



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

November 26, 2013

REGISTERED MAIL

Scott and Sherri Nicholson
PO Box 690
Meridian, ID 83680

Notice of Field Manager's Proposed Decision

Dear Scott and Sherri:

Thank you for working with the BLM throughout this permit renewal process. I appreciate your interest in grazing the allotments in a sustainable fashion and am confident that this proposed decision achieves that objective.

The BLM evaluated grazing practices and conditions in the Browns Creek allotment through 2013. The BLM undertook this effort to ensure that any renewed grazing permit on this allotment is consistent with the BLM's legal and land management obligations. As part of the BLM's grazing permit renewal process, rangeland health assessments, evaluations, and determinations were completed. This proposed decision incorporates those documents by reference and the information contained therein.

On January 11, 2013, the Owyhee Field Office initiated by letter the collective public scoping process for Groups 3 through 5 of the Owyhee 68 grazing permit renewal process. These groups are referred to as the Toy Mountain, South Mountain, and Morgan groups, respectively. The Browns Creek allotment is one of 20 allotments within the Toy Mountain Group. The letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) (USDI BLM, 1999) for the purpose of developing grazing management alternatives for all three groups, including for the Toy Mountain Group (Group 3) NEPA document. The letter also served to request additional resources and monitoring information that could help the BLM to complete the permit renewal process. The letter encouraged commenters to submit comments and information by February 25, 2013, for each group of allotments, but did not set a closing date

for the receipt of public comments. The scoping document was also presented to the Shoshone-Paiute Tribe and Owyhee County Commissioners.

BLM mailed you a letter May 25, 2011, summarizing progress and future actions to comply with the 2008 Stipulated Settlement Agreement in renewing your grazing permit. That letter also requested that you complete application for renewal of your permit to graze livestock in the Browns Creek allotment. You submitted an application for renewal of this grazing permit, received by the BLM on June 12, 2011. In late May and early June 2013, two meetings were held with you to discuss allotment conditions, objectives, and livestock management. Additionally, you were asked during the 2013 meetings to update the previously submitted application. Following discussion with the BLM in 2013, you provided an updated application for permit renewal, received by the BLM on June 13, 2013.

After evaluating conditions on the land, meeting with you, and review of information received from the public, it became clear that resource concerns currently exist on the Browns Creek allotment. As a focus of addressing the impacts of renewing your livestock grazing permit, my office prepared and issued the Toy Mountain Group Environmental Assessment¹ (EA) in which we considered a number of options and approaches to maintain and improve resource conditions within the twenty allotments of the Toy Mountain Group. Specifically, the BLM considered and analyzed in detail five alternatives. We also considered other alternatives that we did not analyze in detail. Our objective 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 Browns Creek allotment's natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs. This proposed decision incorporates by reference the analysis contained in the EA.

I am now prepared to issue a proposed decision to renew your permit to graze livestock within the Browns Creek allotment. Upon implementation of the decision, your permit to graze livestock on this allotment will be fully processed using the revisions to the grazing regulations promulgated² in 1995, the Idaho S&Gs adopted in 1997, and the ORMP adopted in 1999.

This proposed decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Browns Creek Allotment;
- Outline my proposed decision to select Alternative 3 in the Browns Creek allotment; and
- Explain my reasons for this proposed decision.

Background

The Browns Creek Allotment is located approximately 8 miles southwest of Oreana, Idaho (Map 1). The ORMP categorized the Browns Creek allotment as an Improve (I) category allotment with a low priority for management. This two-pasture allotment consists of 3,862 acres of public land,

¹ EA number DOI-BLM-ID-B030-2013-0021-EA analyzed 5 alternatives for livestock grazing management practices to fully process permit renewal within the Toy Mountain Group of allotments.

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

16 acres of private land, and 11 acres of state land for a total of 3,889 acres (99 percent public land, 0.75 percent private land, and 0.25 percent private land).

The ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified included the high erosion potential, ecological condition of vegetation communities, noxious weeds, perennial surface water, riparian/wetland ecosystems, and special status species (e.g., sage-grouse).

A single grazing permit authorizes livestock grazing use of the Browns Creek allotment with a current total permitted use of 1,410 AUMs, of which 793 AUMs are active use and 617 are suspension AUMs³. The authorized season of use for the allotment is April 1 to June 15 annually for 317 cattle. Recent actual use data (2004 to 2012) indicates that the two pastures are typically grazed in a two pasture rest-rotation schedule, with rest of each pasture occurring in alternate years. Actual use reported during the 9-year period between 2004 and 2012 has averaged 199 AUMs, with a maximum of 522 AUMs in 2008.

