



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

REGISTERED MAIL - FEDEX

November 12, 2013

Chad & Dannelle Hensley
4300 Choctaw
Nampa, ID 83686

Notice of Field Manager's Proposed Decision

Dear Mr. and Mrs. Hensley:

Thank you for your application for permit renewal on the Franconi and Madriaga 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 Franconi and Madriaga Allotments. The BLM undertook this effort to ensure that any renewed grazing permits 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.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Franconi and Madriaga 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 Appendix L, 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 on February 23, 2012, in Marsing, Idaho, with the public arriving and departing at their leisure.

After evaluating conditions on the land and meeting with you and the public, it became clear that a few resource concerns currently exist on the Franconi and Madriaga 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 four alternatives for the Franconi Allotment and five alternatives for the Madriaga 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 Franconi and Madriaga 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.

We have now completed the most difficult part of the permit renewal process and I am now prepared to issue a proposed decision to renew your permit to graze livestock within the Franconi and Madriaga Allotments. Upon implementation of the decision, your permit to graze livestock in the Franconi and Madriaga 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.

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 Franconi and Madriaga Allotments;
- Outline my proposed decision to select Alternative 2 for the Franconi Allotment and Alternative 3 for the Madriaga Allotment; and
- State the reasons why I made that selection.

Background

Allotment Setting

¹ EIS number DOI-BLM-ID-B030-2012-0014-EIS analyzed four alternatives for the Franconi Allotment and five alternatives for the Madriaga 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.

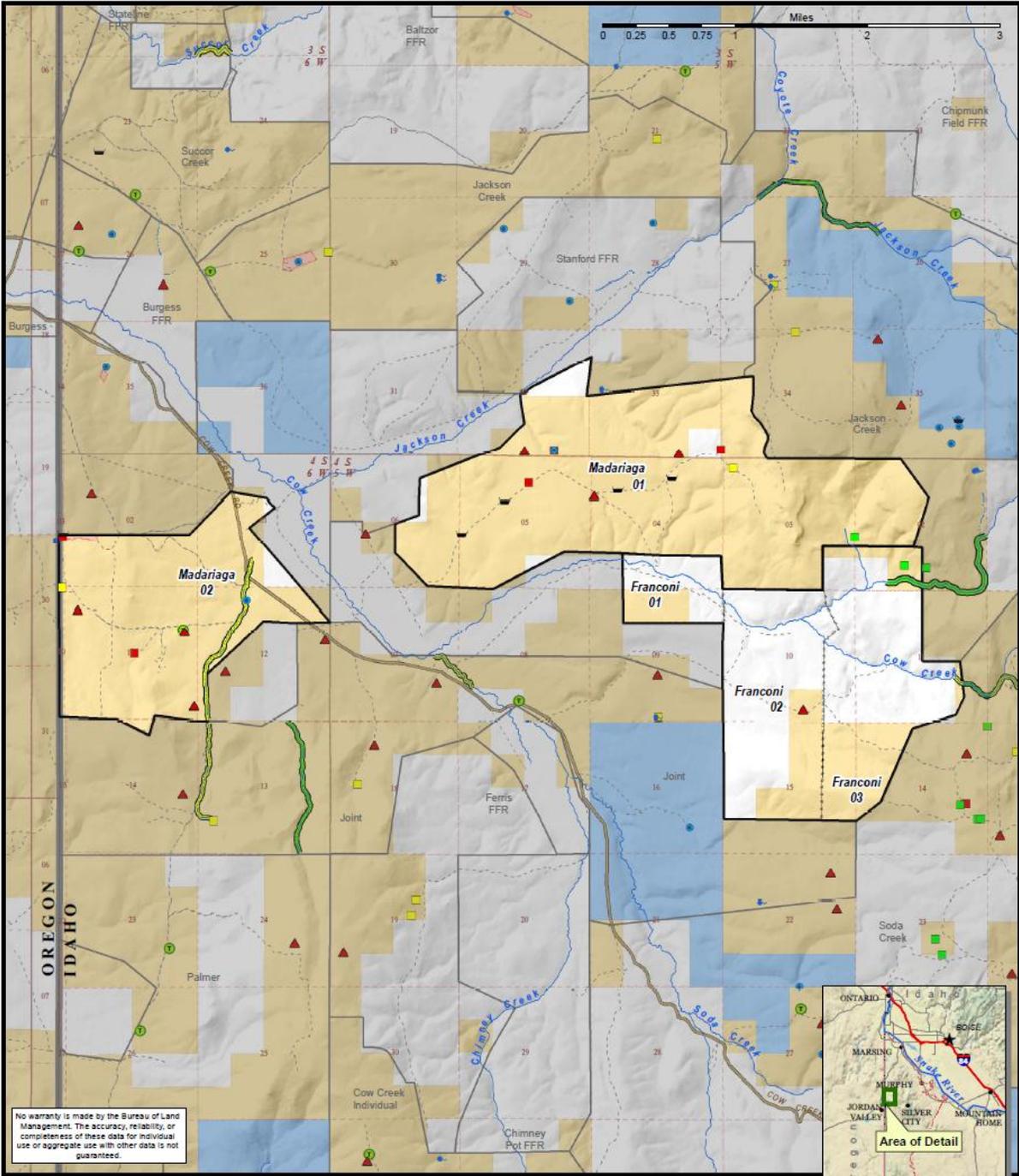
The Franconi and Madriaga Allotments are located approximately ten miles northeast of Jordan Valley, Oregon, in Owyhee County, Idaho. The Franconi Allotment consists of three pastures and has 629 acres of public land and 1,431 acres of private land for a total of 2,060 acres (31% public land, 69% private 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 the you, the permittee, provided that the 120 animal unit months (AUMs³) permitted are not exceeded and unacceptable impacts to public land resources do not occur. The Madriaga Allotment consists of two pastures and has 4,135 acres of public land and 151 acres of private land for a total of 4,286 acres (96% public land, 4% private land). This allotment has had a regular grazing schedule identified in your actual use with three different pastures⁴ usually starting in mid-April and ending in late-September. See map.

