



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Owyhee Field Office
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In Reply Refer To:
4160 ID130

December 30, 2013

CERTIFIED MAIL

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

Notice of Field Manager's Final Grazing Decision for the Poison Creek Allotment

Dear Mr. Mackenzie:

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

The BLM remains dedicated to processing your grazing permit application for the Poison Creek Allotment. I signed a proposed decision to renew that grazing permit on November 12, 2013. The proposed decision included terms and conditions that would make significant progress toward meeting the Idaho Standards for Rangeland Health, the Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP). You received that proposed decision on November 13, 2013. The BLM received a letter from you protesting that proposed decision on November 21, 2013. After the meeting with you on November 25, 2013 we received an additional letter regarding alternatives and grazing rotations that were also considered. In addition to your protests, the BLM received other protests and comments regarding the proposed decision from Western Watersheds Project, Governor's Office, Idaho Fish and Game, and Oregon Fish and Wildlife. Protest responses are provided as an attachment to this Final Decision.

Protest points raised within the submissions received and my responses are provided in the attached document entitled "Protest Responses." This Final Decision has been revised from the proposed decision, as noted in the protest responses provided. Due to revisions from the proposed decision, I am concurrently issuing you a decision addressing sheep trailing on the Poison Creek allotment.

As part of the permit renewal process the BLM has 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 Final 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 and can be found at:

http://www.blm.gov/id/st/en/fo/owyhee/owyhee_grazing_group/grazing_permit_renewal0.html

They 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 final 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.

¹ EIS number DOI-BLM-ID-B030-2012-0014-EIS analyzed six alternatives for the Poison Creek allotment to fully process permits for livestock grazing management practices.

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 final decision to renew your permit to graze livestock within the Poison Creek allotment. After careful consideration and review of your protest points and other protest points, I have selected Alternative 2, as modified, for two years; in year three, Alternative 5 will be effective for the Poison Creek Allotment. Sheep trailing will be authorized up to 4 years for a maximum of 2 days for each of your two bands in the spring and 2 days for both bands moving together in the fall (years 1-4). Upon implementation of the decision, your permit to graze livestock in the Poison Creek allotment will be fully processed.

This final decision will:

- Describe current conditions and issues on the allotment;
- 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 Poison Creek Allotment;
- Consider protest points received following issuance of the November 12, 2013, proposed decision;
- More fully discuss the issue of disease transmission from domestic sheep to California bighorn sheep;
- Outline my final decision to select Alternative 2, as modified, and in year 3 convert to Alternative 5; and
- Explain my reasons for making this final decision.

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 a portion of Poison Creek. Flat Top Butte is located near the northern boundary, the southern boundary is adjacent to the 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 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

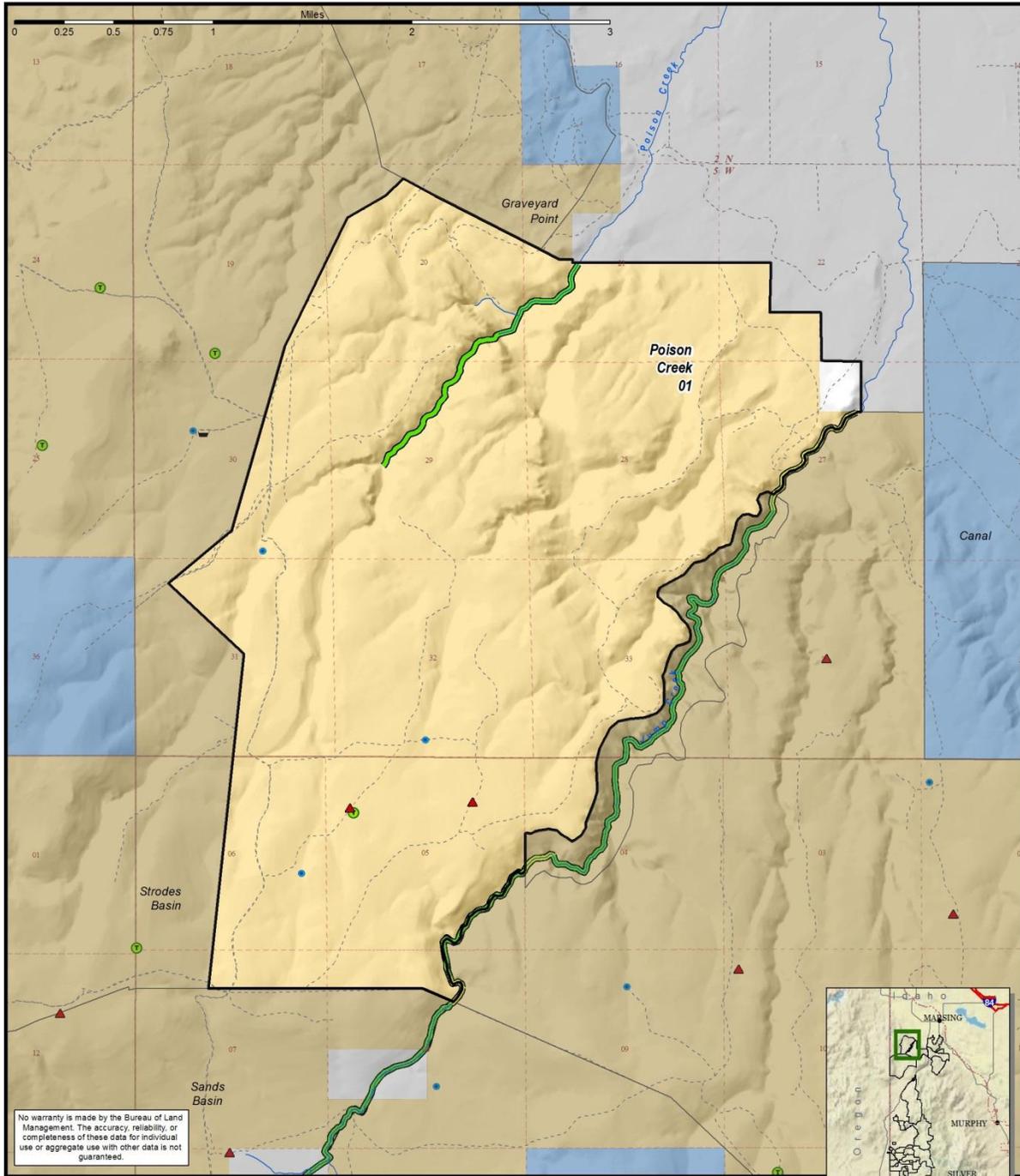
occurs primarily during the winter.² Where deeper soils exist, the native vegetation is primarily Wyoming big sagebrush with an understory of bluebunch wheatgrass. In areas of shallow soils, the vegetative community is primarily dominated by low sagebrush with an understory of Sandberg bluegrass, squirreltail, and bluebunch wheatgrass. In 2002, approximately 75 percent of this single-pasture allotment was burned by wildfire and subsequently reseeded with a shrub/non-native perennial grass mixture.

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).

² 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.

Your 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. Although the permit indicates 1,000 head of sheep, flexibility of the permit was authorized yearly to allow two bands of sheep (800 sheep/band) of 1,600 head total; and not to exceed at 761 AUMs. In addition, up to two weeks of sheep grazing during the month of October, during trailing activities from Flint Creek to private lands near Homedale, Idaho, have been authorized in the past.

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 (Watersheds), 5 (Seedings), and 7 (Water Quality) apply to the Poison Creek allotment and are being met. The allotment is not meeting Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) but is making progress toward meeting them, and Standard 8 (Threatened and Endangered Plants and

Animals) is not being met, with current livestock grazing as a causal factor. Standards 4 (Native Plant Communities) and 6 (Exotic Plant Communities other than Seedings) are not applicable.

Soils & Watersheds -Uplands

In Poison Creek, soils are meeting Standard 1 but are considered to be at risk under post-fire recovery from the 2002 Trimby fire, which 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 - Uplands³

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 Areas⁴

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 lacked the deep-rooted vegetation necessary to stabilize streambanks and that weedy species were increasing. The same reach was visited in 2013 and recovery was evident; thus, the condition rating for the 1.5 miles of Poison Creek was assumed in PFC. 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, although the allotment is not meeting the Standards, it 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.

³ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.1.

⁴ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.5.1 and Appendix E.

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.

Special Status Plants⁵

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. Spring trampling disturbance by sheep was noted to be severe in Cusick's pincushion habitat in 2012 and 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 Animals⁶

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 reseeding 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

⁵ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.7.1 and Appendix E.

⁶ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.1 and Appendix E.

productive environment. Standards 2 and 3 are not being met but the allotment is 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 riparian habitat conditions are not providing adequate conditions for terrestrial, avian and aquatic wildlife species.