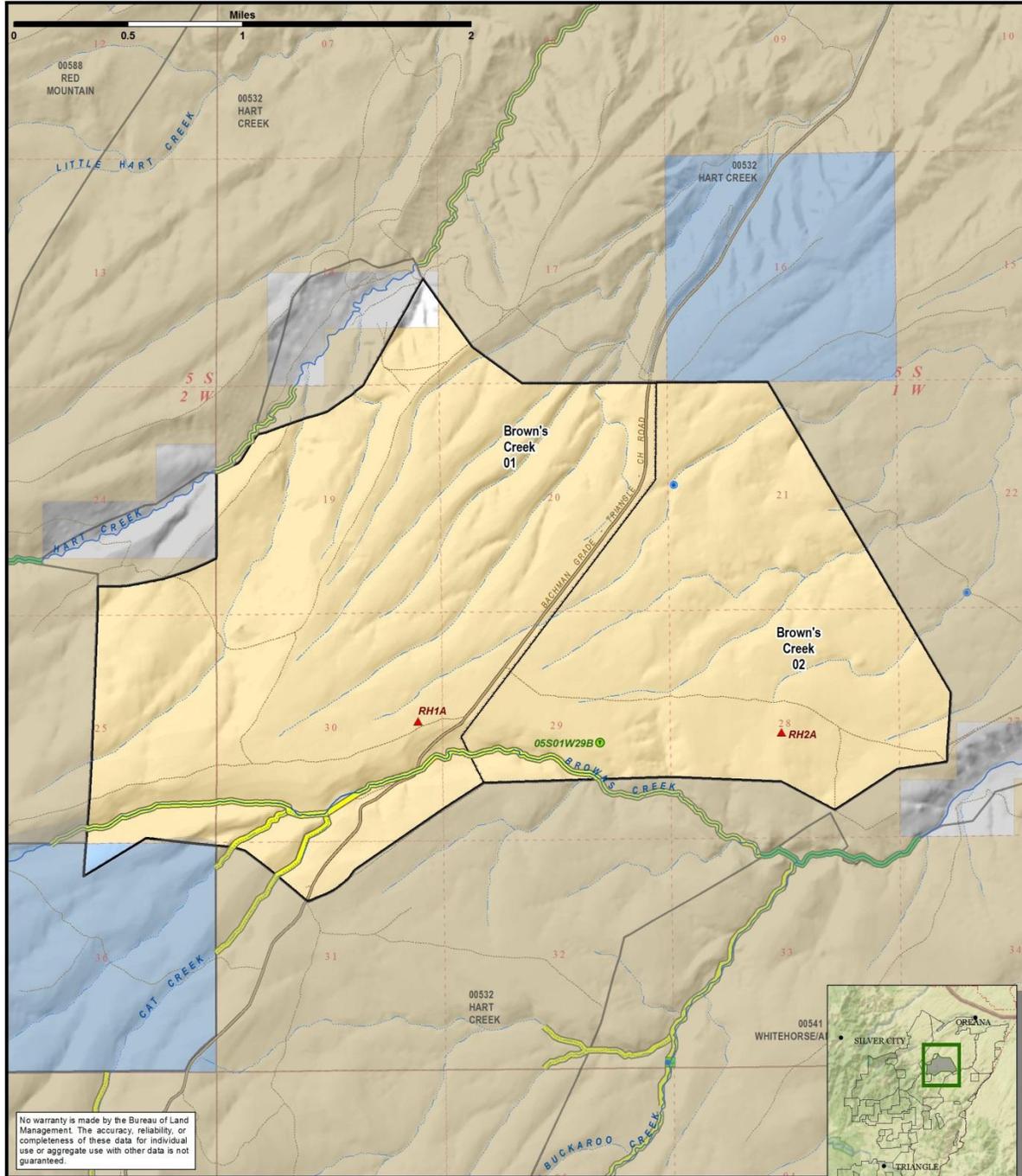
The Browns Creek allotment is located on terraces set between Hart Creek and Browns Creek. Slopes range between 2 and 40 percent and the soils are generally deep and well-drained loams. The elevation ranges from 3,200 feet to 4,600 feet. No perennial streams or springs occur on federal range within the allotment. Although 19.8 miles of ephemeral/intermittent stream are found in the National Hydrologic Database for the Browns Creek allotment (13.6 in pasture 1 and 6.2 in pasture 2), only 3.1 of these miles support riparian/wetland vegetation (2.4 miles of Browns Creek, 0.3 miles of an unnamed tributary to Browns Creek, and 0.4 miles of Cat Creek).

The allotment is predominantly situated within the Unwooded Alkaline Hills Ecoregion, with a small portion of the southwest corner of the allotment occurring in the Owyhee Uplands/Canyons Ecoregions. The Unwooded Alkaline Foothills ecoregion occurs at the lowest elevations and is generally the flattest and driest of the ecoregions represented. Salt desert shrub and xeric sagebrush steppe are the dominant vegetation communities. The Owyhee Uplands and Canyons ecoregion is characterized by deep canyons, badlands, and rocky outcrops covered predominantly with low sagebrush steppe and juniper woodland vegetation communities. Although the major habitat type is sagebrush steppe, most has been altered by plowing and seeding crested wheatgrass in the 1960's. Across ecological sites within the allotment, effective average annual precipitation ranges from 7-13 inches. Mapping done by the Pacific Northwest National Laboratory using 2000/2001 Landsat satellite imagery, updated for vegetation treatments and fire, indicate the current vegetation in the Browns Creek allotment is dominated by big sagebrush (50 percent), salt desert shrub (39 percent), bunchgrass (4 percent), and exotic annuals (4 percent).