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.

⁴ Although actual use reports identified three pastures, the Madriaga Allotment is a two-pasture grazing system. A temporary electric fence has been utilized to split Pasture 1 into two pastures.

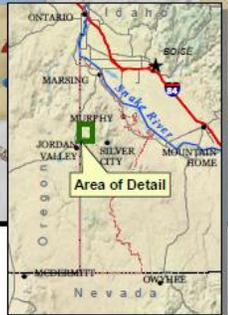


Map 1, Franconi (0558) and Madariaga (0557) Allotments



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 | | NF | Private |
| RHA Point | Enclosure/Corral | | | |



1:60,000

The elevations within the Franconi and Madriaga Allotments range between 4,600 feet to 6,000 feet.

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 there exists mostly low sagebrush with the same native perennial bunchgrass understory. The effective average annual precipitation for these vegetation communities is approximately eight inches for the drier sites and thirteen inches for the more moist sites. Precipitation occurs primarily during the winter.⁵

Current Grazing Authorization

You currently graze livestock within the Franconi and Madriaga Allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Table CGA 1.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00558 Franconi	118	Cattle	12/01	12/31	100	Active	120
00557 Madriaga	160	Cattle	04/16	09/30	98	Active	865

Other terms and conditions:

1. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
2. The number of livestock and the season of use on the Franconi Allotment is at the permittee’s discretion.
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.
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.

⁵ For more detailed discussion, please refer to the affected environment sections of EIS number DOI-BLM-ID-B030-2012-0014-EIS.

8. Livestock enclosures 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 of 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 120 AUMs of forage in the Franconi Allotment and a season of use between December 1 and December 31⁶. However, based on recent management actions over the last ten years, it is clear that in most years you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, which was simply utilizing the flexibility that was authorized in the grazing permit. Actual use reports are very thorough on the Madriaga Allotment and show a regular season and pattern of use throughout the years for each pasture.

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

⁶ Although the season of use in the grazing permit states 118 cattle with a season from 12/1-12/31 in the Mandatory Terms and Conditions, the permit states that "The number of livestock and season of use is at your discretion" in the Other Terms and Conditions, which allows flexibility.

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 land health assessment, evaluation, and determination for the Franconi Allotment in 2007 and for the Madriaga Allotment in 2013. Those documents concluded that some of the resources on both allotments were not meeting the Idaho S&Gs. Specifically, the BLM determined that Franconi Allotment met Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and 7 (Water Quality), but did not meet or making significant progress towards Standard 1 (Watersheds), 4 (Native Plant Communities), and 8 (Threatened and Endangered Animals). Current livestock grazing management was not identified as a significant causal factor on any standard. Those documents also concluded that Standards 1, 2, 3, 4, 7, and 8 were not meeting or making significant progress on the Madriaga Allotment. Current livestock grazing management was identified as a significant causal factor on Standards 1, 2, 3, and 8.

