions

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs ¹³
	Number	Kind	Begin	End			
00464 Chimney Pot FFR	17	Cattle	03/01	02/28	2	Active	4
00562 Cow Creek Individual ¹⁴	201	Cattle	04/01	09/30	100	Active	1,210

¹³ The sum of the AUMs from the permit schedule may not equal the Active Use AUMs due to individual line calculations and rounding in the AUM calculation.

¹⁴ Although the season of grazing use for the Cow Creek Individual allotment is unchanged by this proposed decision from that season of use in the current permit for the allotment as a whole (04/01 through 09/30), the season of use for each individual pasture is defined in the proposed decision grazing schedule in a manner that provides opportunity for resources present in each pasture to meet the Idaho S&Gs and the ORMP objectives.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs ¹⁸
	Number	Kind	Begin	End			
00477 Lowry FFR	4	Cattle	03/01	02/28	14	Active	6

*Standard Terms and Conditions applicable to all BLM grazing permits and leases are not reiterated here, but apply to the above permits.

Other Terms and Conditions

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____.
Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations or water developments.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee 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), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. 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.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. Livestock numbers in Cow Creek will not exceed 201 head and may vary by pasture, not to exceed authorized AUMs by pasture. There will be 124 AUMs in pasture 1,

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs ¹⁸
	Number	Kind	Begin	End			
567 AUMs in pasture 2, 182 AUMs in pasture 3, 123 AUMs in Pasture 4, and 214 AUMs in pasture 5. Grazing in pasture 3 will be deferred to fall use (9/1 to 11/15) no fewer than 1 in 3 years.							
13. Utilization may not exceed 50 percent of the current year's growth.							
14. A minimum of 6-inch stubble height, 30 percent browse (where applicable), and less than 10 percent bank alteration will be maintained in key riparian areas at the end of the grazing season.							
15. Maintain an average of greater than 18 cm (7 inches) perennial grass height on upland key species.							

As noted in Other Term and Condition # 1, the grazing schedules for the Cow Creek Individual and Lowry FFR allotments (identified below) must be followed:

Table LVST-3: Cow Creek grazing schedule

Pasture	Year 1	Year 2	Year 3
1 & 2	4/1-6/30	4/1-6/30	Rest
3	6/16-9/30	6/16-9/30	9/1-9/30
4	6/16-9/30	6/16-9/30	6/16-9/30
5	6/16-9/30	6/16-9/30	6/16-9/30

Table LVST-4: Lowry FFR grazing schedule

Pasture	Year 1	Year 2	Year 3
1	3/1-8/31	3/1-8/31	9/1-2/28

Notes on the Grazing Schedule

No grazing schedule is identified for the Chimney Pot FFR allotment. This allotment consists of only one pasture and is meeting all standards with the current livestock management.

Notes on the Terms and Conditions

Flexibility is provided within the schedule above for grazing use in the Chimney Pot FFR allotment. You will be offered a grazing permit(s) for a term of 10 years for the Chimney Pot FFR allotment with 4 Active AUMs, the Cow Creek Individual allotment with 1,210 Active AUMs, and the Lowry FFR allotment with 6 Active AUMs. Implementation of Alternative 3 will result in a reduction of 691 Active AUMs on the Cow Creek Individual allotment one out of three years (every year Pastures 1 and 2 are rested - Year 3) compared to your current permit. Permitted use within the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments will be as follows:

Table LVST-5: Permitted use on the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments

Allotment	Active Use	Suspension	Permitted Use
Chimney Pot FFR	4 AUMs	0 AUMs	4 AUMs
Cow Creek Individual	1,210 AUMs	0 AUMs	1,210 AUMs
Lowry FFR	6 AUMs	0 AUMs	6 AUMs

Other Notes on the Proposed Decision

Finally, it is my proposed decision to not authorize additional projects. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this proposed decision. Implementation of this proposed decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement).

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 Chimney Pot FFR, Cow Creek Individual, and Lowry 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 EIS number DOI-BLM-ID-B030-2012-0014-EIS, the rangeland health assessment, evaluation, determination, specialist reports, and other documents in the grazing files, it is my decision to select Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments as my proposed decision. I have made this selection for a variety of reasons, but most importantly because of my understanding 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 multiple use and sustained yield mandate, and will result in the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments was in large part because of my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations. I spent hours with members of my staff and the NEPA Permit Renewal Team to discuss pros and cons for each alternative. Ultimately, I had to choose the alternative that

best protects the resource while considering your livestock operation, current resource conditions, and expectations from you as the permittee, and the BLM as the responsible office¹⁵.