³ While a 2012 permit renewal completed in accordance with a rider to the 2012 Appropriations Act identifies no suspension in the Browns Creek allotment, the valid permit for grazing use is the still valid 1997 permit pending its renewal in compliance with the Idaho S&Gs and the ORMP (see the 2/29/2000 Memorandum Decision and Order of the United States District Court for the District of Idaho in *IWP v Hahn*). During the short term of implementing the revised grazing regulations in 2006, the suspension was likely removed from the record as part of an effort to offer a replacement permit.



Map 1: Brown's Creek (00585) 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 of Interest Boundary | Stock Pond | Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC | Intermittent Stream | BLM |
| Range Monitoring | Trough | FAR | Improved Road | State |
| Nested Plot Frequency Trend | Exclosure | NF | 4WD Road | Private |
| RHA Point | | | Water Body | |



1:35,000

Current Grazing Authorization

You currently graze livestock within the Browns Creek allotment pursuant to a grazing permit issued by the BLM (Table 1). The current permit includes 617 suspended AUMs. The terms and conditions of that grazing permit are as follows:

Table LVST-1: Browns Creek allotment current grazing authorization

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00585 Browns Creek	317	Cattle	4/1	6/15	100	Active	793

Terms and conditions:

1. The Browns Creek allotment (#0585) is a two-pasture system. A pasture will be grazed one year followed by a year of no grazing (rest).
2. A minimum 4-inch stubble will be left on herbaceous vegetation within the riparian area along 2.0 miles of Browns Creek in allotment #0585 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
3. Turnout is subject to the Boise District range readiness criteria.
4. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
5. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
6. Changes to the scheduled use require prior approval.
7. 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.
8. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
9. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within wilderness study areas requires prior consultation with the authorized officer.
10. All appropriate documentation regarding base property leases, land offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District policy.
11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1.

12. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
13. Utilization may not exceed 50 percent of the current year's growth.
14. United States District Court for the District of Idaho imposed terms and conditions
 - 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

Livestock Management

Since 2004, the Browns Creek allotment has been used primarily from April through June. Typically, livestock have grazed from on-dates as early as 4/15 and as late as 5/27, to off-dates as early as 5/19 and as late as 6/21. During this timeframe, use alternated between pastures on most years. Reported actual use AUMs ranged from a low of 112 to a high of 522, with most use (8 of 9 years) being between 112 and 212 AUMs annually. Average use over the 9-year timeframe was 199 AUMs.

As you know, the current permit authorizes an annual use of 793 AUMs of forage in the Browns Creek allotment and a season of use between April 1 and June 16. It is clear that the timeframes in which use has actually occurred on the allotment are similar to those outlined in the mandatory terms and conditions. It is also clear that during this period fewer AUMs were utilized annually than as identified in the mandatory terms and conditions.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotments. In other words, the current condition of the 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 and a Determination for the Browns Creek allotment in 2013 (USDI BLM, 2013). Those documents concluded that some of the resources on the Browns Creek allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined the allotment did not meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 7 (Water Quality), and 8 (Threatened and Endangered Animals). The allotment is making significant progress towards meeting Standard 5. Standards 4 (Native Plant Communities) and 6 (Exotic Plant Communities, other than Seeding) were not applicable. Additionally, current livestock grazing management was identified as

a significant causal factor for Standards 2, 3, 7 and 8 not meeting. Associated Guidelines not in conformance were 5, 7, 8, 10 and 12.

Vegetation - Uplands⁴

Standard 4 (Native Plant Communities) does not apply to the Browns Creek allotment because the plant communities in this allotment were altered in the mid-1960s. Much of the allotment was plowed and seeded to crested wheatgrass.

Standard 5 (Seedings) was not met in the Browns Creek allotment, although significant progress has been made between 2008 and 2011 toward meeting the standard. Rangeland health assessments completed in both pastures in 2002, as well as monitoring completed through 2008 at nested frequency trend sites and photo-plot studies, indicate that limited crested wheatgrass was maintained prior to 2002, following rehabilitation efforts in the 1960s. Remaining native perennial bunchgrass species are limited to weakened Sandberg bluegrass and few, if any, deep-rooted native perennial bunchgrasses (Thurber's needlegrass or Indian ricegrass).

An overall moderate departure of biotic integrity from reference site conditions leads to a conclusion that Standard 5 (Seedings) is not met. This conclusion is supported by photos accompanying the RHAs identifying that perennial herbaceous and shrub species diversity was inadequate to provide appropriate litter and standing dead plant material for site protection and for decomposition to replenish soil nutrients relative to site potential. The qualitative assessment indicates that the vegetation composition of both pastures does not adequately contribute toward nutrient cycling, energy flow, and hydrologic cycling consistent with reference site conditions.