Vegetation - uplands⁷

Franconi

Pasture 1: Overall, the indicators relating to native plant communities for this pasture show a slight departure from reference condition, although bulbous bluegrass was common. At the evaluation locations, the native plant communities were supporting proper functioning of ecological processes (i.e., energy and nutrient cycling) and had adequate litter and vegetative cover present for site protection relative to site potential. Plant vigor and seedstalk production of perennial species was adequate to enable reproduction and recruitment of plants in response to favorable climatic events and is therefore meeting Standard 4. A photo plot established in 1989 (and photos taken through 2003) indicates that the native plant community has changed little in terms of species composition and abundance during this 14-year period. The perennial plants appear vigorous and reproductively capable.

Pastures 2 and 3: The 2006 Chubby Spain wildfire burned 57 percent of the BLM lands and was re-seeded with a mixture of shrub, grass, and forb species prior to the 2007 growing season. The dominant visual aspect is grasses and invasive annuals (medusahead wildrye), and the pastures are therefore not meeting Standard 4.

Madriaga

Pastures 1 and 2: In 1960, one-third of Pasture 1 burned and no fires for Pasture 2 have been recorded. The majority of Pastures 1 and 2 have low shrub cover with a Sandberg bluegrass and an invasive annual understory. Bluebunch wheatgrass and Idaho fescue are a minor component of the community. Both pastures were evaluated under Standard 4 and are not meeting due to high presence of, and increase in, annual invasive grasses. Shrub interspaces are dominated by Sandberg bluegrass and annual invasive grasses such as North Africa grass, bulbous bluegrass, and cheatgrass. The most recent data shows an increase in North Africa grass, medusahead, bulbous bluegrass, and field brome, while trend data also reflect a recent decline in low sagebrush density.

⁷ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.1.

The noxious weed whitetop is present at five sites within the allotment. These sites are currently on the Boise District weed program and will continue to be monitored and treated as appropriate.

Watersheds/Soils⁸

Franconi

All Pastures: The Franconi Allotment is not meeting Standard 1 due to ongoing recovery from wildfire effects caused by the 2006 Chubby Spain fire. Soils in Pastures 2 and 3 are at risk from accelerated erosion and are vulnerable to degradation until adequate vegetation and litter cover is established.

Madriaga

Pasture 1: A significant spike in invasive annuals warrants concern over the long term for Pasture 1, which is otherwise meeting. The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised and that livestock management is the primary contributing factor for not meeting Standard 1 in in the Madriaga allotment.

Pasture 2: Observations during a field trip in the summer of 2012 (see project record) contradicted earlier monitoring results due to the presence of extensive pedestaling and connected water flow patterns. Livestock grazing during wet conditions has led to widespread mechanical soil damage and increased bare ground. Although ground cover trend data in Pasture 2 show a decline in bare ground, a decrease in durable soil cover, such as biological crusts, gravels, rocks, and persistent litter is apparent along with no improvement in canopy cover.

Water Resources and Riparian/Wetland Areas⁹

Franconi

All Pastures: The Franconi Allotment has 1.43 miles of intermittent/ephemeral streams, 0.48 miles of perennial stream, and two springs. There is one spring in Pasture 3 within the Franconi Allotment that was in PFC at the time of assessment in 2007, and it had adequate hydric vegetation cover and site stability. About 0.25 mile of Wildcat Canyon traverses BLM lands in Pasture 3. The stream is intermittent and generally goes dry early (late June or early July). Willows and other hydric vegetation are supported, and the banks appear to be stable for the system. Temperature was monitored in Wildcat Canyon and IDEQ's criteria for cold-water aquatic life (the watershed's beneficial use) were met (MDMT = 21.4°C, MDAT = 16.5°C). The criteria, as defined by the State, sets a Maximum Daily Maximum Temperature (MDMT) of 22° C and a Maximum Daily Average Temperature (MDAT) of 19° C. Therefore, current livestock grazing management practices conform with the Idaho Guidelines for Livestock Grazing Management applicable to Standards 2, 3, and 7.

Madriaga

All Pastures: The Madriaga Allotment has 9.53 miles of intermittent/ephemeral streams, 0.17 miles of perennial stream, and ten springs. Standards 2, 3, and 7 are not being met on the

⁸ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.4.1 and Appendix E.