Focal Species

Greater Sage-Grouse: Sixty-four percent of this allotment falls within modeled Preliminary General Habitat for sage-grouse. No Preliminary Priority Habitat is modeled within this allotment. 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 of native sagebrush/grass habitat are not adequately providing nesting, security, and foraging cover for sage-grouse. Currently the allotment is dominated by perennial grassland habitat largely fragmenting the residual native communities and the habitat value to sage-grouse is limited due to the absence of sagebrush in the seeding and low occurrence of perennial grasses in the native community. As the sage-grouse habitat assessments show, upland habitat conditions are not characteristic of healthy sagebrush steppe environments, thus are less 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 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.

California bighorn sheep are identified by the BLM as a sensitive species⁷ and managed by IDFG and ODFW as a big game species. Bighorn sheep ranged widely in Idaho historically until the late 1800's, when they experienced severe declines leading to extirpation in the Owyhee River area by 1940. Extirpation coincided with western expansion and growth by settlers, accompanied by

⁷ 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.

unregulated hunting and domestic livestock grazing. In the mid-twentieth century bighorns were reintroduced in the area; management objectives for both the Oregon (Leslie Gulch) herd and the East Owyhee River populations identify eight core habitat herd home ranges (CHHRs) in the vicinity of allotments which are the subject of the Succor Creek EIS. Current bighorn populations in both the Oregon and Idaho are below IDFG and ODFW management objectives. See Succor Creek EIS, § 3.6, generally.

Current bighorn populations are below both state's management objectives as a result of various stressors which include habitat degradation, recreation, predation, competition with livestock and wild horses, and disease (IDFG 2010a). Disease transmitted from domestic sheep is identified as a primary threat and is recognized by IDFG as a key factor in the recovery of bighorn sheep populations in Idaho. Oregon Department of Fish and Wildlife has identified separation of domestic sheep and goats from bighorns as a management priority (ODFW 2003). Under successful management, and as bighorn sheep populations grow to meet state management objectives, CHHRs will likely expand, and new CHHRs become established, increasing the likelihood of possible interaction between domestic and bighorn sheep, with increased risk of disease transmission. See Appendix G of the EIS for further information in this area, EIS § 3.6; WAFWA(2012).

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 (Guidelines). 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.

More specifically, domestic sheep grazing poses a risk of disease transmission to bighorn sheep, as more fully described below, and sheep grazing is also currently affecting a population of the special-status plant Cusick's pincushion. For these reasons, current livestock grazing does not conform to the Guidelines.

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 <i>and</i> Current Livestock Grazing Significant Causal Factor	Standards Not Applicable	Guidelines
Poison Creek	1, 5, 7	2,3	None	8	4, 6	11

Issues⁸

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 may adversely affect 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.

⁸ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 1.5.

11. Climate Change: The issue of climate change and its relationship to the final 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 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 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.

Alternative 5 - Sheep-to-Cattle Conversion

Alternative 5 includes terms and a condition required for the Poison Creek allotment. Under Alternative 5, AUMs currently permitted for sheep grazing would be converted to cattle AUMs to

limit adverse impacts from domestic sheep grazing to bighorn sheep on the Poison Creek allotment only.

Alternative 6 - No Grazing

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

Final 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, including comments and protest points received in response to my Proposed Decision of November 12, 2013, it is my final decision to authorize you to graze on the Poison Creek allotment for a period of ten years, as follows:

- For the first two years in which this decision is effective, your grazing permit will be consistent with Alternative 2, as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS, with modifications described below. Trailing activities will be authorized through a separate crossing permit, which is not addressed by this Final Grazing Decision.
- For years three through ten in which this decision is effective, your grazing permit will be consistent with Alternative 5, as described in EIS number DOI-BLM-ID-B030-2012–0014-EIS, with modifications.

Implementation of Alternative 2 followed by Alternative 5 over the next 10 years will allow the Poison Creek allotment to maintain, meet or make significant progress toward meeting the Idaho Standards for Rangeland Health, conform with the Guidelines for Livestock Grazing Management, and also move toward achieving the resource objectives outlined in the ORMP. It also acknowledges and responds to the BLM’s heightened responsibility to manage the public lands for special status wildlife and plant species.

The terms and conditions of the 2-year⁹ gazing permit in accordance with Alternative 2 will be as follows:

Table LVST-6: Poison Creek Grazing Association LLC permit for years 1 and 2

allotment	Livestock		Grazing Period		% PL ¹⁰	Type Use	AUMs
	Number	Kind	Begin	End			
Poison Creek (603)	1,600	s	4/1	5/31	100	Adaptive	400
	165	c	4/1	5/31	100	Adaptive	330
	5	h	4/1	5/31	100	Active	10
	Total	-	-	-	-		740

Other terms and conditions:

⁹ The term of your 2-year permit will be March 1, 2014 through February 28, 2016.

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

1. For the 2014 and 2015 grazing seasons, you may convert authorized sheep AUMs to cattle use. Sheep use will not exceed 400 AUMs.
2. You may run 2 bands of 800 sheep during your spring season of use.
3. 2 herders and 2 herding dogs are required for trailing each band of sheep in spring.
4. Fall trailing is not authorized by this grazing permit.
5. You will be on site during fall trailing activities and must comply with current Bighorn Sheep Separation Agreement.
6. Sheep grazing and trailing are not permitted within the Cusick's pincushion special status plant avoidance area during any season.
7. Grazing use will be in accordance with the grazing schedule identified in the Final Decision of the Owyhee Field Office Manager dated December 30, 2013. Changes to the scheduled use require approval.
8. Livestock turn-out is subject to the District range readiness criteria.
9. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days of the last day of your authorized annual grazing use.
10. 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. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
11. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. Permittee will notify any/all affected permittees or landowners in advance of crossing.
12. 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.
13. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
14. Prior to turn-out, all range improvements must be maintained and in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.
15. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
16. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

The above 2-year term permit will be replaced with an 8-year term permit implementing a livestock conversion from sheep to cattle, as described under Alternative 5, in 2016. The terms and conditions of that permit are as follows:

Table LVST-7: Poison Creek Grazing Association LLC permit for years 3 through 10

Allotment	Livestock		Grazing Period		% PL ¹¹	Type Use	AUMs
	Number	Kind	Begin	End			
Poison Creek	379	cattle	4/1	11/30	100	Adaptive	751
	5	Horses	4/1	11/30	100	Adaptive	10

Other terms and conditions:

1. Total use on the Poison Creek allotment may not exceed 761 AUMs. Any AUMs used by separately authorized sheep trailing will be deducted from permitted cattle use.
2. 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.
3. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated December 30, 2013. Changes to the scheduled use require approval.
4. Livestock turn-out is subject to the District range readiness criteria.
5. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days of the last day of your authorized annual grazing use.
6. 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. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
7. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. Permittee will notify any/all affected permittees or landowners in advance of crossing.
8. 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.
9. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
10. Prior to turn-out, all range improvements must be maintained and in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.

¹¹ PL is based on percentage of BLM lands in the allotment.

11. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
12. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

Upon implementation of Alternative 5 in year 3, the following grazing schedule will apply. Fall deferment of grazing will be implemented in the first year of the grazing rotation:

Table LVST-8: Poison Creek Grazing Schedule

Year	Date
1	10/1-11/30
2	4/1-5/31
3	4/1-5/31

Your permitted use will be as follows:

Permittee	Active Use	Suspension	Permitted Use
Poison Creek Grazing Assoc., LLC	761 AUMs	0	761 AUMs

Notes on the Terms and Conditions

Poison Creek Grazing Association LLC will be offered a term grazing permit for sheep, cattle and horses for grazing years 2014 and 2015. In grazing year 2016, Poison Creek Grazing Association, LLC will be offered an 8-year term grazing permit for cattle and horses, with sheep AUMs converting to cattle AUMs. Spring sheep trailing will be authorized separately, through a crossing permit, in years 2016 and 2017 only. AUMs used for spring and fall sheep trailing will be held in temporary suspension on your term permit until sheep trailing is no longer authorized. At that time, these AUMs may be restored to Active Use.

Table LVST-8: Poison Creek allotment AUMs

Allotment	Active Use	Temporary Suspension	Suspension	Permitted Use
Poison Creek	740 AUMs	21	0 AUMs	761AUMs

Other Notes on the Final Decision

No new range improvements are authorized under this final 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 final decision. Implementation of this final 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 Final 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 2, as modified for 2 years and then implement Alternative 5 beginning in year 3 on the Poison Creek allotment as my final 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 2, as modified, for two years, followed by implementation of Alternative 5 in year three for the Poison Creek allotment was in large part because of my understanding that these alternatives 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 resources found on your allotment, while considering your livestock operation, current resource conditions, your expectations as the permittee, and those of the BLM as the responsible office.¹²

¹² 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

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.

For a complete discussion of this issue, please refer to the ‘Additional Rationale- Bighorn sheep Issue 1’ section on page 26.

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 species¹³.