Recent grazing management practices with rest from grazing in alternate years in both pastures has allowed an upward trend in condition of seeded crested wheatgrass and shallow-rooted perennial bunchgrass composition and meeting the ORMP objective to improve unsatisfactory vegetation health/condition in the Browns Creek allotment. Although the allotment is not meeting Standard 5, it is making significant progress towards meeting the standard.

Watersheds/Soils⁵

Past livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 (Watersheds) in the Browns Creek allotment. Signs of soil loss are primarily historic due to water flow patterns and erosion relics that indicate decreased watershed function. Soil surface resistance to erosion is reduced due to a lack of litter, soil organic matter, and adequate persistent cover.

Parts of the allotment were plowed and seeded to crested wheatgrass in the 1960s and actual use shows that the spring grazing is generally alternated yearly between the pastures. Recent monitoring from a nested plot frequency transects and two photo plots indicate a short-term improvement of the non-native crested wheatgrass, Sandberg bluegrass, and litter. Ground cover trend data also shows a slight upward trend and a reduction in bare ground that indicate long-term progress. However, the perennial herbaceous and shrub species diversity indicates that the vegetation composition is inadequate, with altered hydrologic function and lacking soil stability.

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA - Section 3.3.5.1.1

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021- Section 3.3.5.2

Much of the grasses and biological soil crusts grow underneath shrubs while interspaces remain bare, resulting in surface sealing, ponding, and increased water flow. Litter and standing dead plant material for site protection and for decomposition to replenish soil nutrients are available but are reduced and only provide limited protection to erosion; some physical damage is present and has resulted in compaction. The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. While trend data indicate short-term progress toward meeting the ORMP soil management objective, historic livestock management is the primary contributing factor for not meeting Standard 1 (Watersheds) in the Browns Creek allotment.

Water Resources and Riparian/Wetland Areas⁶

The BLM's 2013 Rangeland Health Evaluation and Determination for the Browns Creek allotment (USDI BLM, 2013) concluded that Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not being met in both pastures because of current livestock grazing management. Cat Creek and an unnamed tributary combine and form Browns Creek at the lower end of pasture 1, and Browns Creek continues to flow through pasture 2. These two creeks were not identified as fisheries habitat in the 1999 ORMP (USDI BLM, 1999).

Approximately 3.1 stream miles of Browns Creek and its tributaries that support riparian/wetland vegetation occur within the allotment. The most recent assessments identify 3.1 miles of stream are functional at-risk (FAR); however, 2.5 miles were re-visited in 2012 and re-classified as ephemeral. Thus, the PFC protocol was not applied. The remaining 0.6 mile (of the original 3.1 miles) to which the PFC protocol were applicable were rated as FAR; these areas had inadequate deep-rooted hydric vegetation that aid in stabilizing stream banks and dissipating energy during high flows, and there is erosion and deposition occurring. There are areas where the channels are incised skewing the width-to-depth ratios that prevent frequent inundation and development of the floodplains. In some locations, residual vegetation has not been sufficient to maintain or improve riparian-wetland function.

The Browns Creek allotment falls within the Middle Snake-Succor sub-basin, an arid sub-basin characterized by hot summer temperatures. The streams within the watershed are tributaries to the Snake River and are generally low-volume streams that have a combination of high ambient temperatures, poor shading, low flow volume, flow alteration, and naturally warm springs, which often lead to exceedances of the temperature standard. Other issues identified that affect the streams in the watershed are nutrient loading and in-stream channel erosion causing sediment loading.

The Browns Creek Allotment is not meeting Standard 7 (Water Quality) because Browns Creek, Cat Creek, and the unnamed creek within the allotment are on the §303(d) list of impaired waters based on sediment. The streams do not meet the ORMP objective for water quality to meet or exceed State of Idaho water quality standards on all federally administered waters.

Special Status Plants⁷

Standard 8 for botany is met in the Browns Creek allotment. There are no federally listed or BLM special status plants that occur in this allotment; therefore, they will not be discussed.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.3

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.4

Wildlife/Wildlife Habitats and Special Status Animals⁸

Standard 8 for wildlife is not met in the Browns Creek allotment and current livestock management, as related to Standards 2 and 3, is a significant causal factor. As a result of current livestock management practices, riparian areas have inadequate deep-rooted hydric vegetation that aid in stabilizing stream banks and dissipating energy during high flows; erosion and sediment deposition is also occurring. Channels are incised, skewing the width-to-depth ratios that prevent frequent inundation and development of the floodplains. In some locations, residual vegetation has not been sufficient to maintain or improve riparian-wetland function. The allotment lacks lentic areas and the types (i.e., intermittent, ephemeral) and locations (i.e., relatively deep, narrow valleys and canyons; closed riparian canopies) of most lotic systems limit their availability for sage-grouse use and render them marginal sage-grouse habitat at best. In addition, the local sage-grouse population exhibits an elevational migration to moister habitats, which reduces the importance of these areas as late-brood rearing habitat for sage-grouse and their broods.