⁹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.1 and Appendix E.

Madriaga Allotment. Approximately 1.6 miles of Posey Creek that occur within the Madriaga Allotment were assessed FAR because there was a lack of hydric vegetation, the stream channel was incised, there was lateral and vertical instability, and there were headcuts present. Eight springs have been assessed within the two pastures on the allotment. Five were non-functional, two were FAR, and one was in PFC. Standard 7 is not being met because there are streams on IDEQ's 303(d) list of impaired waters; however, they are listed due to flow alteration which cannot be attributed to livestock.

*Special Status Plants*¹⁰

Franconi/Madriaga

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

*Wildlife/Wildlife Habitats and Special Status Animals*¹¹

Franconi

All Pastures: This allotment is not meeting Standards 1 and 4, and is failing to provide adequate upland habitat values for wildlife, and therefore are not meeting Standard 8 due to a shift in the plant community composition from larger bunchgrasses, such as bluebunch wheatgrass and Idaho fescue, to more grazing-tolerant, smaller bunchgrasses such as Sandberg bluegrass and exotics such as cheatgrass and medusahead. The observed composition and structure of the vegetation in this area indicates reduced availability of effective nesting, hiding, escape, and foraging cover for wildlife and increases the risk of discovery and predation. On-site observations of the affected BLM lands in Pastures 2 and 3 indicated that the wildfire burned approximately 90% of plant cover in the southern portions of these pastures. This reduction in plant cover, coupled with wildlife concerns, warranted aerial seeding of perennial grasses, forbs, and mountain big sagebrush to promote re-vegetation of the watershed prior to the 2007 growing season. Cover, structure and forage are all lacking for a diversity of wildlife species in the burned areas of the Franconi Allotment. Wildlife and special-status species habitat is expected to improve as revegetation occurs in burned areas of the Franconi Allotment.

Riparian habitats were found to be meeting Standards 2 and 3 which demonstrates a vigorous and dynamic vegetation community within the wetted zone of streams, springs, seeps, and mesic swales that support hydric vegetation and increased forb availability. The riparian zones, although variable in site location, plant community, soils, and hydrology, exhibit a multi-structural community of hydric vegetation comprising of various forbs, sedges, and grasses, along with a complement of shrubs and trees that stabilize banks, filter sediment, regulate stream flow, increase the water table, shade the stream, deliver woody debris, and provide foraging, nesting, escape, and security cover for a wide range of wildlife species. No Columbia Redband Trout or Columbia Spotted Frog habitat is identified within this allotment.

Madriaga

¹⁰ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.7.1 and Appendix E.

¹¹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.1 and Appendix E.

All Pastures: Pastures 1 and 2 are managed as native plant communities and are not meeting Standard 4 due to historic livestock grazing practices, wildfire, and invasive species. It was determined under Standard 4 that the vegetation community is transitioning from a reference site community of robust perennial grasses (i.e., bluebunch wheatgrass, Idaho fescue) to a less-desirable community of more grazing tolerant species such as Sandberg bluegrass and an increase of invasive species such as medusahead and North Africa grass. This transition exposes the understory and reduces effective nesting, escape, hiding, travel, and foraging cover values for all wildlife associated with sagebrush steppe communities. Because upland habitat values are changing to a less-desirable vegetation state, this allotment is failing to provide adequate upland habitat conditions for sagebrush steppe wildlife and therefore is not meeting Standard 8.

Standards 2, 3, and 7 concluded that streams and springs within this allotment are not properly functioning or meeting water quality parameters due to current grazing practices. Streams, springs, and wetlands that are NF or are FAR are lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive environment. If Standards 2, 3, and 7 are not being met, riparian habitat conditions within this allotment are failing to support viable aquatic and terrestrial species populations and therefore is not meeting Standard 8.

Guidelines for Livestock Grazing Management

The Franconi Allotment is conforming to all guidelines. The BLM's 2013 Determination for the Madriaga 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 1: Use grazing 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 2: Locate livestock management facilities away from riparian areas wherever they conflict with achieving or maintaining riparian-wetland functions.

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.

Since the Madriaga Allotment is not meeting one or more of the Idaho S&Gs because of 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.

Issues¹²

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:¹³

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

¹² For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5.

¹³ Issues identified in EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5 that were not present within the Franconi and Madriaga Allotments are not discussed in this decision.