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; from this point on referred to as sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Chipmunk Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.

AND

Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.

Chimney Pot FFR¹⁶

Upland watershed, vegetative, and wildlife habitat conditions (there are no riparian areas on public land in this allotment) will continue to meet Standard 8 and the needs for sage-grouse and other

¹⁵ As you know, your allotments are part of a group of six allotments forming the Owyhee 68 Allotments, which large group is the subject of a permit renewal process which must be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments, and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 Allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite of the efforts of BLM and the ranching operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape.

o these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern, but as land stewards, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipated organizational ability, and which does so on a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e.--continuous and intensive monitoring or other workloads that need to occur every year) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success which includes healthy, sustainable resource conditions and predictability for ranching operators.

¹⁶ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.4 and Appendix E.

wildlife with a continuation of current management (Alternative 2). Your current management, captured in your application has resulted in good vegetative resource conditions, as identified in EIS number DOI-BLM-ID-B030-2012-0014-EIS (Affected Environment sections).

Proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved. Although no specific sage-grouse habitat assessment framework data have been collected in this allotment and Standard 4 is being met, I am confident the specialist report and other information provide me and my staff adequate information on the 25 acres of public land to conclude that minimum upland vegetation composition, structure, and function are provided for sage-grouse and other associated species.

Cow Creek Individual¹⁷

Watershed, vegetative, and upland/riparian wildlife habitat conditions would improve throughout the allotment under Alternative 3, due to this alternative's focus on improving the health and vigor of plant communities. Improvement will be accomplished primarily by limiting the AUMs within each pasture, providing minimum stubble height/browse/bank alteration restrictions, and requiring maintenance of 7-inch stubble height of herbaceous upland plant species. One year of rest out of every 3 years for pastures 1 and 2 will also reduce the amount of livestock grazing during the active growing season for upland native perennial species, decrease the stocking rate for the allotment as whole, and reduce authorized AUMs. Modifying the grazing schedule and implementing Alternative 3 will result in greater forage and cover for sage-grouse and other sagebrush steppe-associated wildlife and promote healthier and more resilient plant communities in the long term. Additionally, proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved.

As stated in the EIS, "a deferred grazing strategy would be implemented outside the critical growing season intended to stimulate vegetation vigor and reproduction and, in time, enhance upland shrub steppe and riparian habitat plant composition and structure for wildlife." Rest is incorporated for pastures 1 and 2 instead of deferment, so additional improvements will occur. Sage-grouse is an indicator species for the sagebrush ecosystem, so the conditions that specify healthy habitat for sage-grouse are indicative of the health of the system in general. Effective sage-grouse habitat is closely related to vegetation community conditions discussed in Standard 4.

I expect the quality and quantity of the upland and riparian communities in the Cow Creek Individual allotment to progress steadily toward meeting desired habitat management objectives and meeting Standards 1, 4, and 8. This is due in large part to terms and conditions restricting stubble height/browse/bank alteration, requiring rest, and limiting AUMs within each pasture. In the short term (1 to 6 years, two rotations), riparian habitat conditions will show measurable and observable improved forage and cover elements. In the long term (7 to 12 years), vegetation composition and structure will be much improved toward meeting desired management objectives and meeting Standard 8.

I am quite convinced that additional and sometimes substantial improvement to the native plant communities can be made by instituting changes to grazing management. In this case, under Alternative 3, progress at a faster rate is achievable and more desirable given the long-term

¹⁷ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.5 and Appendix E.

potential benefits to native plant communities, soils, riparian habitats, and wildlife resources. Moreover, it is within my discretion and responsibility to strive for such improvement based on FLPMA, the objectives described in the Owyhee RMP, and the BLM's 2010 national sage-grouse policy with its attendant goal to maintain and enhance sage-grouse populations in the western United States.

