



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

November 12, 2013

REGISTERED MAIL - FEDEX

Poison Creek Grazing Association LLC.
c/o Tim Mackenzie
P.O. Box 443
Homedale, ID 83628

Notice of Field Manager's Proposed Decision

Dear Mr. Mackenzie:

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

As part of the permit renewal process the BLM recently evaluated current grazing practices and current resource conditions in the Poison Creek allotment. The BLM undertook this effort to ensure that a renewed grazing permit on this allotment would be consistent with the BLM's legal and land management obligations. As part of our evaluation process, rangeland health assessment/evaluation/determinations and specialist reports were completed; 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 Poison Creek allotment. 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/fo/owyhee/owyhee_grazing_group/grazing_permit_renewal0.html)

and were considered during the development of the FEIS. The package solicited comments to better identify issues associated with renewing livestock grazing permits on this allotment. 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 to us that some resource concerns currently exist on the Poison Creek allotment.

To help our analysis of 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 six alternatives for the Poison Creek allotment. We also considered other alternatives that we did not analyze in detail. Our 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 Poison Creek allotment's natural resources conform to the goals and objectives of the Owyhee Resource Management Plan (ORMP) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the 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 most difficult part of the permit renewal process and I am prepared to issue a proposed decision to renew your permit to graze livestock within the Poison Creek allotment. Upon implementation of the decision, your permit to graze livestock in the Poison Creek allotment 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;

¹ EIS number DOI-BLM-ID-B030-2012-0014-EIS analyzed three alternatives for the Poison Creek 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.

- Respond to the application for grazing permit renewal for use in the Poison Creek allotment;
- Outline my proposed decision to select Alternative 4 in the Poison Creek allotment; and
- Explain my reasons for making that selection.

Background

Allotment Setting

The Poison Creek allotment is located in northwestern Owyhee County, Idaho, approximately 10 miles south of Homedale, Idaho (see enclosed Map). The allotment lies in the Owyhee Mountains and includes Poison Creek. Flat Top Butte is located near the northern boundary, the southern boundary is Sands Basin allotment, the western boundary is formed by the Strodes Basin allotment, and Jump Creek Canyon forms the eastern boundary. Elevations range from approximately 2,500 feet along the north boundary to over 4,200 feet at the southern boundary.

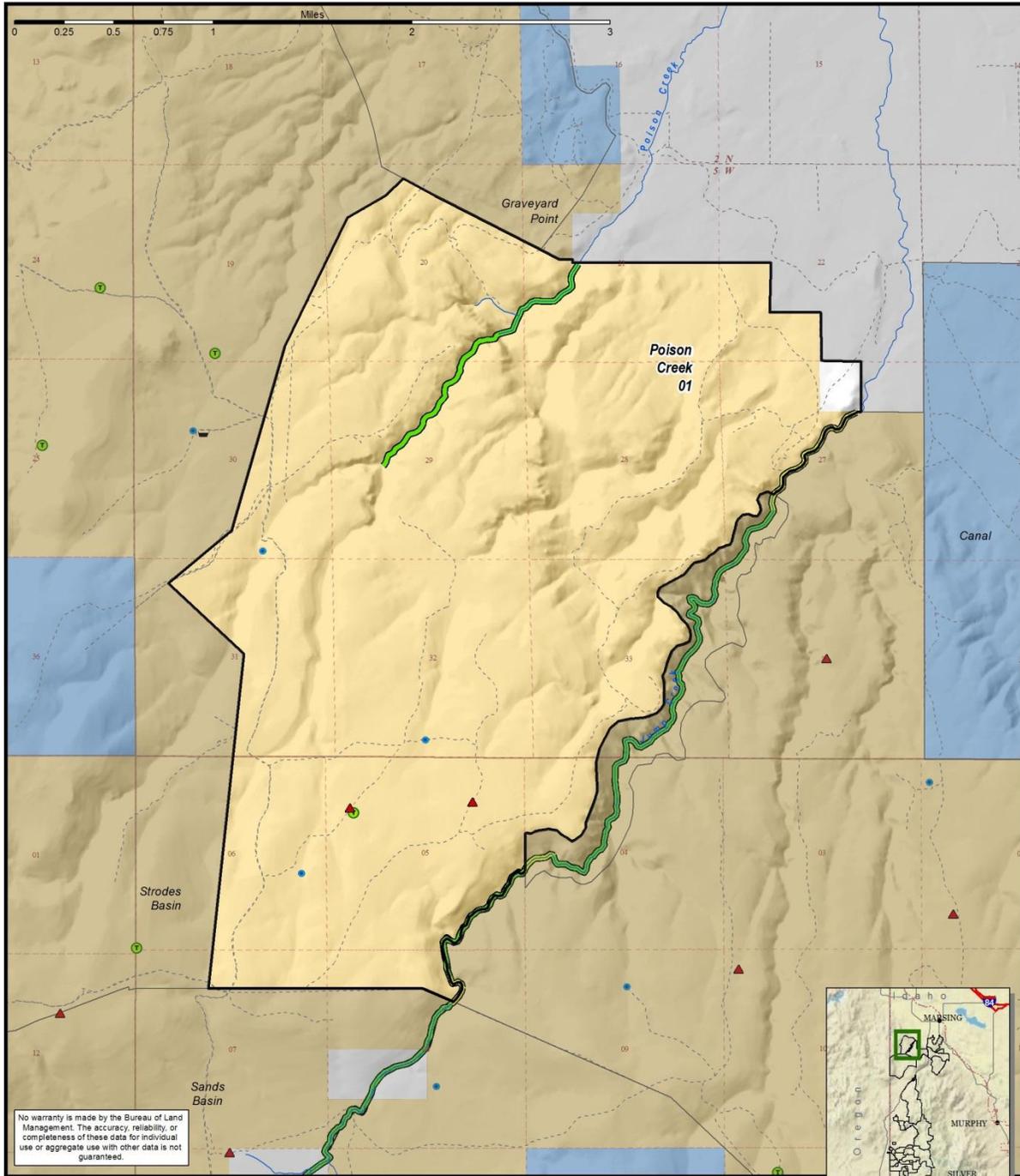
This one-pasture allotment is primarily grazed April through May, annually. Additionally, up to two bands of sheep (1,600 sheep) have been trailed through the allotment in October, with trailing ranging from a few to 10 days annually while trailing sheep to the Homedale area. Other fall cattle trailing activities occur through the allotment, with various numbers and operations moving cattle on the Poison Creek Road en-route to Homedale and Marsing. Of the approximate 5,280 acres within the allotment, the Bureau of Land Management (BLM) administers 99 percent (5,244); 1 percent is privately held (37 acres).