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 Franconi and Madriaga Allotments and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in 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, and 6 were considered in detail and analyzed for the Franconi Allotment. Alternatives 1, 2, 3, 4, and 6 were considered in detail and analyzed for the Madriaga 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 Franconi Allotment which would authorize livestock grazing at your discretion. The Madriaga Allotment would be authorized from April 16 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 on July 18, 2013. The Franconi and Madriaga Allotments would be grazed in conjunction (in accordance with a three-year grazing schedule) but remain individual allotments. Pastures within the Madriaga Allotment would be authorized from April 16 through September 30 with specific use dates for each pasture. Although Pasture 1 in the Franconi Allotment would be authorized from March 1 through February 28, Pastures 2 and 3 would have specific use dates each year.

Alternative 3 - Deferred Grazing.

The Franconi and Madriaga Allotments would include deferment under Alternative 3. The Franconi Allotment would be authorized from March 1 through February 28, but each pasture would only be grazed approximately 1.5 months. The rotation includes one in three years of deferment for Pastures 1 and 2, and two in three years deferment for Pasture 3. The Madriaga Allotment would be authorized from June 1 through December 1 and include deferment every other year and would have specific use dates and AUMs for each pasture. 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 Franconi Allotment. The Madriaga Allotment would have rest and deferment two out of three years in the rotation and the season of use would be from April 1 through September 30 in a three 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 Franconi and Madriaga Allotments.

The Draft EIS detailing the above alternatives was made available for public review and comment for a 45-day period ending April 22, 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

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 ten years with modified terms and conditions consistent with the following:

Franconi Allotment - Alternative 2 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS.

Madriaga 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 Franconi and Madriaga 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, or at least to the extent livestock grazing is and will have an impact on the resources.

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

Table PROP 1.0.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs ¹⁴
	Number	Kind	Begin	End			
00558 Franconi	32	Cattle	03/01	02/28	31	Active	120
00557 Madriaga	160	Cattle	06/01	12/01	98	Active	647

*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,

¹⁴ 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.

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 numbers in the Madriaga Allotment will not exceed 160 cattle and may vary by pasture, not to exceed authorized AUMs by pasture. There will be 362 AUMs in Pasture 1 and 285 AUMs in Pasture 2.
12. Utilization may not exceed 50 percent of the current year's growth.
13. A minimum of 6" stubble height, 30% browse (where applicable), and less than 10% bank alteration will be maintained in key riparian areas at the end of the grazing season.
14. 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 schedule for the Franconi and Madriaga Allotments (identified below) must be followed:

Table PROP 1.1: Franconi Allotment Grazing Schedule.

Pasture ¹	Year 1	Year 2	Year 3
Franconi #1 (hay field) 50 BLM AUMs	3/1-2/28	3/1- 2/28	3/1- 2/28
Franconi #2 (summer) 50 BLM AUMs	3/1 - 9/30	3/1-9/30	7/1-9/30
Franconi #3 (late summer) 20 BLM AUMs	9/1-2/28	9/1-2/28	3/1-9/30

¹Not to exceed BLM AUMs by pasture annually.

Table PROP 1.2. Madriaga Allotment Grazing Schedule.

Pasture	Year 1	Year 2
1	6/1-8/31	9/1-12/1
2	9/1-11/15	6/17-8/31

Notes on the Terms and Conditions

No flexibility is provided within your grazing schedule. You will be offered a grazing permit(s) for a term of 10 years for the Franconi Allotment with 120 Active AUMs and the Madriaga Allotment for 647 Active AUMs. Implementation of Alternative 3 will result in a reduction in AUMs from your current permit; however, the affected 218 Active Use AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2. Permitted use within the Franconi and Madriaga Allotments will be as follows:

Allotment	Active Use	Suspension	Permitted Use
Franconi	120 AUMs	0 AUMs	120 AUMs
Madriaga	647 AUMs	0 AUMs	647 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 is retained 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 Franconi and Madriaga 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 Franconi Allotment and Alternative 3 for the Madriaga Allotment 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 Franconi and Madriaga 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 Franconi and Madriaga 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 Franconi Allotment and Alternative 3 for the Madriaga Allotment 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 office.

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.*¹⁵

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.*¹⁶

Franconi

Under the permittee's application, the Franconi Allotment would be used in a three year grazing schedule. A three pasture rotation system will implement one year of deferment out of three in Pasture 2 and two years of deferment out of three in Pasture 3.