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 2, as modified, with appropriate terms and conditions will allow the allotment to continue to maintain function, diversity, nutrient cycling and hydrologic cycling of this seeded allotment.

Temporarily managing under Alternative 2, as modified, then implementing Alternative 5 will maintain or 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

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.

¹³ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-0014-EIS Section 3.6.4 and Appendix E.

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

Grazing management in accordance with Alternative 5, as modified for cattle 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 remnant 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.

The sheep/cattle to cattle-only conversion therefore provides some benefit to ecological function for upland soil and watershed conditions but is very dependent on climatic conditions and range readiness. Impacts during wet conditions may be similarly damaging between both livestock types because their relative impacts balance out as discussed above. However, under dry conditions, the more concentrated use of a greater number of sheep or cattle may increase localized soil and vegetation impacts compared to fewer total animals (all cattle) that do not congregate as heavily as sheep.

As a result, upland soil and watershed health would have a higher potential to improve under Alternative 5 compared to Alternatives 1 and 2 due to the incorporation of a deferred growing season to the rotation. Under Alternative 5, soil and upland watershed resource issues and associated impacts consistent with ecological site potential would benefit from a conversion from sheep/cattle to cattle-only when compared to Alternative 3, although not as much as with Alternative 4, where spring grazing would only occur once in a 3-year rotation.

Implementation of Alternative 5 would institute pasture rotation schedules that includes deferment every third year. Currently, the Poison Creek allotment is managed as a seeding, with grazing in the spring every year by cattle and sheep, and is meeting Standard 5. However, livestock type would be changed to authorize cattle only; sheep would no longer be authorized to graze on the Poison Creek allotment. In addition, deferment to fall use would occur 1 in 3 years. Cattle grazing effects as compared to sheep will increase distribution in the vegetative communities and concentrate more use in the riparian areas. More grass and grass-like species compared to forbs will be consumed (Holecheck, Baker, Boren, & Galt, 2006). Deferment of grazing to fall use 1 in 3 years, as compared to continuous spring grazing in current management, would allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing, allowing significant opportunity for recovery of plant health and vigor to seeded communities; including meeting ORMP objectives. The Idaho Rangeland Health Standard for rangeland seedings on the Poison Creek allotment would continue to be met.

Issue 3: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities¹⁴.

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 2, as modified, the decision is to approve 2 years of spring grazing in the Poison Creek allotment. Currently Poison Creek is making significant progress towards meeting Standards 2 and 3, and is expected to continue to make progress upon implementation of this decision.

Under Alternative 5, the allotment will be grazed by cows two spring seasons, and one fall season over the course of a 3-year rotation. Implementation of a year of deferment, and all 3 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 continue to make progress toward meeting the riparian Standards (2 and 3).

Although analysis in the EIS for sheep to cattle conversion states that progress towards meeting Standards 2 and 3 may not occur due to the relative propensity of cattle to congregate in riparian areas during the summer months, continued progress is expected under my decision. This is because no cattle grazing will be authorized between June 1 and September 30 in any year. Rather, grazing will occur in April and May for two out of three years, and will occur in October in out of three years, avoiding any effects associated with "hot season" use.

Under temporary implementation of Alternatives 2 as modified and implementation of Alternative 5 as modified in year 3, 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, which are already making significant progress towards meeting standards. Improved herbaceous and woody vegetation will dissipate energy of high flows, trap sediments, stabilize 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 as 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 rotations), enhanced forage and cover elements will occur and show active recovery. In the long

¹⁴ For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-0014-EIS Section 3.5.1 and Appendix E.

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.

Cattle trampling to Cusick's pincushion habitat within the allotment would be decreased, as spring grazing would only occur 2 in 3 years, followed by 1 deferred grazing in year 3. 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.

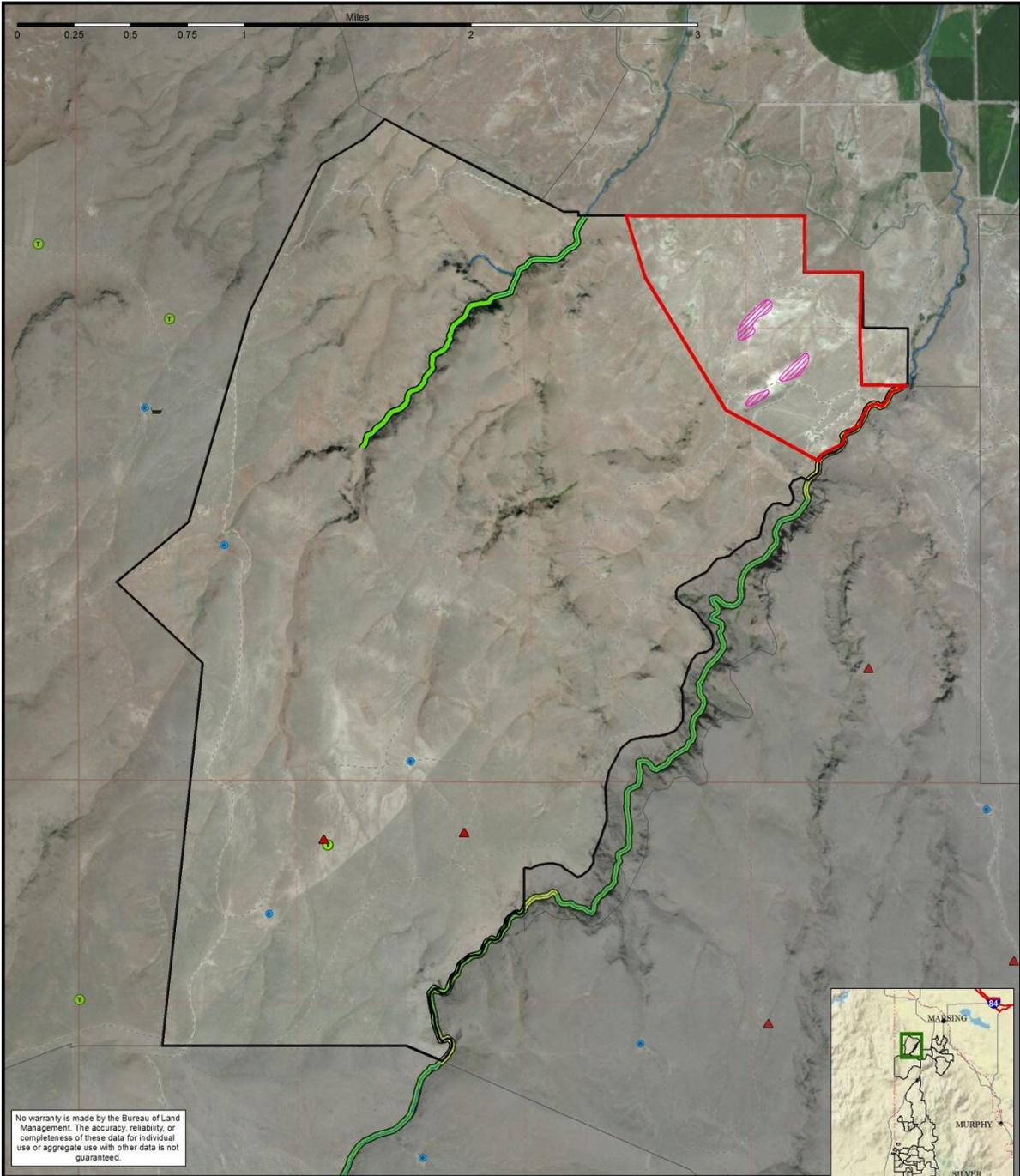
Sheep grazing for two years, as defined under Alternative 2, will not impact the special status plant Cusick's pincushion in the Poison Creek allotment because a sheep grazing avoidance area has been incorporated. The avoidance area was delineated by the outside perimeter of all white and tan ash outcrops collectively. The vegetated interspaces within the avoidance area serve as a buffer to known and potential habitat. No sheep grazing or trailing is permitted inside the avoidance area (See Map 2).

It is expected that the alternatives incorporated into the final decision would improve the species occurrence and enable the allotment to make significant progress toward meeting Standard 8 for plants.

Map 2: Sheep Avoidance Area for Cusick's pincushion

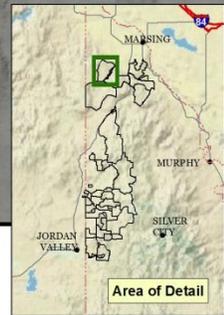


Poison Creek (00603) Allotment



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 |
| Pasture Boundary | Spring | Improved Road | PFC |
| Monitoring | Trough | Primitive Road | FAR |
| Nested Plot Frequency Trend | SSP Occurrence Area | Perennial Stream | NF |
| RHA Point | SSP Avoidance Area | | |



1:35,000

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

My selections of Alternative 2, as modified for two years, followed by implementation of Alternative 5, as modified 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. Alternative 2, as modified, followed by implementation of Alternative 5 will maintain health and vigor of seeded and native species, and will allow continued progress to be 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 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. Effects from trailing will be diminished in the fifth year of implementation of this decision because sheep trailing will no longer be authorized on the Poison Creek allotment. 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 2, as modified, followed by Alternative 5, as modified, 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. 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 final 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 Alternatives 2 and 5, as modified in 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's 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 2, as modified on a temporary basis, and selecting Alternative 5, to be implemented starting in year 3 in the Poison Creek allotment, 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 my selected alternatives, 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.