This allotment lies within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses. Limited precipitation, cold winters, and dry summers constrain plant and animal communities. The effective average annual precipitation for these vegetation communities is 8 inches for the drier sites and 13 inches for the more moist sites. Precipitation occurs primarily during the winter.³ Where deeper soils exist, the native vegetation is primarily Wyoming big sagebrush with an understory of bluebunch wheatgrass. In areas of shallow soils, the vegetative community is primarily dominated by low sagebrush with an understory of Sandberg bluegrass, squirreltail, and bluebunch wheatgrass. In 2002, approximately 75 percent of this single-pasture allotment was burned by wildfire and subsequently reseeded with a shrub/perennial grass mixture.

³ For more detailed discussion, please refer to the affected environment sections of EIS number DOI-BLM-ID-B030-2012-0014-EIS.



Poison Creek (00603) Allotment



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



1:40,000

Current Grazing Authorization

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

Table LVST-1: Poison Creek Grazing Association LLC

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00603 Poison Creek	1,000 174 5	Sheep Cattle Horse	4/1	5/31	100	Active	761

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. Utilization may not exceed 50 percent of the current year's growth.

13. Comply with current Bighorn Sheep Separation Agreement.

As part of a settlement agreement, the following additional terms and conditions were added to the above permits 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 761 AUMs of forage in the Poison Creek allotment and a season of use between April 1 and May 31, with sheep trailing activities October 1 to 31. However, based on management actions over the last 10 years, actual use reports submitted between 1997 and 2011 indicate that AUMs have ranged from 269 to 742 and average actual use was 474 AUMs for the allotment, thereby utilizing the flexibility authorized in the grazing permit. Actual use reports are very thorough on the Poison Creek allotment and show a regular season and pattern of use throughout the years for the allotment.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of what was authorized under the current permit, but rather is the result of 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, specialist reports and a determination for the Poison Creek allotment in 2013. Those documents concluded that some of the resources on this allotment were not meeting the Idaho S&Gs.

The Poison Creek allotment has only one pasture. Standards 1, 5, and 7 apply to the Poison Creek allotment and are being met. The allotment is not meeting Standards 2 and 3 but is making progress toward meeting them, and Standard 8 is not being met, with current livestock grazing as a causal factor. Standards 4 and 6 are not applicable.

Soils -Uplands

In Poison Creek, soils are meeting Standard 1 but are considered to be at risk under post-fire recovery from the 2002 Trimble fire that affected approximately 74 percent of the allotment. Where mechanical rather than aerial seeding occurred after the fire, soils are hardened and

compacted in localized areas, and the lack of plant diversity shows reduced capture, storage, and management of moisture as compared to reference communities, so that sites are considered to be at risk. The seeding provides protection and added soil stability to the landscape so that Standard 1 is met but is at risk should post-fire conditions decline over the long term (more than 10 years).