Standard 4 (Native Plant Communities) does not apply in the allotment because of crested wheatgrass seedings that occurred in the 1960s. Upland habitats in Wyoming big sagebrush ecological sites are not providing adequate conditions for many shrub-obligate and ground dwelling, nesting, and foraging species. Although Standard 5 (Seedings) is not being met, significant progress towards meeting the Standard has been made since 2008; recent trend monitoring indicate a greater frequency and improved health and vigor of the non-native seeded crested wheatgrass and native Sandberg bluegrass.

Although shrub cover has remained consistent and provides adequate woody cover, structure, and forage for shrub-obligate and -dependent species, the quality of the herbaceous understory has not improved. Herbaceous understory conditions in sagebrush communities continue to limit habitat quality for sage-grouse and other upland species. Native, deep-rooted perennial bunchgrasses are generally absent and cheatgrass is locally abundant. Although crested wheatgrass frequency and vigor has improved since 2008, its ability to provide cover and forage for native wildlife species is limited. Sage-grouse breeding habitat conditions, although on the lower end of suitable in pasture 1, were generally marginal overall due primarily to lack of herbaceous perennial cover and forage. Winter habitat conditions are suitable as the shrub component is not a limiting factor within the predominant ecological sites in both pastures.

Because the condition, abundance, structural stage, and distribution of plant communities required for diverse and desired wildlife populations are not maintained or enhanced and because special status species' habitats are inadequate to increase or maintain populations so as to preclude an impetus for listing (for sagebrush and shrub obligates and dependent species in particular), these major ecological site alterations from their reference states discussed above do not conform with ORMP objectives.

Guidelines for Livestock Grazing Management

The Browns Creek allotment is not conforming to all guidelines. The BLM's 2013 Determination for the Browns Creek allotment (USDI BLM, 2013) identified grazing management practices that

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.5 and Appendices E and F.

did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

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

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

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

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

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

Since the Browns Creek allotment is not meeting one or more of the Idaho Standards for Rangeland Health and is not in conformance with one or more of the Guidelines for Livestock Grazing Management due to current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues⁹

Through the scoping process, development of the Rangeland Health Assessment/Evaluation Reports, and Determinations, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Toy Mountain Group allotments:

Issue 1: Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.

Issue 2: Improve watershed conditions within upland sites.

Issue 3: Limit juniper encroachment into shrub-steppe vegetation types.

Issue 4: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Issue 5: Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.

⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 1.6.3

Issue 6: *Protect special status plants and improve the habitats supporting special status plants.*

Issue 7: *Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.*

Issue 8: *Consider whether grazing can be used to limit wildfire.*

Issue 9: *Consider the two-fold issue of climate change and its relationship to the proposed federal action of renewing grazing permits. 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.*

Issue 10: *Consider impacts to regional socioeconomic activity generated by livestock production.*

Analysis of Alternative Actions

Based on the current condition of the Browns Creek allotment, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered and analyzed in the EA, each of which was considered in detail and analyzed for the Browns Creek allotment. The range of alternatives developed include: Alternative 1 - No Action/Current Condition, Alternative 2 - Applicants' Proposed Action, and Alternatives 5 - No Grazing; Alternatives 3 and Alternative 4 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

The BLM would renew the permit for 10 years consistent with recent livestock grazing management practices. The new permit would define a season of use from April 1 through June 16 and authorize 522 AUMs of livestock use. Use would alternate year-to-year between pastures such that each pasture would be rested every other year.

Alternative 2 - Permittee Applications

The BLM would renew the 10-year livestock grazing permit in accordance with terms and conditions within the application received June 13, 2013. The new permit would define a season of use from April 1 through June 16 and authorize 793 AUMs of livestock use. A rest-rotation grazing system would be implemented; each pasture would be rested every other year.

Alternative 3

BLM would renew the 10-year livestock grazing permit for use in the Browns Creek allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use to a degree necessary to meet, make significant progress toward meeting, or maintain meeting all standards and the ORMP objectives within pastures where identified resources are present.

Alternative 4

BLM would renew the livestock grazing permit for use in the Browns Creek allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use to a degree necessary to meet, make significant progress toward meeting, or maintain meeting all standards and the ORMP objectives within pastures where identified resources are present. In addition, Alternative 4 would implement actions to protect and enhance high value resources, including sage grouse pre-laying/lekking and nesting/early brood-rearing habitats in both pastures 1 and 2.

Alternative 5 - No Grazing

No permit would be issued under this alternative for a 10-year period. This alternative would result in no livestock grazing during the 10-year term.

The draft EA number DOI-BLM-ID-B030-2013-0021-EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 12, 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.

Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my proposed decision to renew your grazing permit for ten years consistent with Alternative 3. Implementation of Alternative 3 over the next 10 years will allow the Browns Creek Allotment to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed grazing permit will be as follows in Table LVST-2:

Table LVST-2: Terms and conditions on the Browns Creek allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00585 Browns Creek	50	Cattle	4/1	6/15	100	Active	125

The following grazing permit terms and conditions specific to the Browns Creek allotment would be included in the permit offered:

1. Grazing use of the Browns Creek allotment (0585) will be in accordance with the grazing schedule and limits to the intensity of use identified in the final decision of the Owyhee Field Office Manager dated _____. Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions.
2. A crossing permit for trailing of livestock associated with the grazing authorization in the Browns Creek allotment for the term of this grazing permit, and consistent with the final decision of the authorized officer dated _____, is authorized concurrent with this grazing permit.

3. A minimum 4-inch stubble will be left on herbaceous vegetation within the riparian area along 2.0 miles of Browns Creek in allotment #0585 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.

The following applicable Boise District grazing permit terms and conditions would be included in the permit offered:

1. Turn-out is subject to the Boise District range readiness criteria.
2. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use.
3. 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.
4. Trailing activities, other than the allotment specific crossing authorization identified above, must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
5. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
6. 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.
7. 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.

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

Grazing Schedule

As noted in Other Term and Condition #1, the grazing schedule (Table LVST-3) for the Browns Creek allotment (identified below) must be followed.

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

Pasture	Year 1	Year 2
1	4/1 to 6/15*	Rest
2	Rest	4/1 to 6/15*

* Upland utilization limit not to exceed 20 percent at the end of the active growing season (6/30)

Notes on the Terms and Conditions

Flexibility is not provided within the schedule above for grazing use in the Browns Creek allotment. You will be offered a grazing permit(s) for a term of 10 years for the Browns Creek allotment with 125 active AUMs. Implementation of Alternative 3 will result in a reduction of 668 active AUMs compared to your current permit of 793 active AUMs; the elimination of 668 AUMs of active use would not result in a conversion to suspension AUMs¹⁰. Permitted use within the allotment will be as follows in Table LVST-4:

Table LVST-4: Permitted use on the Browns Creek allotment

Active Use	Suspension	Permitted Use
125 AUMs	617 AUMs ¹¹	742 AUMs

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the Browns Creek allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

Justification for the Proposed Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0021-EA, the rangeland health assessment/evaluation, determination, specialist reports, and other documents in the grazing files, it is my proposed decision to select Alternative 3 for the Browns Creek allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and will result in the Browns 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 Browns Creek allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 3 for the Browns Creek allotment is based in large part on my understanding that this selection best addresses resource conditions on the Browns Creek allotment, in light of the BLM's legal and land management responsibilities¹².

¹⁰ The affected reduction in Active AUMs will not be transferred to suspension, as this is not a temporary reduction (see, e.g., 43 CFR § 4100.0-5, Definitions), but a reduction under 43 CFR § 4110.3-2 (b).

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.1.2; suspension AUMs held on permits prior to this planning process would continue to be held on permits as suspension.

¹² As you know, your allotment is part of a group of 20 allotments forming the Toy Mountain Group allotments and the larger Owyhee 68 allotments, and is the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of five EAs and an EIS. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments and the

Issue 1: Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.

Under Alternative 3, each pasture will be grazed every other year, resulting in 5 years of rest over the 10-year permit timeframe, which is similar to the current situation. This ongoing rest-rotation scheme, combined with restrictions on use during the critical growth period on grazing years, will result in increased vigor and reproductive success of upland grasses, both seeded crested wheatgrass and remnant native species. The utilization intensity of grazing use will not exceed 20 percent when grazing is authorized between 5/1 and 6/15 and the number of cattle permitted to graze within the allotment will be reduced from 209 under Alternative 1 (the current situation) to 50 cattle. The AUMs authorized for this allotment will be reduced to 125 from 522 under the current situation (Alternative 1), a reduction of 76 percent. The allotment-wide stocking rate will be 12 acres per AUM compared to the current permit stocking rate of 4.8 acres per AUM.

The reduction, especially when it occurs during the active growing season, will provide greater opportunity for introduced cool-season bunchgrass plants to complete their annual growth cycle in the absence of grazing or with limited grazing and the need to regrow. In combination, limits to the intensity of grazing use during the active growing season and one in two years of exclusion of use during the active growing season will allow introduced cool-season bunchgrass species to regain health and vigor as detailed in Appendix E of the EA. Just as the crested wheatgrass in the allotment will see an increase in vigor and productivity, remnant populations of native perennial grasses will see similar benefits over time. Progress will be continued toward meeting Standard 5 and the ORMP objective to improve vegetation health

other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite the efforts of BLM and the ranch operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year, some are severely impaired from historical use. 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. Nonetheless, as stewards of the land, 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 soon a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

and condition.

Issue 2: Improve watershed conditions within upland sites.