Lowry FFR¹⁸

I have selected Alternative 3 for the Lowry FFR allotment, recognizing that no substantial improvement in native vegetation species composition and distribution is expected to occur with any certainty due to the distribution and competitive advantage of invasive species over native species. Improvement would only accrue by adding to changes in grazing management in a plan of comprehensive restoration to allow the allotment to meet the relevant standards (No riparian areas exist on public land in this allotment). Nonetheless, Alternative 3 will initiate steps to protect the vegetation we currently have, and will institute a regular grazing schedule to allow us to track conditions on this allotment.

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

AND

Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

Chimney Pot FFR/Lowry FFR

Because riparian areas do not exist on public land on the Chimney Pot FFR and Lowry FFR allotments, Issues 3 and 4 will not be discussed.

Cow Creek Individual¹⁹

Under this alternative, the riparian areas in pastures 1 and 2 would be affected by grazing during the spring and early summer for 2 of 3 years, and rested the third year in a 3-year rotation. Specifically, 2.7 miles of intermittent stream and four springs would be influenced by this system of grazing. As noted in Section 3.5.1 and Appendix E of the EIS, current management, which allows annual grazing during the spring, summer, and fall, is not providing enough recovery time for the riparian Standards to be met. The minimum stubble height/browse/bank alteration restrictions, rest, and limited AUMs within each pasture will allow progress toward improved conditions and meeting Standards. Although Alternative 3 identifies rest only 1 in 3 years for pastures 1 and 2, pasture 3 will also benefit greatly with a year of deferment.

¹⁸ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.5 and Appendix E.

¹⁹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.1 and Appendix E.

I expect the quality and quantity of the riparian communities in the Cow Creek Individual allotment to progress steadily toward meeting desired habitat management objectives and meeting Standard 8. The minimum stubble height/browse/bank alteration restrictions, required rest, and limited AUMs within each pasture will improve stream, floodplain, wetland, and mesic habitat conditions throughout the allotment and benefit Columbia redband trout and Columbia spotted frog as well as other riparian and aquatic dependent species. In the short term (1 to 6 years, two rotations) riparian habitat conditions will show measurable and observable improved forage and cover elements for wildlife species. In the long term (7 to 12 years), vegetation composition and structure will be much improved toward meeting desired management and meeting Standard 8.

Issue 5: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.

Chimney Pot FFR /Lowry FFR

Although no weeds are known exist on public land in the Chimney Pot FFR and Lowry FFR allotments, medusahead wildrye is present in the Lowry FFR allotment. Although Alternatives 3, 4, and 6 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 2, livestock remain only one of a large 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 allotment. The Chimney Pot FFR allotment is meeting Standard 4 and does not have any invasive weeds identified.

Cow Creek Individual²⁰

The Cow Creek Individual allotment has two occurrences of Canada thistle and one occurrence of Scotch thistle, but it is still meeting rangeland health Standards. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use on year 3 inherent in Alternative 3 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 1 and 2, the risk of invasive species spreading is lower under Alternative 3 as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternatives 4 and 6 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 Cow Creek Individual allotment, livestock remain only one of a large 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 allotment.

Issue 6: Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.

²⁰ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.2 and Appendix E.

Chimney Pot FFR/ Cow Creek Individual/Lowry FFR

Effects from livestock trailing/crossing will include minor trampling and up to 10 percent utilization. Due to the short duration of trailing, grazing effects from cattle trailing are expected to be minimal. Direct grazing from sheep trailing would occur where sheep are trailed off existing roadbeds. However, because both sheep and cattle trailing will occur on such a small proportion of the landscape and for a limited duration, effects from trailing are expected to be insignificant. A slight increase in the spread of weeds could occur, but the short distance and duration will limit the amount and possibility. Additionally, if noxious weeds are detected in the future, easy access would be available for treatment. Range readiness determinations are essential and will reduce mechanical damage to soils when soils are saturated early in the spring during the peak spring melt events. The duration of trailing activities to be authorized will require active trailing in most cases. Management actions as described above, will allow upland plant communities, soils, watersheds, weeds, and riparian areas to meet or make significant progress toward meeting Idaho Rangeland Health Standards and ORMP objectives.

Issue 7: Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.

Chimney Pot FFR/ Cow Creek Individual/Lowry FFR

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EIS could impact regional socio-economic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments, in large part because those selections accomplish those latter goals.