Vegetation - Uplands⁴

In 2002, approximately 75 percent of this single-pasture allotment was burned by wildfire and subsequently reseeded with a shrub/perennial grass mixture. The majority of the allotment is a healthy, productive, vigorous seeding (see the 2005 Trimby fire ESR monitoring report, saved in the project record and available from the Owyhee Field Office by request) and therefore has been evaluated under Standard 5 (Seedings), which it is meeting. The diversity of species within the seeding is as expected, with perennial grasses dominating and trace amounts of shrubs and forbs. Trend data depict the expected decrease in shrub component and native perennial grasses post-fire, with an increased frequency of seeded grasses. In addition, invasive annual weeds have an increased presence post-fire but appear to be only lightly scattered throughout the seeding. The remaining native plant community is a sagebrush-dominated overstory with interspatial Sandberg bluegrass, squirreltail, and bluebunch wheatgrass. Species diversity is good, even though shrub cover is higher than expected. Noxious weeds within the allotment include seven different species, and will continue to be monitored and treated under the Boise District weed program.

Water Resources and Riparian/Wetland Areas⁵

Poison and Little Poison Creeks are the primary drainages in the Poison Creek allotment that support riparian-wetland vegetation. About 1.5 miles of Poison Creek were assessed non-functional (NF) in 2002. The Trimby fire that occurred the same year as the assessment makes it difficult to determine how much of the condition is attributable to the fire. However, specific issues identified include long-term indicators that the stream lacks the deep-rooted vegetation necessary to stabilize streambanks and that weedy species are increasing. The same reach was visited in 2013 and recovery was evident. The stream occurs in a relatively deep canyon and is currently well armored with woody species that are protecting the stream banks and channel. Therefore, the allotment is making significant progress toward meeting Standards 2 and 3, and is in conformance with the Guidelines for Livestock Grazing Management associated with those Standards.

Standard 7 is currently being met in the Poison Creek allotment, and the streams that occur on BLM land are in conformance with the Guidelines for Livestock Grazing Management because the streams have been removed from the 303(d) list for sediment and are not listed for flow alteration.

⁴ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.1.

⁵ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.1 and Appendix E.

Special Status Plants⁶

Two special status plant species, Idaho milkvetch and Cusick's pincushion, are known to occur in this allotment. Idaho milkvetch has no documented threats and livestock access is not an issue given the precipitous areas where this population grows within the Jump Creek Canyon ACEC. This Standard is being met for known populations of Idaho milkvetch.

The Cusick's pincushion population is currently threatened by livestock trampling, OHV use, and illegal dumping. Severe sheep spring trampling disturbances noted in Cusick's pincushion habitat in 2012 is a significant concern due to the lack of conservation measures to minimize the need for listing of this species under the ESA (USDI BLM, 2008). It has been documented that widespread disturbance reduces the seed bank, eliminates individual plants, and results in long-term habitat degradation through the introduction and establishment of exotic annuals such as clasping pepperweed, annual wheatgrass (*Eremopyrum triticeum*), and cheatgrass. OHV use has increased over the past decade and according to the Owyhee Field Office Resource Management Plan (RMP III-24) is expected to increase 70 percent from 1999 to 2029 (USDI BLM, 1999a). Illegal dumping at this location has not been clearly documented within the exact habitat of the species but has been noted to occur immediately adjacent to the habitat. This Standard is not being met for this population of Cusick's pincushion and livestock management is a significant causal factor.

Wildlife/Wildlife Habitats and Special Status Animals⁷

Upland Habitat

The Poison Creek allotment is currently being managed as a seeded community and is found to be meeting Standard 5. However, a majority of this allotment (approximately 75 percent) does not presently support a viable sagebrush component as the result of the 2002 Trimby wildfire and reseeded activities. The rangeland health assessment and nested frequency trend (Standard 5) discuss a healthy and productive seeding dominated by crested wheatgrass, other seeded hybrid wheatgrasses, and Sandberg bluegrass. However, this seeding lacks an overstory component (the area is substantially void of sagebrush) in a majority of the allotment, thus substantially fragmenting the sagebrush community to the east and west. Until upland habitat conditions improve, the uplands of the Poison Creek allotment are failing to provide adequate distribution and connectivity of sagebrush steppe habitat for wildlife, which therefore is not meeting Standard 8.

Riparian Habitat

Streams, springs, and wetlands that are NF or are functional at-risk (FAR) are lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive environment. With Standards 2 and 3 not being met, but are making significant progress towards meeting the riparian standards. However, specific riparian habitat issues identified include long term indicators that the stream lacks the deep-rooted vegetation necessary to stabilize streambanks and that weedy species are increasing. Although progress is being made to achieve Standards 2 and 3, current livestock grazing (season of use and lack of rest from grazing) is not providing adequate habitat for aquatic wildlife species (redband trout).

⁶ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.7.1 and Appendix E.

⁷ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.1 and Appendix E.

Focal Species

Sixty-four percent of this allotment falls within modeled PGH habitat for sage-grouse. A total of seven sage-grouse breeding assessments collected in 2012 identified:

- Pasture 1 - Providing unsuitable breeding habitat conditions for sage-grouse;

The 2002 Trimby wildfire removed a substantial amount of sagebrush, and the remaining residual stands are not effectively providing nesting, security, and foraging cover in the understory.