The RHAs and determination show that Standard 1 (Watersheds) is not being met due to reasons other than current livestock grazing management practices. The transition of native deep-rooted vegetation to more shallow-rooted bunchgrasses caused by historic grazing practices reduces infiltration, has led to surface runoff, soil surface sealing, and erosion. Standard 1 is not being met because hydrologic function and soil/site stability attributes are not properly functioning. While current management is not a causal factor for the Standard not being met, management under Alternative 3 will improve watershed conditions on upland sites because the reduced intensity of grazing use will provide greater opportunity for introduced cool-season bunchgrass plants to complete their annual growth cycle in the absence of grazing or with limited grazing and the need to regrow. In combination, limits to active growing season intensity of use and rest every other year will allow introduced cool-season bunchgrass species to regain health and vigor. Because less forage will be removed, more residual matter will be left to decompose on the soil's surface. This will slow overland water flow and increase infiltration during high-intensity rainfall events, which will reduce erosion. Soil organic matter inputs will increase, which will improve infiltration capability and soil moisture retention. Overall, soil and site stability will increase because standing dead plant material and surface litter will increase, as will soil organic matter inputs.

Issue 3: Limit juniper encroachment into shrub-steppe vegetation types.

Juniper encroachment was not identified as an issue in the Browns Creek allotment and is therefore not addressed in Alternative 3.

Issue 4: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use in Alternative 3 will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and from the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives 1 and 2, the risk of invasive species expansion is lower under Alternative 3 as perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy introduced crested wheatgrass populations and remnant native perennial species. Although Alternatives 4 and 5 would further reduce or eliminate the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 3, livestock remain only one of a 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. Vegetative community resistance to noxious and invasive annual invasion will increase over time as this more limited grazing strategy is implemented.

Issue 5: Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.

Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not being met because of current livestock grazing management, as evidenced by the condition of the portion of Browns Creek that the PFC protocol were applied; unstable, poorly vegetated banks were

documented, as was an over-widened channel. It was determined that these conditions are due to current livestock management.

Under Alternative 3, pastures 1 and 2 will be grazed in the spring every other year and a minimum 4-inch stubble will be required to be left on herbaceous vegetation within the riparian area along 2 miles of Browns Creek at the end of the growing season; this is similar to what is already occurring under the current situation (Alternative 1) and alone will not move the allotment toward meeting Standards 2 and 3.

With the implementation of Alternative 3, grazing utilization intensity will decrease in the allotment compared to Alternative 1 (current situation); active AUMs will be reduced 76 percent from 522 (the maximum number of reported AUMs over the last 9 years that was used to develop Alternative 1) to 125. We know that continuing management under the current situation will lead to a continued failure of these Standards and that the average actual use of 199 AUMs over the last 9 years has culminated in this situation. Clearly, not only is a reduction from the highest reported actual use (522 AUMs) necessary, but a reduction from the average actual use of 199 AUMs must occur in order to improve riparian conditions; compared to the average actual use of 199 AUMs, active AUMs will be reduced 37 percent to 125. Additionally, the number of cattle authorized will be reduced from 317 to 50, which will reduce alterations along the greenline, thus improving bank stability.

While the selection of Alternative 3 will result in a 76 percent reduction compared to the highest reported use, it is the 37 percent reduction compared to average actual use and reduced cattle numbers that will, in conjunction with the 5 years of rest over the 10-year life of the permit and the 4-inch stubble height requirement, improve riparian condition and move the allotment toward making significant progress and meeting Standards 2 and 3. The reduction will result in an overall stocking rate of 12 acres/AUM, compared to the current permit, which is 4.8 acres/AUM.

The allotment is also not meeting Standard 7 (Water Quality) because of sedimentation. I expect that as significant improvement is made towards meeting Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain), water quality will improve as well. Reduced grazing intensity, rest every other year, and the 4-inch riparian stubble height requirement will benefit riparian/wetland vegetation, resulting in increased greenline vegetation abundance and stature, which will ultimately help decrease sedimentation in these streams and move the allotment towards meeting Standard 7.

Issue 7: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.

Standard 8 (Threatened and Endangered Plants and Animals) is not being met because of current livestock grazing management impacts to riparian areas and wetlands; and because, overall, upland habitats in Wyoming big sagebrush ecological sites are not providing adequate conditions for many shrub obligate and ground dwelling, nesting and foraging species. With the implementation of Alternative 3, riparian and wetland habitat, as well as upland habitat, conditions will improve throughout the allotment due to this alternative's focus on improving the health and vigor of plant communities.

As described in Issue 6, above, it is the reduction in AUMs, in conjunction with the 5 years of rest over the 10-year life of the permit and the 4-inch stubble height requirement, that will improve riparian condition and move the allotment towards making significant progress and meeting Standards 2 and 3, and consequently Standard 8. Upland plant community improvements, as discussed under Issue 6, above, will also contribute towards meeting Standard 8.

The ongoing rest every other year, combined with the reduction in AUMs and the 20 percent utilization limit during the critical growth period, will reduce the amount of livestock grazing during the active growing season for upland perennial species. There will be greater forage and cover availability for sage-grouse and other sagebrush steppe associated wildlife; healthier and more resilient plant communities will be promoted in the long-term. Additionally, proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved. See the discussion under Issue #2.