Consideration of Alternatives 1 and 2 for the Cow Creek Individual allotment disclosed that neither of those alternatives would allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them despite the lesser economic impacts that they may have. Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based in unsustainable grazing practices that do not meet rangeland health standards would result in less reliable amounts of forage over the long-term, in addition to reducing economic opportunities from ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional, and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have minimized reductions in grazing use levels where current levels are compatible with meeting rangeland health standards and ORMP objectives and where not compatible, have attempted to select alternatives designed to meet resource needs. In cases of particular or particularly acute resource needs, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.

Issue 8: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.

Chimney Pot FFR/ Cow Creek Individual/Lowry FFR

During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on these allotments at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternatives retain a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.²¹

Issue 9: Climate Change: The issue of climate change and its relationship to the proposed federal action of renewing grazing permits is twofold. Livestock grazing in Owyhee County contributes CO₂ and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

Chimney Pot FFR/ Cow Creek Individual/Lowry FFR

Climate change is another factor I considered in building my decision around Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR 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

²¹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 2.4.

opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternatives combined seasons, intensities, and durations of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on these allotments will be better armed to survive such changes as a result of these grazing schemes. The native plant health and vigor protected under these alternatives will provide resistance and resilience to additional stressors, including climate change.

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

I did consider selecting Alternative 6 (No Grazing) for these allotments; 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 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments rather than Alternative 6, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 6 on your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing these alternatives, 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.

Conclusion

In conclusion, it is my decision to select Alternative 2 for the Chimney Pot FFR allotment and Alternative 3 for the Cow Creek Individual and Lowry FFR allotments 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. Alternatives 1 and 2 fail to implement livestock management practices on the Cow Creek Individual allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and Standard 8 (Threatened and Endangered Animals). Alternative 6 removes the economic activity of livestock operations 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 the alternatives, leads me to believe elimination of livestock grazing from the Chimney Pot FFR, Cow Creek Individual, and Lowry FFR allotments is unnecessary at this point.

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

Right of Protest and/or Appeal

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

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

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

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in

accordance with 43 CFR § 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other person named in the copies sent to section of this decision in accordance with 43 CFR 4.421 and on the Office of the Field 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:

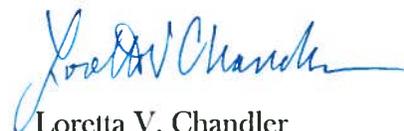
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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,



Loretta V. Chandler
Field Manager
Owyhee Field Office

Copies sent to:

Company Name	Title	First Name	Last Name	Address 1	City	ST	Zip	# copies
Boise District Grazing Board		Stan	Boyd	PO Box 2596	Boise	ID	83701	1
Chipmunk Grazing Association		Elias	Jaca	PO Box 175	Marsing	ID	83639	2
Colyer Cattle Co.		Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604	3
Elordi Cattle Co.		Jim	Elordi	PO Box 55	Jordan Valley	OR	97910	4
Elordi Sheep Camp, Inc.		Richard	Elordi	14448 Bighorn Dr.	Nampa	ID	83651	5
Idaho Wild Sheep Foundation	President	Jim	Jeffress	PO BOX 8224	Boise	ID	82707	6
Friends of Mustangs		Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709	7
Gusman Ranch Grazing Association LLC		Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	8
Holland & Hart LLP				PO Box 2527	Boise	ID	83701	9
Idaho Conservation League		John	Robison	PO Box 844	Boise	ID	83701	10
Idaho Dept. of Agriculture		John	Biar	PO Box 790	Boise	ID	83707	11
IDEQ				1410 N. Hilton	Boise	ID	83701	12
Idaho Dept. of Lands				PO Box 83720	Boise	ID	83720	13
Idaho Dept. of Parks & Recreation	Director			PO Box 83720	Boise	ID	83720	14
Idaho Farm Bureau Fed.				PO Box 167	Boise	ID	83701	15
Intermountain Range Consultants		Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	16
International Society for the Protection of Horses & Burros		Karen	Sussman	PO Box 55	Lantry	SD	57636	17
Jaca Livestock		Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	18
Juniper Mtn. Grazing Association		Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	19
Land & Water Fund		William	Eddie	PO Box 1612	Boise	ID	83701	20
LS Cattle Co.	c/o	Jeff	Stanford	PO Box 217	Jordan Valley	OR	97910	21
LS Cattle Co		Jerry	Stanford	PO Box 281	Jordan Valley	OR	97910	22
LU Ranching	c/o	Bill	Lowry	PO Box 132	Jordan Valley	OR	97910	23
LU Ranching		Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	24
Moore Smith Buxton & Turcke		Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	25
Natural Resources Defence Council		Johanna	Wald	111 Sutter St., 20 th Floor	San Francisco	CA	94104	26
Oregon Division State Lands				1645 NE Forbes Rd., Ste. 112	Bend	OR	97701	27
Owyhee Cattlemen's Association				PO Box 400	Marsing	ID	83639	28