Currently habitat connectivity is largely fragmented and any habitat value to sage-grouse is limited due to the absence of sagebrush in the seeding and perennial grasses in the native community. As the focus on sage-grouse shows, ground conditions are not characteristic of healthy sagebrush steppe environments, thus are not favorable for wildlife in general. Currently, this allotment is failing to provide adequate habitat conditions and therefore is not meeting Standard 8.

Columbia River redband trout are known to occur within the Poison Creek and Jump Creek system. Standards 2 and 3 identified streams and springs within these systems that are not properly functioning but are making significant progress. Redband trout require intact stream channels with well-developed riparian communities that stabilize banks to minimize erosion and create undercuts; minimize impacts of flood events and filters sediments; provide shade to reduce water temperatures; and contribute woody debris to create channel structure and regulate seasonal flow. Because these in-stream and near-stream habitat characteristics are not fully represented, this allotment is not providing adequate riparian conditions to sustain viable populations of redband trout and therefore is not meeting Standard 8.

Bighorn sheep are identified by the BLM as a sensitive species⁸ and managed by IDFG and ODFW as a big game species. The Poison Creek allotment lies within the Idaho Fish and Game Owyhee Mountain Bighorn Sheep Population Management Unit (PMU). Bighorn sheep are known to periodically foray outside known core habitat home ranges and have been documented travelling long distances (approximately up to 35 KM) to other core habitat home ranges in southwest Idaho and southeast Oregon.

The scientific consensus is that domestic sheep carry and have the ability to transmit pneumonia bacteria to bighorn sheep should contact occur between the two species. These diseases have been tied to bighorn sheep fatalities and low lamb recruitment and can persist within a population for

⁸ BLM special status species are: (1) species listed or proposed for listing under the Endangered Species Act (ESA), and (2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA, which are designated as Bureau sensitive by the State Director(s).

The objectives of the BLM special status species policy are:

A. To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species.

B. To initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA.

decades, passed from individual to individual and from herd to herd. Current management recommendations call for separation of domestic sheep and bighorn sheep.

A risk-of-contact modeling tool was used to estimate the probability of a bighorn sheep intersecting the Poison Creek allotment: a probability of 17.14 percent was calculated from the Leslie Gulch herd in Oregon.

Suitable bighorn habitat exists within the canyons of Poison and Jump Creeks. Although bighorn sheep have not been reported in this allotment, incidental sightings have been documented within 3.5 miles of the allotment boundary.

Due to both the overlap of suitable bighorn sheep habitat with the Poison Creek allotment and the probability of a bighorn sheep foray intersecting this allotment, a risk of contact between the two species exists.

A Separation Agreement is currently in place between the permittee and the BLM. This agreement identifies Best Management Plans to reduce the potential of interspecies contact and functions as a communication plan for the permittee should bighorn sheep be observed.

Guidelines for Livestock Grazing Management

The BLM’s 2013 Determination for Poison Creek 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 11: Use grazing management practices developed in recovery plans, conservation agreements, and Endangered Species Act, Section 7 consultations to maintain or improve habitat for federally listed threatened, endangered and sensitive plants and animals.

Table LVST-2: Standards and Guidelines that are not being met under current BLM grazing management

Allotment	Standards Met	Standards Not Met, But Making Significant Progress	Standards Not Being Met	Standards Not Being Met and Current Livestock Grazing Significant Causal Factor	Standards Not Applicable	Guidelines
Poison Creek	1, 5, 7	2,3	None	8	4, 6	11

Issues⁹

Through the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in the Poison Creek allotment.

1. Risk to California bighorn sheep (*Ovis canadensis californica*; hereinafter, bighorn sheep) from domestic sheep: Evidence exists that contact with domestic sheep can transmit disease, cause mortality to bighorn sheep individuals, and reduce long-term herd health. The risk of contact between domestic sheep and bighorn sheep is considerable in the analysis area, and the effects to bighorn sheep are potentially significant.
2. Habitat conditions for greater sage-grouse (*Centrocercus urophasianus*; hereinafter, 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.
3. Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.
4. 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.
5. 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.
6. Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat and reproduction of individuals.
7. Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
8. Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.
9. Socioeconomic impacts: Changes to livestock grazing affects local and regional socioeconomic activities generated by livestock production.
10. Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.
11. 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 Poison Creek allotment and the relevant issues identified above, the BLM considered a number of alternative livestock management schemes in the EIS to

⁹ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5.

ensure that the renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Six alternatives were considered and analyzed in the EIS, all of which were considered in detail and analyzed for the Poison Creek 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. The Poison Creek allotment would be authorized from April 1 through May 31. Interim terms and conditions imposed by the U.S. District Court in February 29, 2000 are also included.

Alternative 2 - Permittee Application

Alternative 2 would authorize livestock grazing pursuant to your application of January 27, 2012. This would include the same authorization as Alternative 1 but include up to 1,600 sheep, which would be authorized as long as season of use and AUMs are not exceeded. Fall use for up to 2 weeks between October 20 and November 15 may be authorized annually as long as AUMs are not exceeded.