Additional Rationale- Bighorn Sheep Issue 1

The BLM developed the Jump Creek, Succor Creek, and Cow Creek EIS to support the grazing decisions for the allotments in these watersheds where the potential interaction of domestic sheep with California bighorn sheep is an issue. This Decision is based on what we learned through that EIS process and public comments submitted in response to drafts of that document and the proposed decision. Recognizing that this Decision makes significant changes to your current livestock management on this allotment, I am providing detailed rationale for this change.

The Federal Land Policy and Management Act of 1976 (FLPMA) authorizes the Secretary of the Interior to manage the public lands; the authority of the Bureau of Land Management to take specific measures to carry out this mandate flows from this Act. The Act states “the Secretary (of Interior) shall by regulation or otherwise, take action necessary to prevent unnecessary or undue degradation of the (public) lands.” See 43 U.S.C. § 1732(b). Wildlife is a FLPMA resource (see, 43 U.S.C. § 1702(c)); thus, BLM has an obligation to consider the impacts of its decision on wildlife.¹⁵ This Decision is consistent with that mandate.

In addition, livestock management decisions in the Owyhee Field Office are governed by the Owyhee Resource Management Plan (ORMP). This document states as an objective that special status species, of which California bighorn sheep (hereafter, bighorn sheep) is one, be managed “to increase or maintain populations at levels where their existence is no longer threatened ...”ORMP at 20). This Decision is consistent with the management actions found in the ORMP, which include the directives to “protect and enhance ...bighorn habitat and populations...” and”... [r]educe the potential for disease transmission between domestic sheep and goats to California bighorn sheep...” (ORMP at 21).

A. Background

This EIS, as noted above, was developed to provide the fullest information on the issue of potential impacts to bighorn sheep from domestic sheep activity in the Poison Creek allotment. Domestic sheep have, under your current permit, grazed in the spring for up to two months and trailed through the allotment in the fall. This allotment is one of the first Idaho allotments used as you trail your sheep south from the base ranch near Homedale, Idaho, to the Poison Creek and Rockville allotments in Idaho, before heading west into Oregon to private ground. Once the southern and eastern routes in Idaho become available you trail to the Flint Creek allotment for summer grazing, followed by the return trail to your home ground. Heading out from the base ranch, the domestic sheep travel in two bands (approximately 800 sheep each) of ewes and lambs; they return as a single band, lambs having been removed and marketed mid-summer. Overall, the grazing/trailing route covers approximately 300 miles in Oregon and Idaho.

In brief, bighorn sheep ranged widely in Idaho historically until the late 1800’s, when they experienced severe declines leading to extirpation in the Owyhee River area by 1940. Extirpation coincided with western expansion and growth by settlers, accompanied by unregulated hunting and domestic livestock grazing. In the mid-twentieth century bighorns were reintroduced in the area;

¹⁵ See, e.g., *Theodore Roosevelt Conservation Partnership*, 744 F. Supp. 2d 151, 2010; *Iriart v. BLM*, 126 IBLA 111 (1993) (IBLA upholding a decision by the BLM to deny an application to convert livestock from cattle to domestic sheep because of risks of disease transmission to nearby bighorn sheep); *Blair v. BLM*, 126 IBLA 296 (1993)(upholding a BLM decision to close a portion of an allotment to prevent disease transmission between livestock and bighorn sheep).

management objectives for both the Oregon (Leslie Gulch) herd and the Owyhee Front populations identify eight core herd home ranges (CHHRs) in the vicinity of allotments which are the subject of the Succor Creek EIS. Current bighorn populations in both the Idaho and Oregon are below Idaho Department of Fish and Game (IDFG) and Oregon Department of Fish and Wildlife (ODFW) management objectives. See Succor Creek EIS, § 3.6, generally.

Currently, bighorn populations are below both states' management objectives as a result of various stressors which include habitat degradation, recreation, predation, competition with livestock and wild horses, and disease (IDFG 2010a; ODFW 2003). Disease transmitted from domestic sheep is identified as a primary threat and is recognized by IDFG as a key factor in the recovery of bighorn sheep populations in Idaho. Oregon Department of Fish and Wildlife has identified separation of domestic sheep and goats from bighorns as a management priority (ODFW 2003). Under successful management, and as bighorn sheep populations grow to meet state management objectives, CHHRs will likely expand, and new CHHRs become established, increasing the likelihood of possible interaction between domestic and bighorn sheep, with increased risk of disease transmission. See Appendix G of the EIS for further information in this area, EIS § 3.6; Western Association of Fish and Wildlife Agencies (WAFWA) 2012.

B. The Issue: Risk of Disease Transmission

For a complete discussion of this issue, please refer to the EIS, Section 3.6.

As we stated in the EIS:

Free-ranging bighorn sheep are susceptible to many diseases. The most important of these is bronchopneumonia, which is usually associated with bacteria *Mycoplasma ovipneumonia*, *Pasteurella multocida*, *Mannheimia haemolytica* (formerly in the genera *Pasteurella*) and *Bibersteinia trehalosi* (*Pasteurella* genera). Pneumonia caused by these bacteria is attributed to die-offs that can kill some, many, or all adult bighorn sheep in a herd. Outbreaks of pneumonia are often followed by subsequent years or decades of sporadic cases of pneumonia in adult sheep and annual epizootics of pneumonia in lambs (Besser, et al., 2012). This results in reduced lamb recruitment and continued low populations of bighorn sheep, further impairing population recovery and stability. Bighorn sheep lambs are born healthy, then subsequently sicken and die after several weeks, presumably after loss of protection via passive immunity from the mother's colostrum. Once *M. ovipneumonia*, *Pasteurella* spp. and *Mannheimia* spp., have been introduced into bighorn sheep populations, it is speculated that the disease can become endemic and continue to cycle for decades (Besser, et al., 2012).

The prevailing theory for the susceptibility of bighorn sheep to the above pathogens is attributed to the concept that New World sheep (bighorns) did not co-evolve with the

above same pathogens and have not developed an effective immunity against the bacteria. Old World sheep (domestics), through centuries of husbandry and natural selection, have developed a resistance against the bacteria but carry them within their blood. Both species are gregarious by nature and have a natural attraction for each other. Subsequently, when the two species come into contact and the pathogens are transmitted, the bighorns have little defense.

EIS, § 3.6.

I have reviewed the scientific literature, most of which supports the potential for transmission of disease from domestic sheep to bighorn sheep and the potential economic impacts to domestic sheep grazing. A preponderance of the literature indicates that domestic sheep have evolved with various strains of bacteria that cause pneumonia in both species. These bacteria generally do not cause fatal results in domestic sheep but may result in all age die-offs of bighorn sheep followed by a number of years characterized by low lamb survival. This low survival rate prevents the bighorn sheep population from recovering and being able to sustain itself over the long term.

A significant number of peer reviewed scientific publications have identified and discussed the potential fatal results of disease transmission between these two species. Although there are gaps in our knowledge, especially the exact mechanisms of how disease is transmitted between the species in the wild, research has identified historic and recent mortality and reduced lamb survival following contact or near-contact in the wild. Inoculation experiments and planned and accidental experimental contact studies support transmission between species. There is no peer reviewed research to support the position that contact between the species can occur without concern for disease transmission to bighorn sheep.

The disease in question, *bronchopneumonia*, is transmitted from domestic sheep (which carry, but are immune to, this disease) or from infected bighorn sheep to uninfected bighorn sheep. Physical contact is sufficient, but not necessary, for the transmission of disease, the bacteria being capable of being transmitted aurally for short distances. *See, Dixon et al. (2002); Besser (2013).* The results of disease transmission to an individual can, should he return to the herd, result in the extirpation of the entire group over a period of time.

During the rut, rams have been documented foraging significant distances, outside core herd home ranges, seeking mates and moving from one high-value habitat to another, crossing poor habitats. Ram forays have been documented at up to 35 miles from Oregon into the Owyhee Mountains. *See, EIS, § 3.6.* In addition, following fire, bighorn sheep herds may migrate from one area to another, crossing poor habitat to reach suitable habitat. The risk of disease transmission is amplified by the fact that domestic and bighorn sheep are gregarious and are attracted to each other, being approximately the same size, eating the same foods, having the same behaviors. They

emit the same pheromones and smells; based on their biological identity and attraction, they are likely to come into close, prolonged and intimate contact. *See*, Jessup Declaration, DKT 46-1.