Currently the Franconi Allotment is not meeting Standards 1, 4, and 8 (wildlife) primarily due to impacts from past fire in Pastures 2 and 3 that have resulted in the reduced abundance of large perennial grasses and an increase in annual invasive species. Implementing a grazing deferment system out of the critical season will benefit the plant community and improve soil stability, native vegetation distribution, and wildlife cover and forage values. A decrease in the grazing frequency during the spring growing-season would allow upland native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock and will improve plant community health and vigor and improve herbaceous composition and structure. Although recovery of native vegetation will be slow given the competitive advantage of annual invasive species, I believe Alternative 2, which includes spring deferment, will provide a solid foundation and contribute to progress the vegetation community towards recovery of native species and the protection of soils and the improvement of wildlife cover and forage elements.

Madriaga

Under this alternative, a deferred grazing strategy will 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.

Currently, the Madriaga Allotment is not meeting Standards 1 and 8 due to current grazing practices and Standard 4 due to the dominance of invasive species. Improvement to the native plant community will be accomplished primarily by limiting the AUMs within each pasture, implementing minimum stubble height/browse/bank alteration restrictions, and maintaining a 7 inch stubble height of herbaceous upland plant species. The decrease in the grazing frequency during the spring growing-season would allow upland native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock and will improve plant community health and vigor and improve herbaceous composition and structure. Additionally, a reduction in the stocking rate for the allotment as whole, and reduction in Active AUMs will reduce utilization levels and will result in greater forage and cover for sage-grouse and other wildlife

¹⁵ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Sections 3.6.4, 3.6.5, and Appendix E.

¹⁶ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.2, 3.4.2, and Appendix E.

in the short term and healthier plant communities in the long-term. Additionally, proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved.

As we 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.” As an indicator species for the sagebrush ecosystem, the conditions that define 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 Madriaga Allotment to progress steadily toward meeting desired habitat management objectives and meeting Standards 1, 4, and 8. This is in due to a large part from minimum stubble height/browse/bank alteration restrictions, rest, and limited 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 and meeting Standard 8.

Additional and sometimes substantial improvement to the native plant communities can be made by instituting changes to grazing management. In other words, were some minimum degree of progress currently being made on the allotment, progress at a faster rate is achievable and more desirable given the long-term potential benefits to native plant communities and the greater sage-grouse. 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.

Implementation of Alternative 3 would institute a pasture rotation schedule that includes deferred grazing during the critical growth periods as compared to Alternatives 1 and 2. Increased years of deferment allow opportunity for recovery and maintenance and improvement of plant health and vigor (Bailey & Brown, 2011). The decrease in the grazing frequency of growing-season use would allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives. In addition, the stocking rates under this alternative have been developed for vegetative communities not meeting management objectives with grazing intensity lower than the management prescriptions in Alternative 1.

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.¹⁷

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

¹⁷ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.2 and Appendix E.

*vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*¹⁸

Franconi

Alternative 2 will implement the same number of AUMs and livestock as currently permitted and at the permittees discretion with AUMs not to exceed those authorized. Riparian standards are being met in the Franconi Allotment under current management which is at the discretion of the permittee. Thus, I appreciate your previous and current management of the riparian resources and have concluded that they will continue to be met under the rotation and AUMs proposed for Alternative 2 due to your continuation of good stewardship of the public lands.

Madriaga

The Madriaga Allotment (0.2 miles of perennial stream, 3.3 miles of intermittent stream, and two springs) allotment will incorporate one year of deferment and the riparian areas would be rested during the most vulnerable time; thus, significant progress would be made toward meeting the Standards associated with the riparian and water resources (2, 3, and 7). This progress will be slower as compared to Alternatives 4 and 5, but after a lengthy discussion with BLM staff, I concluded that the proposed improvements will accomplish and meet our BLM's legal and land management obligations. I expect the quality and quantity of the riparian communities in the Madriaga Allotment to progress steadily toward meeting desired habitat management objectives and meeting Standard 8. The minimum stubble height/browse/bank alteration restrictions and reduced AUMs within each pasture will improve amphibian habitat, streams, floodplains, wetlands, and mesic conditions throughout the allotment. 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.*¹⁹

Franconi

Although no weeds are known exist on public land in the Franconi Allotment, bulbous bluegrass is present in Pasture 1 and medusahead wildrye is present in Pastures 2 and 3. The deferred grazing during the critical growing period will allow deferment one in three years to upland vegetation currently not meeting vegetation Standards where currently there is repeated spring grazing. This deferment will promote shifting early seral bunchgrasses and invasive annual communities to later seral decreaser bunchgrasses (Holechek, Gomez, Molinar, & Galt, 1999). Increased years of deferment allow opportunity to make significant progress toward meeting upland vegetation health and vigor. 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

¹⁸ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Sections 3.6.4, 3.6.5, and Appendix E.