Alternative 3 - Deferred Grazing

Alternative 3 was developed based on resource constraints applied where there were issues and/or where Standards were not being met, or where ORMP objectives were not being met, and would rely on deferment or rest 1 in 3 years. 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; an average of greater than 18 cm (7 inches) perennial grass height on upland key species must be maintained. Alternative 3 was developed within the following resource constraints:

1. Sensitive species and wildlife: April 15 to June 20: use allowed 2 years in every 3-year period; defer grazing or rest 1 out of 3 years
2. Vegetation: April 1 to June 30: use allowed 2 years in every 3-year period; defer grazing or rest 1 out of 3 years
3. Soils: March 1 to May 15: use allowed 2 years in every 3-year period; defer grazing or rest 1 out of 3 years
4. Riparian: May 15 to August 31: use allowed 2 years in every 3-year period; defer grazing or rest 1 out of 3 years

Alternative 4 - Season-based

Alternative 4 was developed based on resource constraints where there are issues and/or where Standards are not being met; or where there were ORMP objectives not being met and would rely on rest or deferment in 2 of 3 years.

1. Sensitive species and wildlife: Breeding April 15 to June 20 and late brood-rearing June 20 to August 15; use allowed 1 year in every 3-year period; defer or rest 2 out of 3 years.
2. Vegetation: April 1 to June 30; use allowed 1 year in every 3-year period; defer or rest 2 out of 3 years.

3. Soils: March 1 to May 15; use allowed 1 year in every 3-year period; defer or rest 2 out of 3 years.
4. Riparian: May 15 to August 31; use allowed 1 year in every 3-year period; defer or rest 2 out of 3 years.

Table LVST-3: Mandatory Terms and Conditions on the Poison Creek allotment

Permittee	Livestock ¹	Kind	Begin ¹	End	%PL	Active AUMs
Poison Creek	1,600	s	4/1	10/31	100	402
Grazing Association	165	c	4/1	10/31	100	62
LLC (3987)	5	h	4/1	10/31	100	10
Total	-					474

Table LVST-4: Other Terms and Condition

Operator No. & allotments	Other Terms and Conditions
Poison Creek Grazing Association LLC (3987) Poison Creek	<ul style="list-style-type: none"> • Poison Creek will be rested from grazing 1 in 3 years. Grazing will be deferred 1 in 3 years to fall use 10/1 through 10/31. • Up to 1,600 additional sheep may be authorized or change the kind of livestock as long as season of use and 474 AUMs are not exceeded.

The grazing schedule identified in table LVST-5 would be established for the single pasture in the Poison Creek allotment and made a term and condition of the grazing permit. Grazing for only 2 weeks during the month of October would occur.

Table LVST-5: Poison Creek grazing schedule

Year	Date
1	4/1-5/31
2	10/1-10/31 ¹
3	Rest

¹Two weeks only during this period

Alternative 5 - Sheep-to-Cattle Conversion

Alternative 5 includes terms and a condition required for the Poison Creek allotment. Under Alternative 5, a sheep-to-cattle conversion would be used to limit adverse impacts from domestic sheep grazing to bighorn sheep on the Poison Creek allotment only. However, trailing of domestic sheep through the Poison Creek allotment from Homedale, Idaho, to Flint Creek, Oregon, is still anticipated to occur under this alternative to move sheep to private lands. Although the effects of trailing are analyzed in this alternative, other forms of moving sheep, such as trucking, may also be authorized.

Alternative 6 - No Grazing

This alternative would result in no grazing for a 10-year period for the Poison Creek allotment.

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:

Alternative 4 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS, modified to allow only 2 weeks grazing during the third year grazing rotation in October.

Implementation of this alternative over the next 10 years will allow the Poison Creek allotment to maintain, meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP. It also acknowledges the BLM's heightened responsibility to manage the public lands for special species.

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

Table LVST-6: Poison Creek grazing schedule

allotment	Livestock		Grazing Period		% PL ¹⁰	Type Use	AUMs
	Number	Kind	Begin	End			
Poison Creek (603)	Poison Creek Grazing Association LLC (3987)	1,600	s	4/1	10/31	100	402
		165	c	4/1	10/31	100	62
		5	h	4/1	10/31	100	10
	Total	-					474

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,

¹⁰ PL is based on percentage of BLM lands in the allotment.

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 exclosures 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. Utilization may not exceed 50 percent of the current year's growth.
13. Comply with current Bighorn Sheep Separation Agreement. Poison Creek will be rested from grazing 1 in 3 years. Grazing will be deferred 1 in 3 years to fall use 10/1 through 10/31 for 2 weeks only during October.
14. Up to 1,600 sheep may be authorized as long as season of use and 474 AUMs are not exceeded.

The grazing schedule identified in table LVST-7 would be established for the single pasture in the Poison Creek allotment and made a term and condition of the grazing permit. Only 2 weeks of use during the month of October would occur in year 2.