To analyze the potential results of the overlap of domestic and bighorn sheep use, a risk of contact (RCT) model was developed by the U.S. Forest Service and researchers at the University of California-Davis. (USDA USFS (2013a). This model estimated the relative risk under different scenarios that a foraging bighorn sheep will intersect a defined geographical area (as used in this EIS, the Poison Creek allotment). The model looked at two different seasons of foray: summer (May 1 to October 31) and winter (November 1 to April 31) and identified risk for those periods. For the Poison Creek allotment the risk was identified as 17.3 percent for summer and 23.5 percent for winter. Both use periods were used to analyze the potential risk of contact because the domestic sheep use overlapped the summer and winter use periods of the RCT model. While domestic sheep only use specific allotments and trailing routes for a shorter period within the specific time frames, they spend a total of six months in the cumulative impacts analysis area¹⁶, albeit in allotments other than Poison Creek or trailing through the area where bighorn sheep may potentially occur.

To reiterate: the RCT model only identifies the risk of a bighorn sheep intersecting the allotment; it does not address the likelihood (the risk) a foraging bighorn will interact with a domestic sheep. This latter risk is unknown. What is known, however, is that should this interaction occur, the risk that the bighorn sheep, returning to the herd, will infect it with fatal results, is high. Moreover, should bighorn sheep herds expand to meet the states' management objectives, core habitat home ranges will likely increase in size, potentially resulting in increased foray distances, with increasing risk of interactions.¹⁷

There is a further, unquantified risk, not addressed by the risk of contact model. This second risk is that of stray domestic sheep mixing with bighorns during the spring grazing period, as the bands disperse across the landscape to forage. While the Poison Creek allotment is not particularly rough terrain, it is gently rolling with hills, and animals can get separated from the band and out of sight of the herder. This possibility is heightened by the known presence of coyotes in this area, which may scatter the sheep, resulting in stray animals which could find their way to bighorn sheep herds, thereby infecting the group.¹⁸ As with the risk presented by foraging animals, the consequences of infection can include herd die-off.

C. Limits of This Decision

¹⁶ The CIAA, identified in § 3.6.9 of the EIS.

¹⁷ In comments on the Draft EIS, the Oregon Department of Fish and Wildlife suggested that the model “likely underestimates ram foray distances for California bighorns recent radio collar data indicates forays of 30 miles are possible.” Similarly, Idaho Fish and Game noted “the modeled CHHR’s likely underestimate actual core home herd range sizes for complete herds.”

¹⁸ Communication from OFO range staff.

I acknowledge that the removal of domestic sheep use from the Poison Creek Allotment does not remove all risk to the Leslie Gulch or Reynolds (Owyhee Front) bighorn sheep herds: you have existing grazing permits on other BLM lands in the Owyhee Field Office and private land in both Oregon and Idaho on which you graze your sheep. In addition, this decision in no way attempts to affect your right to use public rights of way associated with the county roads through Owyhee County for trailing. While trailing on these rights of way, you may be able to use private land for bedding grounds. Nevertheless, the BLM has the responsibility to manage the public lands under its jurisdiction. FLPMA mandates the BLM manage the public lands to prevent undue degradation of resources; the ORMP requires that the BLM protect and enhance special species habitat. That the agency has less than complete control over an activity does not relieve the BLM of its management obligations with respect to that activity (to the extent of its jurisdiction).

I also acknowledge that the EIS has identified, through the application of the risk of contact model, that grazing on and trailing through other BLM allotments in the Owyhee Field Office present risks to bighorn sheep. I am at this time only addressing the permit renewal of grazing activities on the Poison Creek allotment; this decision is thereby limited.

D. Explanation for the Structure of this Decision

I have developed this Decision in recognition of both the risk and the uncertainty associated with this issue. As noted above, we have identified the risk a foraging bighorn sheep will enter the allotment; we have not, and cannot at this time, identify the likelihood of an interspecies contact during that period. We have not identified the risk presented by a straying domestic sheep coming into contact with a bighorn sheep, either within the allotment or outside it. This remains uncertain. However, should interspecies contact occur and infection occur, the consequences are likely to be severe: decimation or extirpation of the bighorn sheep herd.

This risk posed by interspecies contact cannot be mitigated without physical separation of the species. The literature recommends “effective separation” of the two species Western Association of Fish and Wildlife Agencies (WAWFA)(2012). State wildlife agencies for both Idaho and Oregon acknowledge the risks to bighorns associated with interspecies contact; both recommend development of a regional management plan for bighorn sheep on the federal lands. There are no current plans for development of such a plan, and thus I cannot delay resolution of this issue in this allotment until such a plan has been developed.

In acknowledgment of both the risk and the uncertainty associated with this issue, I have decided to phase out authorized domestic sheep use on the Poison Creek allotment over four years. During the first two years of implementation, you will be authorized to continue to graze domestic sheep in the Poison Creek allotment from 4/1 through 5/31 and to trail through the allotment in the fall. I will require two herders (with 2 herd dogs each) per band in the spring to reduce the

chance of strays.¹⁹ You will be authorized a two-day trail through the allotment in the fall in years one and two, with one overnight; 4 herders will be required. Your Separation Agreement with the State of Idaho has been incorporated into the terms and conditions of your grazing permit. Beginning in year 3, sheep grazing in the Poison Creek allotment will no longer be authorized; you may convert your sheep AUMs to cattle at that time, in whole or in part, depending on whether you plan to continue to trail sheep through the allotment for the next two years. A permit acknowledging the sheep-to cattle conversion of AUMs will be issued under this Decision.

In years three and four you will be authorized for 2-day sheep trailing (only) through the Poison Creek allotment, spring²⁰ and fall²¹. Your converted cattle AUMs will be taken in accordance with the schedule for cattle use found in this Decision.

This decision is being issued concurrently with a Final Trailing Decision to issue you a term grazing permit for the Poison Creek allotment. No authorization for Spring trailing will be issued in years 2014 and 2015 (years 1 and 2 of this Decision) because it will not be required with implementation of my final grazing decision.

E. Conclusion

In reaching this decision I have reviewed the EIS, comments from the public and operator, literature referenced in the EIS, and various court and Interior Board of Land Appeals rulings on this issue. I am aware that this Decision may be viewed as both “too little” and “too much”. However, I believe the domestic sheep use developed under this alternative best meets the complex situation we are facing. In phasing out domestic sheep use, I recognize and have attempted to ameliorate the harsh effects ending domestic sheep use in the Poison Creek allotment may have on your sheep operations, in both Idaho and Oregon. I recognize the uncertainties that underlie the issue, but in ending such use I also recognize the certainties of effect, should interspecies contact and infection occur.

This Decision is responsive to BLM’s obligations under the Federal Land Policy and Management Act and the Owyhee Resources Management Plan. It guarantees, to the extent of the agency’s jurisdiction in the allotment, the maximum protection of the resource, beginning in year five. Such a phased approach is appropriate, given the limited ability of the BLM to eliminate risk to the bighorn sheep population across the area and range of land-ownership types. It is consistent both with other recent federal actions in this arena, and with the Oregon and Idaho bighorn sheep management goals.

¹⁹ See, *WAFWA (2012); Appendix F, Payette FEIS., discussion of use of herders and herd dogs as a Best Management Practice.*

²⁰ Two days per band, 2 herders per band, in years 3 and 4.

²¹ Two days for the combined band; 4 herders with 2 dogs.

This decision is also consistent with the principles that have driven my decision-making through the Owyhee 68 grazing permit renewal process: to develop resource-based decisions, informed by science, mindful of their effects on the people affected and the human environment, decisions which are responsive to my stewardship responsibilities and that will provide the resources with resiliency as we move into an uncertain future. The resource of heightened concern in this decision is bighorn sheep; we know that current populations are reduce, and that disease is one of the causes of these low numbers. The science has demonstrated that interaction between domestic and bighorn sheep can lead to bighorn sheep herd die-offs, as infected individuals return to their herds. No mitigation for the risk of infection through inter-species contact currently exists other than separation of the species. We have identified the risk a bighorn will intersect the Poison Creek allotment; we do not know the risk that individual will interact with a domestic sheep grazing on, or trailing through, the allotment. We know the likely consequences of such interaction and infection: studies on the Payette found that even when the risk of contact was .05, the affected population had a high level of probability of extirpation. On this allotment we have identified an initial risk of contact of 17.3 and 23.5; I am unable to assume a risk of that magnitude, in light of the potential consequences.

My decision space is defined by my stewardship responsibilities under FLPMA, by the objectives and management actions identified in the ORMP, by current scientific knowledge about this issue, and by my own responsibilities as a human being; this Final Decision will protect and enhance populations and habitat for bighorn sheep on the Poison Creek allotment.