Company Name	Title	First Name	Last Name	Address 1	City	ST	Zip	# copies
Owyhee County Commissioners				PO Box 128	Murphy	ID	83650	29
Owyhee County Natural Resources Committee		Jim	Desmond	PO Box 38	Murphy	ID	83650	30
Poison Creek Grazing Association LLC		Tim	Mackenzie	PO Box 443	Homedale	ID	83628	31
R&S Enterprise		Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	32
Ranges West				2410 Little Weiser Rd.	Indian Valley	ID	83632	33
Resource Advisory Council	Chair.	Gene	Gray	2393 Watts Lane	Payette	ID	83661	34
Schroeder & Lezamiz Law Offices				PO Box 267	Boise	ID	83701	35
	Senator	Mike	Crapo	251 East Front Street, STE 205	Boise	ID	83702	36
	Senator	James E.	Risch	350 N. 9 th Street STE 302	Boise	ID	83702	37
Shoshone-Bannock Tribes	Tribal Chair	Nathan	Small	PO Box 306	Ft. Hall	ID	83203	38
Sierra Club				PO Box 552	Boise	ID	83701	39
Soil Conservation District		Cindy	Bachman	PO Box 186	Bruneau	ID	83604	40
State Historic Preservation Office				210 Main St.	Boise	ID	83702	41
State of Nevada Div. of Wildlife				60 Youth Center Rd.	Elko	NV	89801	42
The Fund for the Animals, Inc.		Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	43
The Nature Conservancy				950 W. Bannock, Ste. 210	Boise	ID	83702	44
The Wilderness Society				950 W. Bannock St., Ste. 605	Boise	ID	83702-5999	45
U.S.F.W.S. Idaho State Office				1387 S. Vinnell Way, Ste. 368	Boise	ID	83709	46
USDA Farm Services				9173 W. Barnes	Boise	ID	83704	47
Western Watershed Projects		Katie	Fite	PO Box 2863	Boise	ID	83701	48
Western Watershed Projects				PO Box 1770	Hailey	ID	83333	49
		Doug	Burgess	2725 Mule Springs Rd.	Homedale	ID	83628	50
		Ted	Blackstock	6754 Opaline Rd.	Given Springs	ID	83641	51
		Alan	Johnstone	2740 Egurrola Ln.	Homedale	ID	83628	52
		Tim	McBride	1445 US 95 South	Jordan Valley	OR	97910	53
		Conrad	Bateman	740 Yakima St.	Vale	OR	97918	54
		Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642	55
		Sean & Andrea	Burch	PO Box 284	Jordan Valley	OR	97910	56
		Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676	57
		Chad & Dannelle	Hensley	4300 Choctaw Dr.	Nampa	ID	83686	58

Company Name	Title	First Name	Last Name	Address 1	City	ST	Zip	# copies
		Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	59
		Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	60
		Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	61
		Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	62
		Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	63
		Lloyd	Knight	PO Box 47	Hammett	ID	83627	64
		Sandra	Mitchell	PO Box 70001	Boise	ID	83707	65
		Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	66
		Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	67
		Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd., Reynolds Creek	Murphy	ID	83650	68
		John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	69
		Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	70
		John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	71
		John	Richards	8933 State Hwy. 78	Marsing	ID	83639	72
	Congressman	Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	73
	Congressman	Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	74
		John	Isernhagen	2618 Cow Creek Rd.	Jordan Valley	OR	97910	75
		Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650	76
		Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644	77
		Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126	78
Lequerica & Sons Inc.		Tim	Lequerica	PO Box 135	Arock	OR	97902	79
Office of Species Conservation		Cally	Younger	304 N. 8 th STE 149	Boise	ID	83702	80