Table LVST-7: Poison Creek grazing schedule

Year	Date
1	4/1-5/31
2	10/1-10/31 ¹
3	Rest

¹Two weeks only during this period

Notes on the Terms and Conditions

Poison Creek Grazing Association LLC will be offered a grazing permit(s) for a term of 10 years for the Poison Creek allotment. Permitted use within the allotment will be as follows:

Table LVST-8: Poison Creek allotment AUMs

Allotment	Active Use	Suspension	Permitted Use
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Poison Creek	474 AUMs	0 AUMs	474 AUMs
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Other Notes on the Proposed Decision

No new range improvements are authorized under this proposed decision. 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 the records of Poison Creek Grazing Association LLC as a grazing permit holder for the Poison Creek allotment and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of 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, and other documents in the grazing files, it is my decision to select Alternative 4 for the Poison Creek 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, best respond to BLM’s requirements for managing special status species, and will result in the Poison Creek allotment 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 Poison Creek allotment. I want you to know that I considered the issues as they were addressed in each alternative before I made my decision. My selection of Alternative 4 for the Poison Creek allotment was in large part because of my understanding that this alternative 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 found on

your allotment, while considering your livestock operation, current resource conditions generally, your expectations as the permittee, and those of the BLM as the responsible office.¹¹

Issue 1: Risk to California bighorn sheep (Ovis canadensis californica; hereinafter, bighorn sheep) and domestic sheep: Evidence suggests that contact with domestic sheep can transmit disease, cause mortality to bighorn sheep individuals, and reduce long-term herd health. The risk of contact between domestic sheep and bighorn sheep is considerable in the analysis area, and the effects to bighorn sheep are potentially significant.

Domestic Sheep Grazing

Due to the fact that your domestic sheep operation occurs within the Owyhee Front PMU and the greater foray range of bighorn sheep, there is a recognized risk that bighorn sheep movements may intersect with domestic sheep in the Poison Creek allotment. As was analyzed in the EIS, BLM developed a risk-of-contact model to assess the probability of bighorn sheep intersecting the Poison Creek allotment. Results of the model indicated that there is a 17 percent potential risk of contact between domestic sheep and bighorn sheep in the Poison Creek allotment. In comparison to allotments in Oregon just across the state line where the potential risk of contact is considerably higher (such as the Three Fingers and Board Corrals allotments where percentages range from 30 to 100 respectively)(see EIS Appendix I) and other domestic sheep grazing/trailing is authorized, the potential risk of contact within the Poison Creek allotment is within the lower range of risk at

¹¹ Your allotment is, as you know, a member of the Owyhee 68 allotments, which are the subject of a permit renewal process that must be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of five EAs that support the other decisions and the EIS that 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, I am looking not just at your individual allotment, reviewing its RHA/Evaluation/Determination, selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), but looking at this allotment from a landscape perspective. Viewed this way, it is clear that 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.

Adding to 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 this 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 if monitoring is required to make progress under a particular alternative (for example), and is not performed, the result may be decreasing ecological health for the allotment and, at the time of the next permit renewal, decreased grazing opportunity from public land for the operator. My responsibility and challenge here is to make decisions that lead to success, which includes healthy, sustainable resource conditions and predictability for ranching operators.

this time. Furthermore, bighorn sheep have never been documented or observed within the Poison Creek allotment; only one reported sighting of a bighorn sheep within 5 miles of the allotment occurred within the past 20 years. In addition, domestic sheep and bighorn sheep Separation Agreements (which include avoidance BMPs) between you, IDFG, and BLM, have been in place since 2008 and will be required as a Term and Condition of your new permit. Finally, through continuous consultation with Idaho Department of Fish and Game (in which IDFG is a participating cooperating agency¹² on the EIS), no risk of contact thresholds were identified to indicate that the 17 percent risk of contact was of sufficient concern to indicate a need to close this allotment to domestic sheep use.

Bighorn sheep rams tend to foray longer distances in the fall during the breeding season (October and November) than in the spring. Alternative 4's fall grazing 1 out of 3 years overlaps this critical season, as it will begin early in the bighorn sheep breeding and end October 31. However, given the factors discussed above (fall use 1 in 3 years, Separation Agreement as a permit term and condition) and limiting grazing to early in the breeding season, Alternative 4 reduces the potential for contact between the two species. Spring grazing will have similar issues and concerns but to a much reduced degree as spring is outside the breeding season, a time when rams tend to foray less.

Under Alternative 4, a 3-year domestic sheep grazing rotation will occur with spring use (April 1 – May 31) in year 1; fall use (October 1 to October 31¹³) in year 2 for a 2-week period; and rest in year 3. During year 3, limited domestic sheep trailing could be authorized. By implementing this alternative along with the mandatory terms and conditions (including the Separation Agreement), I will authorize domestic sheep grazing in the Poison Creek allotment. Implementation of this alternative will require adherence with the Separation Agreement(s). In support of this agreement, the IDFG and ODFW have active management objectives and a strong interest in maintaining the separation of the two species and will be available to assist with issues and reports.