Conclusion

In conclusion, it is my decision to select Alternative 2, as modified, on a temporary basis, and to implement Alternative 5, as modified within three years for the Poison Creek allotment because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho Range Health Standard and Guides, Standard 8, which was not met due to current livestock management practices for bighorn sheep because of the grazing of domestic sheep and the probability of a bighorn sheep individual crossing the allotment boundary or trailing corridor and the potential for disease transmission that exists.

Alternative 5 will have a substantial effect on the local socio-economics of the sheep industry; nevertheless, for the reasons stated, it is the most appropriate decision at this time due to the risks to bighorn sheep. 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 final alternative, leads me to believe elimination of livestock grazing from the Poison Creek allotment is unnecessary at this point.

This grazing decision and subsequent permits are being issued under the authority of 43 CFR 4100 and in accordance with the Owyhee Resource Management Plan (43 CFR 4100.0-8), thus all activity thereunder must comply with the objectives and management actions of the Plan.

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 final decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Appeal

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing 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. 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:

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

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 persons 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:

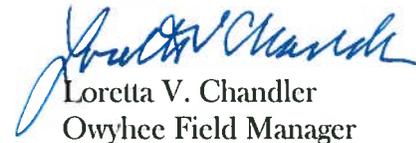
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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
Owyhee Field Manager

Attachments: BLM Responses to the Poison Creek Protest Points

Copies sent to: See attached Group 2 Mail List

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

Group 2 Mail List

Company Name	First Name	Last Name	Address 1	City	ST	Zip
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Chipmunk Grazing Association	Elias	Jaca	PO Box 175	Marsing	ID	83639
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Elordi Cattle Co.	Jim	Elordi	PO Box 55	Jordan Valley	OR	97910
Elordi Sheep Camp, Inc.	Richard	Elordi	14448 Bighorn Dr.	Nampa	ID	83651
Idaho Wild Sheep Foundation	Herb	Meyr	570 E. 16 th N.	Mountain Home	ID	83647
Idaho Wild Sheep Foundation	President Jim	Jeffress	PO Box 8224	Boise	ID	82707
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701
Idaho Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
IDEQ			1410 N. Hilton	Boise	ID	83701
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720
Idaho Dept. of Parks & Recreation	Director		PO Box 83720	Boise	ID	83720
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LS Cattle Co.	Jeff	Stanford	PO Box 217	Jordan Valley	OR	97910
LS Cattle Co.	Jerry	Stanford	PO Box 281	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO Box 415	Jordan Valley	OR	97910
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St., 20 th Floor	San Francisco	CA	94104
Oregon Division State Lands			1645 NE Forbes Rd., Ste. 112	Bend	OR	97701

Company Name	First Name	Last Name	Address 1	City	ST	Zip
Owyhee Cattlemen's Association			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Poison Creek Grazing Association LLC	Tim	Mackenzie	PO Box 443	Homedale	ID	83628
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair Gene	Gray	2393 Watts Lane	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
	Senator Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Senator James E.	Risch	350 N. 9 th St., Ste. 302	Boise	ID	83702
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of Nevada Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W. Bannock, Ste. 210	Boise	ID	83702
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999
U.S.F.W.S. Idaho State Office			1387 S. Vinnell Way, Ste. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Western Watershed Projects			PO Box 1770	Hailey	ID	83333
	Doug	Burgess	2725 Mule Springs Rd.	Homedale	ID	83628
	Ted	Blackstock	6754 Opaline Rd.	Given Springs	ID	83641
	Alan	Johnstone	2740 Egurrola Ln.	Homedale	ID	83628
	Tim	McBride	1445 US 95 South	Jordan Valley	OR	97910
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642
	Sean & Andrea	Burch	PO Box 284	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Chad & Dannelle	Hensley	4300 Choctaw Dr.	Nampa	ID	83686
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	Sandra	Mitchell	501 Baybrook Ct.	Boise	ID	83706
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd., Reynolds Creek	Murphy	ID	83650
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837

Company Name	First Name	Last Name	Address 1	City	ST	Zip
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639
	Congressman Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	John	Isernhagen	2618 Cow Creek Rd.	Jordan Valley	OR	97910
	Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 135	Arock	OR	97902
Office of Species Conservation	Cally	Younger	304 N. 8 th St., Ste.149	Boise	ID	83702

Poison Creek Protest Responses

Protest ID	Protest Point No.	Protest Text	Protest Response
2PoisonCrLLC11212013	2	<p>Failure to consider and respond to our comments on the DEIS... After reviewing the Scoping Report, the FEIS and the Poison Creek proposed decision, it is obvious that you and your staff did not consider or respond to those issues that were raised in our comments... During this entire process of renewing our grazing permit, the Owyhee Field Office staff has failed to effectively consult, coordinate and cooperate with the Poison Creek permittees nor have you reasonably considered or responded to our concerns either verbal or written. Your failure to work cooperatively with the Poison Creek permittees is contrary to BLM grazing regulations and its long-standing policies .</p>	<p>BLM responded to your comments in the EIS, see content analysis. In addition, the BLM received application from Tim Mackenzie signed on May 27, 2011. On July 13, 2012 the BLM met with Mr. Mackenzie to go over his application as submitted in 2011; as a result we got an updated application on this day asking for additional terms and conditions to allow up to 1600 sheep or two bands with the same AUMs. In addition the BLM met with Tim Mackenzie, consultant, Vern Kershner, and Townsends on November 24, 2013 to further discuss protest points. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined in Chapter 4 of EIS # DOI-BLM-ID-B030-2012-0014-EIS, several meetings were held and multiple opportunities to review documents occurred. At least 25 meetings were held with permittees, state/local agencies, or interested public. Additionally, draft documents (including a draft EIS) on several occasions were reviewed and commented by all parties, and several comments were received and responded to.</p>
2PoisonCrLLC11212013	3	<p>Removal of AUMs FROM Permit The proposed decision removes the 267 AUMs from the new permit without any justification or explanation. This is an unauthorized reduction in permitted AUMs. The grazing regulations require BLM to base reductions on monitoring data, ecologic site inventories or other data. Prior to reducing permitted use, the BLM must provide consultation, cooperation and coordination with the permittee (4110.3.1 and 4110.3.3). The BLM has not provided monitoring data or other creditable data that even remotely</p>	<p>Please see the Final Decision, the BLM authorized maximum AUMs that have been grazed in actual use reports provided and analysed in detail in the EIS.</p>

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		justifies a reduction in permitted AUM.s	
2PoisonCrLLC11212013	4	The rationale for the major reduction in livestock grazing (more than 50%) as required in Alternative 4 will increase sagebrush in the seeding and will lead to "significant progress toward desired conditions" is biological nonsense .	The Determination found that the Poison Creek allotment has fragmented shrub/steppe habitat conditions and lacks an overstory shrub component due to the 2002 Trimble Fire and recovery efforts. The remaining sagebrush habitat is lacking an adequate herbaceous component in the understory. The BLM wants to improve the sagebrush overstory in the seeding and the herbaceous understory in the remaining native sagebrush community. Applying Alt. 4 will reduce grazing pressure on the vegetation community and allow the processes of community succession to occur. Page 232 of the FEIS discusses seedings and the time that can be anticipated for this process to occur.
2PoisonCrLLC11212013	5	The statement that "a reduction of active AUMs and increased years of rest provide the allotment the opportunity to continue to improve vegetation health and vigor for seeded communities" is nonsense .	The BLM agrees and has restated this issue more clearly in the decision to read "Reductions in AUMs and increased years of deferment will allow the remnant native communities the opportunity to maintain or improve upland vegetation health and vigor." Seeded communities will continue to meet standard 5.
2PoisonCrLLC11212013	6	The rationale for issue #2 is illogical and unfounded. The proposed decision claims the allotment, due to livestock grazing, does not meet standard #8 on the uplands because of the lack of sagebrush needed for suitable sage grouse habitat. However, in this situation standard 8 is not even applicable .	The allotment does not meet Standard 8 because of current livestock grazing due to the grazing of domestic sheep within suitable habitat for bighorn sheep as delineated by the Owyhee Front Bighorn Sheep Population Management Unit by the IDFG and the issue of disease transmission from domestic sheep to bighorn sheep.
2PoisonCrLLC11212013	7	The Field Manager's Decision claims that the Poison Creek Allotment fails to meet standards 2, 3 & 8 due to livestock because the Poison Creek Canyon is determined to be nonfunctional. This is based solely on the 2002 PFC assessment which was conducted immediately following the 2002 Trimble Fire which totally burned out the canyon and most of the allotment .	Standards 2 & 3 are not meeting, but making progress and livestock were not identified as the causal factor- see Decision pg. 7 & 8. Both the NF condition from 2002 as well as the PFC rating from 2013 are noted (pg. 8), and the Determination was changed from "not meeting" to "making progress" based on the Draft EIS comments
2PoisonCrLLC11212013	8	Yet, the proposed decision erroneously claims that grazing does not meet the guidelines. The proposed decision (page 20, Issue 4) incorrectly indicates that grazing has been made during the hot summer season which would adversely impact the riparian vegetation. Past grazing has only been spring (April and May) use .	The Poison Creek allotment is not meeting Standard 8 due to "current livestock grazing" because of domestic sheep grazing in suitable bighorn sheep habitat and the concern of contact between the two species and the potential for disease transmission from domestic sheep to bighorn sheep. The determination of domestic sheep grazing can be found in the Appendix E of the FEIS, page 140. Riparian resources have been determined to be not meeting Standards 2 and 3 but are making significant progress and current livestock use was not identified as the causal factor. It is the BLM's desire to maintain this trend. Hot season reference corrected in Final Decision.