¹⁹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.2 and Appendix E.

disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.

Madriaga

The Madriaga Allotment has five occurrences of whitetop, but it is not a significant cause of Standard 4 not being met in this allotment. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use 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. The decrease in the grazing frequency of growing-season use will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives. 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 Alternative 3, 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

Franconi/Madriaga

Effects from livestock trailing/crossing will include minor trampling and 0 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.*²¹

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

²¹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Sections 3.10.4 and 3.10.5.

Franconi/Madriaga

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 Franconi Allotment and Alternative 3 for the Madriaga Allotment in large part because those selections accomplish those latter goals.

Consideration of Alternatives 1 and 2 for the Madriaga 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. Most importantly, I appreciate your willingness to provide an alternative (Alternative 2) that considers resource concerns/issues, regardless of the impacts it would have on your operation. I spent hours with my staff and seriously considered your alternative. Ultimately, I determined that the resource issues on the Madriaga Allotment would not be improved and our minimum requirements would not be met. 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..

Additionally, hoping to ameliorate any abrupt economic impacts from implementation of Alternative 3 to you as a permittee, I attempted to develop a way to implement Alternative 3 that would have a less severe initial impact. However, given the BLM's regulatory requirement to make significant progress under a new permit following a determination that an allotment is not meeting standards due to current livestock use, I determined that any mediated approach would have only minimal benefit and increased uncertainty for the permittee.

*Issue 8: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.*²²

Franconi/Madriaga

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

²² For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 2.4.

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 Franconi Allotment and Alternative 3 for the Madriaga Allotment 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.

Issue 9: Climate Change: Livestock grazing is inter-related to the effects of annual grass invasion and wildfire frequency which are expected to worsen as a result of climate change.²³

Franconi/Madriaga

Climate change is another factor I considered in building my decision around Alternative 2 for the Franconi Allotment and Alternative 3 for the Madriaga Allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together—albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected 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. The native plant health and vigor protected under these alternatives will provide resistance and resilience to additional stressors, including climate change.

²³ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 2.4.

Additional Rationale

There was a tremendous amount of thought and challenge that went into developing grazing management that is responsive to your allotment's 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 Franconi Allotment and Alternative 3 for the Madriaga Allotment 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 the 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 ten-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 Franconi Allotment and Alternative 3 for the Madriaga Allotment 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 Madriaga Allotment that would meet the objectives and standards. Specifically, neither alternative would implement actions that would meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and Standard 8 (Threatened and Endangered Animals). Alternative 6 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 the alternatives, as supplemented, lead me to believe elimination of livestock grazing from the Franconi and Madriaga 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 Franconi and Madriaga 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				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
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	239 Dirksen Senate Office Building	Washington	DC	20510	36
	Senator	James E.	Risch	Russell Senate Office Building	Washington	DC	20510	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
		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
		Earl	Maggard	7833 Happy Valley Rd.	Kuna	ID	83634	65
		Sandra	Mitchell	PO Box 70001	Boise	ID	83707	66
		Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	67
		Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	68
		Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd., Reynolds Creek	Murphy	ID	83650	69
		John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	70
		Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	71
		Karen	Sussman	PO Box 55	Lantry	SD	57636	72
		John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	73
		John	Richards	8933 State Hwy. 78	Marsing	ID	83639	74
	Congressman	Raul	Labrador	1523 Longworth HOB	Washington	DC	20515	75
	Congressman	Mike	Simpson	2312 Rayburn House Office Building	Washington	DC	20515	76
		John	Isernhagen	2618 Cow Creek Rd.	Jordan Valley	OR	97910	77
		Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650	78
		Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644	79
		Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126	80
Lequerica & Sons Inc.		Tim	Lequerica	PO Box 135	Arock	OR	97902	81
Office of Species Conservation		Cally	Younger	304 N. 8 th STE 149	Boise	ID	83702	82