Domestic Sheep Trailing

The trailing season would occur from March 20 to November 17. Under this alternative, domestic sheep would continue to be trailed as they have been under the existing permit. Risk of contact between domestic sheep and bighorn sheep would also exist between March 20 and May 31 (leaving Homedale, ID) and 10/1 – 11/17 (returning) within the Idaho and Oregon BLM allotments that traverse or are adjacent to the Owyhee Front Bighorn Sheep Population Unit. The probability of a bighorn sheep intersecting a segment of the trailing route ranged from 0.1 to 21.8 percent (EIS Table WDLF-5). The values show that the greatest risk of contact results from forays of bighorn sheep from the Leslie Gulch CHHR to the west in Oregon (EIS Appendix I, Tables I-5 and 6), because of the CHHR's larger population and greater ram-to-ewe sex ratios (as compared with the Reynolds Creek herd).

During the summer period, the Risk of Contact (RCT) tool/model (USDA USFS, 2013b) showed the most notable risk of contact values occurred in Oregon as the trailing route crosses the state

¹² EIS Cooperating Agency: IDFG was one of two cooperating agencies that officially cooperated with BLM in the completion of EIS DOI-BLM-ID-B030-2012-0014-EIS and participated in on monthly cooperating agency conference calls and meetings.

¹³ Under Alternative 4, the fall season of use has been modified and reduced from 31 days grazing/trailing to 10 days only, with flexibility to occur anytime between October 1 and 31 with prior approval by the Authorized Officer.

line and travels closer to the Threefingers/Mahogany Mountain grazing pastures on private property. The risk of contact ranged from 0.3 to 9.3 percent. Although these segments of the trail are closer to the Leslie Gulch CHHR than the routes discussed above, a lesser amount of suitable or connectivity habitat exists along the trailing route, resulting in a lower risk of contact. Some domestic sheep grazing/trailing occurs in the summer period in which the RCT tool (USDA USFS, 2013) calculates that bighorn sheep are less likely to foray long distances, lowering the risk of contact.

Issue 2: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, 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 5: 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.

Alternative 4 would allow the allotment to make the most significant progress toward desired conditions compared to all remaining grazing alternatives. While Alternative 3 provides for improved watershed function through seasonal deferment, Alternative 4 also incorporates rest and deferment for the Poison Creek allotment for 2 consecutive years within a 3-year rotation. Shorter grazing periods and reduced critical-growth-period grazing result in a reduction of active AUMs; increased years of rest provide the allotment the opportunity to continue to improve vegetation health and vigor for seeded communities.

In Poison Creek allotment¹⁴, which will continue to be managed as a seeded community, sagebrush is the common habitat feature either absent or reduced in this community. It is anticipated that implementation of the Alternative 4 grazing schedule will provide for additional sagebrush recruitment and establishment because soil impacts from hoof action in the spring when soils can be saturated will be reduced. An increase in the shrub canopy in the long term, with the dominant non-native bunchgrass component, will improve overstory/understory composition and structure.

Grazing management under Alternative 4 will improve upland plant community health and vigor, enhance herbaceous composition and structure, and improve security cover for nesting and brood-rearing sage-grouse from predators. In the short term (1 to 6 years, two rotations), enhanced forage and cover elements will occur quickly and show active recovery. In the long term (7 to 12 years), vegetation composition and structure should be well established and meeting Standard 8. As well, in the long term, increased sagebrush distribution and abundance in the seeded areas will enhance connectivity between fragmented sagebrush habitats and increase habitat patch size. This, combined with the already dominant non-native grass component, will improve

¹⁴ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-0014-EIS Section 3.6.4 and Appendix E.

overstory/understory composition and structure for breeding, brood-rearing and foraging sage-grouse and other shrub-steppe dependent species.

In addition to deferment, the incorporation of rest increases the rate of vegetative improvement in the Poison Creek allotment. Grazing management in accordance with Alternative 4 will improve or maintain native rangeland species to attain composition, density, foliar cover and vigor appropriate to site potential (USDI BLM, 1999b) and help achieve desired conditions for native plant communities. This would positively affect soils because improved upland vegetation communities provide added soil stability, hydrologic function, litter, and nutrients. Upland vegetation communities would have an opportunity to improve and respond with increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion.

Issue 3: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

AND

Issue 4: 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.

Under Alternative 4¹⁵, the allotment would be grazed one summer, one fall, and rested one year of a 3-year rotation. In addition to the deferred/rest rotation to be implemented, active use AUMs will be reduced (annually). In comparison to average actual use (474 AUMs annually and 1,422 AUMs/3 years), one 3-year grazing cycle (year 1=474 AUMs; year 2=223 AUMs; year 3=0 AUMs; and 697 AUMs/3 years) would equate to a 51 percent reduction in active AUMs. Implementation of the reductions, a year of rest, and the 2 years that avoid grazing during the riparian area's most vulnerable time will reduce the primary impacts that include removal of riparian vegetation and trampling of the riparian areas and stream banks. Consequently, the secondary impacts that include increased sediment and water temperatures, bank instability, a lowered water table, increased run-off, and impaired aquatic and fish habitat would also be reduced. Eliminating and/or decreasing the primary and secondary impacts would allow the resource condition to move the most quickly toward meeting the riparian Standards (2 and 3).