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2PoisonCrLLC11212013	9	To tell the public in the FEIS and the decision documents that Poison Creek is nonfunctional amounts to malfeasance. These documents claim that stocking rates in recent years have been too high to allow riparian recovery yet, actual use records and utilization data show light use.	Standards 2 & 3 are not meeting, but making progress and livestock were not identified as the causal factor- see Decision pg. 7 & 8. Both the NF condition from 2002 as well as the PFC rating from 2013 are noted (pg. 8), and the Determination was changed from "not meeting" to "making progress" based on the Draft EIS comments
2PoisonCrLLC11212013	10	The proposed decision claims livestock grazing is adversely impacting "upland vegetation by reducing and removing native vegetation communities". This is simply an emotionally charged statement without a factual basis. In fact, 75% of the Poison Creek Allotment is a non-native crested wheatgrass seeding. The remaining portion of the allotment supports mainly native vegetation, which your proposed decision states supports the appropriate native grasses.	Opinion noted. The BLM issue statement that livestock grazing is affecting upland vegetation by removing vegetation is still the issue that was carried through analysis. BLM found that in the Poison creek allotment livestock grazing was not affecting this issue because the seeded communities were meeting Idaho Rangeland health standards; however this issue was carefully considered and analyzed in detail in the EIS.
2PoisonCrLLC11212013	11	The rationale for imposing draconian reductions to livestock grazing in the form of Alternative #4 is biologically incorrect and wishful thinking. This rationale states that the "Alternative #4 grazing schedule will provide for additional sagebrush recruitment... because soil impacts from hoof action in the spring when soils can be saturated will be reduced". Assuming this will allow sagebrush to increase in the seeding is just absurd from a biological standpoint. Lightly grazing crested wheatgrass seedings does not encourage sagebrush recruitment but rather the opposite. Healthy crested wheatgrass seedings reduce sagebrush recruitment due to grass competition with sagebrush seedlings for soil moisture.	Indeed, the comment that 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" should not have been stated that way. This section of the final decision was revised along with a change from Alternative 4 to Alternative 3 for cattle grazing and Alternative 2, as modified, for sheep grazing.
2PoisonCrLLC11212013	12	The DEIS, FEIS and the proposed decision raise concerns over the possible trampling impacts by sheep on Cusick's pincushion in the Poison Creek Allotment... The presence of a population of Cusick's pincushion on this unique soil is proof that Standard 8 (T&E Species) is being met... The rationale again makes the statement that the "reduction in AUMs (Alt 4) would decrease grazing pressure on plant communities and promote proper functioning ecological process"... Neither do BLM range health assessments indicate that existing livestock grazing pressure has precluded "proper functioning ecological condition". However, the proposed decision on page 10 claims that livestock grazing does not meet guideline II (Conservation Plans and Section 7 consultation).	In 1994 Moseley surveyed and recorded 1,000 individual Cusick's plants at this occurrence; plants were also observed during a 1996 observation (See Group 2 Special Status Plants Specialist Report). Even though late in the year, in the subsequent years of 2002, 2005, and 2009 no plants were observed, even senescent plants, and livestock trampling was noted as a threat along with OHV use and illegal dumping. During the final visit on record in April 2012, again no plants were observed and trampling by livestock, particularly sheep, was noted to be extreme.

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2PoisonCrLLC11212013	13	The discussion on page 6 of the proposed decision acknowledges that weeds, in limited amounts, exist on the Poison Creek allotment and that BLM's weed control program is dealing with the issue. Yet issue #7 and the associated rationale attempts to make livestock spreading of noxious weeds a major resource issue. Livestock spreading weed seed is stated as a potential threat without demonstrating that it is an actual significant issue on the allotment. Yet, this 'potential threat' is used to justify the major reduction of livestock grazing proposed under Alternative 4 .	Opinion noted. The BLM issue statement acknowledges that livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds. The Poison Creek weeds analysis were carefully considered in the EIS and found that with the selected alternative that this risk would allow native perennial species health and vigor to be maintained or improved.
2PoisonCrLLC11212013	14	Your characterization of Alternative 1 , which you consider to be unsustainable and a disservice to the permittees and the public, is disingenuous at best. You have not demonstrated that grazing permitted under the previous permit is unsustainable .	BLM describes existing condition on the allotment in the Final decision on page 7 as summarized that "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." This conflicts with your statement.
2PoisonCrLLC11212013	15	Your concern that Poison Creek uplands do not support adequate sagebrush cover for suitable sage grouse habitat (standard 8) is solely a consequence of the 2002 Trimble Fire and the subsequent BLM crested wheatgrass seeding. In fact, your proposed action (Alternative 4) will even further delay any sagebrush recruitment to the upland seeding. You have failed to demonstrate that current livestock grazing on the Poison Creek Allotment is the cause of failure to meet any of the rangeland health standards.	The Poison Creek allotment is not meeting Standard 8 due to "current livestock grazing" because of domestic sheep grazing in suitable bighorn sheep habitat and the concern of contact between the two species and the potential for disease transmission from domestic sheep to bighorn sheep. The determination of domestic sheep grazing can be found in the Appendix E of the FEIS, page 140. Review 2PoisonCrLLC11212013 protest point 4 for further discussion regarding the discussion on current habitat conditions and the promotion of sagebrush and herbaceous understory grasses..
2PoisonCrLLC11212013	16	It is interesting that in your rationale to justify not using grazing to reduce fuel loads with livestock grazing, you state "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". Then, you claim that "such conditions do not exist on these allotments at a pasture-wide scale". Wrong .	The BLM agrees and has taken this statement out of the rationale section of the decision.
2WWP11292013	63	Western Watersheds Project supports the closure of the Poison Creek allotment to domestic livestock grazing to meet the objective of reduced conflict between livestock and bighorn sheep. However, the BLM has not adequately analyzed the existing risks associated with interaction between domestic sheep, cattle, and bighorn sheep.	The analysis in the EIS speaks for itself. The BLM recognized at the beginning of the NEPA process that 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. The BLM developed Alternative 5 specifically for this significant issue to be carried forward in the analysis that would look at the effects of removing all domestic sheep grazing from the Poison allotment. In addition, Alternatives 3 and 4 were developed to reduce the potential for contact between domestic and wild sheep. Please refer to the effects analysis (section 3.6

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			starting for bighorn sheep on page 227). Existing risk analysis is derived from the Risk of Contact Model which, does not analyze the risk of contact between a domestic and bighorn sheep, but instead analyzes the annual risk of a bighorn sheep intersecting (contacting) a specific grazing allotment.
2WWP11292013	71	A 17.14% risk of contact would likely extirpate bighorn sheep. The fact that activities on Oregon BLM allotments have a higher risk of contact does not mean that the Owyhee BLM can ignore activities that contribute to the risk. To the contrary, the purpose of the cumulative effects analysis is to assess the risk of federal actions when combined with other federal actions and non-federal actions, it simply creates even more need to reduce the risk on Owyhee BLM lands to try to protect the viability of these bighorn populations. The BLM fails to take a hard look at this issue through its cumulative effects analysis to help choose the appropriate management decision.	The BLM identified bighorn sheep as a primary issue in the Chipmunk Group Allotments (FEIS, page 16). A risk-of-contact model (considering multiple scenarios: ex. 8 CHHRs, winter season, summer season, allotment boundaries, and trailing routes) was used to assess the probability of bighorn sheep intersecting an allotment or trailing segments regionally in both southwest Idaho and southeast Oregon. BLM met several times with IDFG, ODFW, and BLM-Vale to discuss and share information. The risk-of-contact model does not estimate the probability of extirpation. The impact analysis in the FEIS considered the Poison Creek allotment specifically as well as the risk-of-contact regionally within the cumulative impact analysis area. (evm) The model is called a risk of contact model, which many are mistakenly interpreting as a risk of physical contact between a Bighorn and domestic sheep. Actually, the model demonstrates the risk of contact between a Bighorn sheep and a specific grazing allotment boundary. A 17.14% risk means that in any given year, a Bighorn sheep has a 17.14% risk of intersecting a specific allotment.
2WWP11292013	72	BLM's reliance on BMP's does not adequately protect Bighorn Sheep. BMPs are no proper substitute for separation, and will not bring about compliance with the RMP. The BLM FO Manager Chandler's proposed decision rationale mentions 17% risk of contact from Leslie Gulch, does not mention from the Owyhee Front in Idaho, and does not reveal that the EIS describes BLM actually finding 38% chance of contact if state game agency bighorn population goals are reached.	BMPs are not considered within the FEIS. Under Alternatives 1-4, BMPs identified within an existing Separation Agreement between the BLM-Boise District and the permittee will be elevated as terms and conditions within the domestic sheep grazing permit (Section 2.1.2 Bullet No. 13; Appendix H). (FEIS, page 241)
2WWP11292013	83	Bighorns: We Protest BLM relying on loose and highly uncertain "Separation Plans". Livestock interests exert significant pressures on state game agencies. It appears that ranchers have browbeaten Oregon into being ready to purge bighorns and try to keep them from re-occupying historical range in order to placate the Mackenze sheep operation that controls access through private lands to some areas some hunters want to get to. The permittee family controls access to a lot of country with their OR private land. State game agencies are dependent on license sales, and at times go to great lengths to please parties who control access across private lands.	Refer to response to protest 2WWP11292013, protest point number 72. Domestic sheep grazing terms and conditions are designed to: 1) decrease the risk of contact between bighorn sheep and domestic sheep, and (2) increase communication between BLM, the State, and the permittee regarding bighorn sheep sightings and movements. (FEIS, page 241)

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2WWP11292013	84	By allowing these domestic sheep to remain here, BLM is very foreseeably dooming sustainable and viable bighorn sheep populations across the Owyhee Front. This violates BLM's sensitive species policy, the RMP, and FLPMA. We Protest all of these shortcomings.	Refer to response to protest 2WWP11292013, protest point number 71.
2WWP11292013	88	We Protest the continued very high stocking rate in Poison Creek and the rest of these very small Chipmunk allotments. BLM has not shown that there is sustainable perennial forage, and has no Ecological Site or other information to form the basis for a current carrying capacity study. We Protest that BLM has now tried to magically convert the Poison Creek allotment (and other areas where taxpayers have spent large sums on seeding sagebrush and other native vegetation - into the sacrifice zone category of "seeding".	Poison Creek is currently meeting upland standards and making significant progress under current management for riparian resources under existing stocking rates. However the Final Decision decreased AUMs from 761 to 742 AUMs.
2WWP11292013	89	BLM has not provided monitoring to show to what degree compliance with the Court injunction has occurred. For example, in Chipmunk Poison Creek: Currently, there are 1000 sheep for 4/1 to 5/31, 174 cattle 4/1 to 5/31, for 761 AUMs. BLM had greatly failed to assess the difference between cow vs. sheep impacts, and between grazing vs. trailing impacts – and the effects to soils, microbiotic crusts, water quality and quantity, watershed integrity, ecological processes, biological diversity, sensitive species habitat quality and quantity, sensitive species populations, recreational uses and viability of sensitive species, native vegetation community integrity, risk of exotic species invasions, etc. We Protest this.	Monitoring data for the court order injunction is available in the Water Resources and Riparian/Wetland Areas project file and was also addressed under the affected environment section for applicable allotments (EIS Section 3.5.1). For the Poison Creek allotment, impacts from grazing and trailing from cattle and sheep are discussed in the affected environment section of each respective resource and assess current conditions that became the foundation for alternative development. The environmental consequence section for each resource then provides more detailed analysis under each alternative. Alternative 5, in particular, differentiates between the two livestock types because the alternative excludes sheep grazing.
2IdahoA11272013	110	The State questions why such a significant reduction and changes in grazing management are even necessary when on page 6 of the proposed decision BLM claims that Standards 1, 5, and 7 are being met in the Poison Creek Allotment; Standards 2 and 3 are making progress towards meeting the standards; standards 4 and 6 are not applicable; and only standard 8 has been identified as not meeting with current livestock grazing as a causal factor. However, in the Poison Creek Allotment case, standards are either being met, are making significant progress towards being met, or are not applicable except for standard 8 which BLM claims is not being met due to current livestock grazing management. The State questions why BLM has stated on page 6 that standard 8 has been identified as not meeting with current livestock grazing as a causal factor then on page 8 the proposed decision BLM claims that a majority of the allotment does not presently support a viable sagebrush component as a result of the 2002 Trimby wildfire and reseeded	The BLM selected Alternative 2, as modified, for sheep grazing and Alternative 3 for cattle grazing in the Final Decision that will maintain or improve desired conditions on the Poison Creek Allotment.

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		activities.	
2IdahoA11272013	111	On page 125 of the Final EIS, it states that increased years of rest allow opportunity to make significant progress toward meeting upland vegetation health and vigor faster in the Poison Creek Allotment than would Alternative 3, however, the uplands (Standards 1 and 5, along with Standard 7 water quality) have already been identified in the proposed decision and the Final EIS on page 12- 14 as meeting the standards.	The BLM agrees and has clarified this in the final decision. Alternative 3 for cattle provides for improved watershed function through seasonal deferral and Alternative 2, as modified for sheep grazing, Reductions in AUMs and increased years of deferral will allow the remnant native communities the opportunity to maintain or improve upland vegetation health and vigor.
2IdahoA11272013	114	<p>Neither the Proposed Decision nor the Final Grazing EIS identify grazing levels or use patterns as unacceptable. In fact, the appendices in the Final EIS for the Poison Creek Allotment (pages 50- 52) identify utilization averages for the Poison Creek Allotment for the last 36 years as follows:</p> <p>Year AGSP AGCR POSE SIHY Average 1975-1996 23.24 0 17 31.42 Average 1997-2011 17.86 23.17 11.5 2</p> <p>Utilization averages at these low levels for the past 36 years do not constitute an unacceptable level or pattern of utilization as identified in 43 CFR 4110.3-2 or suggest that livestock grazing use exceeds the livestock carrying capacity. According to grazing regulation 43 CFR 4110.3-2 above, conditions that warrant reductions in permitted use do not exist in the Poison Creek Allotment.</p>	Opinion noted. The BLM selected Alternatives that will continue to maintain or make progress on the Poison Creek Allotment in the Final Decision.
2IdahoA11272013	115	In addition, on page 19 of the proposed decision BLM states "implementation of the Alternative 4 grazing schedule will provide for additional sagebrush recruitment and establishment because soil impacts from hoofaction in the spring when soils can be saturated will be reduced." The Poison Creek Allotment is already meeting Standard 1 (watersheds- pg. 13 final EIS), therefore, soil impacts from hoof action in the spring when soils can be saturated should not have been a problem if BLM identified Standard 1 in the Poison Creek Allotment was being met.	Refer to response to protest 11

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2IdahoA11272013	116	Also, on page 125 of the Final EIS BLM states on the Poison Creek Allotment that "increased years of rest allow opportunity to make significant progress toward meeting upland vegetation health and vigor faster than Aft 3." Again on page 13 of the Final EIS BLM claims that Standard 5 (uplands) is already being met for the Poison Creek Allotment.	Refer to response to protest 111
2IdahoA11272013	117	The State questions why BLM is arbitrarily reducing AUMS when watershed and upland standards are being met in the Poison Creek Allotment and Standards 2 and 3 (riparian standards) are making significant progress, and Standard 7 (water quality) is also being met. Page 124 further states that with the implementation of Alternative 4, "lower stocking rates provide lower grazing intensities for vegetative communities that are not meeting management objectives," yet again in the case of the Poison Creek Allotment watershed and upland standards are being met in the Poison Creek Allotment and Standards 2 and 3 (riparian standards) are making significant progress, and Standard 7 (water quality) is also being met.	Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). The AUMs in the Final Decision were also considered by the maximum actual use that the permittees have used.
2IdahoB11272013	124	These alternatives also propose an increase from 1,000 head of domestic sheep to 1,600 head in the allotment, but AUM's allocated to livestock are consistent with the current level of use.	BLM agrees and this is reflected in the Final Decision.
2IdahoB11272013	125	Department staff believes that the likelihood of ram forays is greatest in October and November. Therefore, the Department believes that fall domestic sheep grazing, combined with increased numbers of domestic sheep, will increase the probability of contact between bighorn sheep and domestic sheep in the Poison Creek Allotment above the status quo. The Department suggests that the potential improvement in range conditions resulting from the adoption of Alternative 4 may not outweigh the increased risk of contact between domestic and wild sheep. Therefore, our assessment is that Alternatives 1 or 2 lessen the risk of contact in the Poison Creek allotment.	The BLM is considering IDFG's suggestion and reviewing the selection of Alternative 3 to graze domestic sheep in the Poison Creek allotment in the fall and the implications that may occur.