Under Alternative 4, limited riparian habitat grazing intensity and season of use will encourage plant vigor and regeneration and will improve riparian habitat functions and wildlife cover and forage. Improved herbaceous and woody vegetation will dissipate energy of high flows, trap sediments, harden streambanks, provide shade to streams, deliver woody debris, and improve water quality. Columbia redband trout and Columbia spotted frogs (BLM special status species), as well other riparian and aquatic species, will benefit from the reduced trampling of spring spawning and egg laying sites, reduced sediment loading, increased stream channel structure, greater diversity of vegetation and density of shade, and improved water quality. In the short term (1 to 6 years, two

¹⁵ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-0014-EIS Section 3.5.1 and Appendix E.

rotations), enhanced forage and cover elements will occur quickly and show active recovery. In the long term (7 to 12 years), vegetation composition and structure should be well established and meeting Standard 8.

Issue 6: Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat and reproduction of individuals.

Livestock trampling to Cusick's pincushion habitat within the allotment would be decreased significantly, as spring grazing would only occur 1 in 3 years, followed by 2 years of rest or deferment. Impacts to Cusick's pincushion in the critical growing season would occur during 33 percent of the rotation (3-year rotation) versus during 100 percent of the rotation as in Alternative 1. The reduction in AUMs would decrease grazing pressure on plant communities and promote proper functioning of ecological processes and continued productivity and diversity of native and special status plants. It is expected that this alternative would improve the species occurrence and enable the allotment to make significant progress toward meeting Standard 8 for plants.

Issue 7: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.

My selection of Alternative 4¹⁶ for the Poison Creek allotment will allow for the continuation of coordination regarding ongoing noxious weed control programs. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use and deferment or rest in alternatives selected 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 Alternatives 3, 4, and 5 as native perennial species health and vigor is improved and progress is made toward meeting the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative 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 Poison Creek allotment, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.

Issue 8: Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.

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 (also see discussion above for Issue 1). However, because both sheep and cattle trailing

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

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

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.

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.

A tremendous amount of thought and effort went into developing a grazing management system responsive to your allotment's specific resources, resource needs, geography, and size. We attempted to address all resource and operational concerns and the resource and stewardship requirements mandated to the BLM. We recognize that each allotment and operation 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 and in conjunction with your trailing activities were made by me and my staff with you and informed by the interested public with these features in mind. 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, and given the fact that the special species issue (bighorn sheep, sage-grouse, redband trout, Cusick's pincushion) was identified through our NEPA process, I have attempted to balance the resource needs and your capabilities to the extent possible.

Issue 10: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.

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 4 for the Poison Creek 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.

Issue 11: 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.

Climate change is another factor I considered in building my decision around Alternative 4 for the Poison Creek allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternative combines seasons, intensities, and durations of livestock use to promote long-term plant health and vigor and is designed to provide additional protection for special species. Assuming that climate change affects the arid landscapes in the long-term, the native plant and animal communities on these allotments will be better armed to survive such changes. The native species' health and vigor, protected under this alternative, will provide resistance and resilience to additional stressors, including climate change.

Additional Rationale

I did consider selecting Alternative 6 (No Grazing) for this allotment however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives

and still allow grazing on the allotment. In selecting Alternative 4 for the Poison Creek 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. By implementing this alternative, the resource issues identified will be addressed. 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 4, as modified, for the Poison Creek allotment over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho Standard 8, which was not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock management practices on the Poison Creek allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would make significant progress towards meeting Standard 8 (Threatened and Endangered Animals and Plants). Alternative 5 would have a substantial effect on the local socio-economics of the sheep industry and is not necessary at this time in light of the risk of contact identified. Alternative 6 removes the economic activity of one 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, and the steps taken to protect special status species under this proposed alternative, leads me to believe elimination of livestock grazing from the Poison Creek allotment 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 Poison Creek allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

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

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

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

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

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

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

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

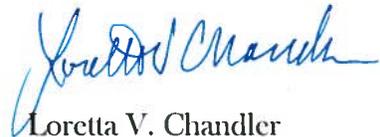
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

Works Cited

- USDA USFS. (2013). *Modeling and analysis technical report*. USDA Forest Service, Intermountain Region, Prepared for the USDA USFS Bighorn Sheep Working Group, Critigen Inc.
- USDI BLM. (1999a). *Owyhee Resource Management Plan*. Marsing, ID.
- USDI BLM. (1999b). *Proposed Owyhee Resource Management Plan and Final Environmental Impact Statement*. FEIS, Lower Snake River District, Boise Field Office, Boise, ID.
- USDI BLM. (2008). *Manual 6840 - Special Status Species Management*. Retrieved from http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.43545.File.dat/6840.pdf

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

Company Name	Title	First Name	Last Name	Address 1	City	ST	Zip	# copies
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	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

Company Name	Title	First Name	Last Name	Address 1	City	ST	Zip	# copies
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
		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