I expect the quality and quantity of the riparian communities in the Browns Creek allotment to progress steadily toward meeting desired habitat management objectives and, therefore, meeting Standard 8; the combination of the minimum stubble height, rest every other year, and reduction in AUMs will improve stream, floodplain, wetland, and mesic habitat conditions in the allotment.

I believe that additional and sometimes substantial improvement to the upland plant communities can be made by instituting changes to grazing management. In other words, even if a minimal degree of progress was currently being made on the allotment, progress at a faster rate is achievable and more desirable given the long-term potential benefits to plant communities, soils, riparian habitats, and wildlife resources. Moreover, it is within my discretion and responsibility to strive for such improvement based on FLPMA, the objectives described in the Owyhee RMP, and the BLM's 2010 National Sage-grouse Policy with its attendant goal to maintain and enhance sage-grouse populations in the western United States.

Issue 8: Consider whether grazing can be used to limit 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 intention 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 3 for the Browns 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. While landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types, specifically within seedings of grazing tolerant introduced grasses and annual grasses, these exact conditions do not exist on the entire allotment. I recognize that it is the case that portions of the allotment were seeded with crested wheatgrass in the 1960s, but sagebrush has re-established and these pastures are no longer grass-dominated. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial

herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.¹³

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

Climate change is another factor I considered in building my decision around Alternative 3 for the Browns Creek allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternative combines seasons, intensities, and durations of livestock use to promote long-term plant health and vigor on the Browns Creek allotment. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on these allotments will be better armed to survive such changes. The native plant health and vigor protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

Issue 10: Consider impacts to regional socioeconomic activity generated by livestock production.

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA 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 protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 3 for the Browns Creek allotment, in large part because the selection will accomplish those goals.

Consideration of Alternatives 1 and 2 for the Browns Creek allotment disclosed that neither of those alternatives would allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them despite the lesser economic impacts that they may have. Over the long term, your grazing operation relies upon maintenance of the natural

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.

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.

Additional Rationale

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

I did consider selecting Alternative 5 (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 3 for the Browns Creek allotment rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing these alternatives, the resource issues identified will be addressed. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

Finding of No Significant Impact

A finding of no significant impact (FONSI) was signed on November 20, 2013 and concluded that the proposed decision to implement Alternative 3 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the ten significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0021-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owhee_grazing_group/grazing_permit_renewal1.htm

Conclusion

In conclusion, it is my decision to select Alternative 3 for the Browns Creek allotment over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where standards were not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock management practices on the Browns Creek allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality), and Standard 8 (Threatened and Endangered Animals). Alternative 5 removes 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 of the alternatives lead me to believe elimination of livestock grazing from the Browns Creek allotment is unnecessary at this point.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; The ORMP designates the Browns Creek Allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

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

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

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

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

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

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

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other 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 Solicitor's 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:

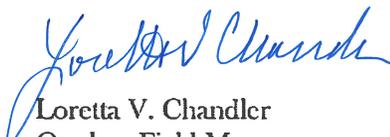
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

Works Cited

- USDI BLM. (1999). *Owyhee Resource Management Plan*. Marsing, ID.
 USDI BLM. (2013). *Final Rangeland Health Assessments: Whitehorse/Antelope (0511), Toy (0533), Browns Creek (0585), and West Castle (0618) Allotments, 2013 Supplement*. Marsing, ID.

Copies sent to:

Company	Name	Address	City	ST	Zip	#
Friends of Mustangs	Robert Amidon	8699 Gantz Ave.	Boise	ID	83709	1
Soil Conservation District	Cindy Bachman	PO Box 186	Bruncau	ID	83604	2
	Bill Baker	2432 N. Washington	Emmett	ID	83617-9126	3
	Conrad Bateman	740 Yakima St.	Vale	OR	97918	4
Idaho Dept. of Agriculture	John Biar	PO Box 790	Boise	ID	83707	5
Boise District Grazing Board	Stan Boyd	PO Box 2596	Boise	ID	83701	6
	Gene Bray	5654 W El Gato Ln.	Meridian	ID	83642	7
Colyer Cattle Co.	Ray & Bonnie Colyer	31001 Colyer Rd.	Bruncau	ID	83604	8
	Senator Mike Crapo	251 East Front Street STE 205	Boise	ID	83702	9
Owyhee County Natural Resources Committee	Jim Desmond	PO Box 38	Murphy	ID	83650	10
Land & Water Fund	William Eddie	PO Box 1612	Boise	ID	83701	11
Western Watershed Projects	Katie Fite	PO Box 2863	Boise	ID	83701	12
Gusman Ranch Grazing Association LLC	Forest Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	13
	Chad Gibson	16770 Agate Ln.	Wilder	ID	83676	14

Company	Name		Address	City	ST	Zip	#
Resource Advisory Council	Chair Gene	Gray	2393 Watts Lane	Payette	ID	83661	15
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	16
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	17
Idaho Wild Sheep Foundation	President Jim	Jeffress	PO BOX 8224	Boise	ID	82707	18
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	19
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	20
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	21
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	22
	Lloyd	Knight	PO Box 47	Hammett	ID	83627	23
	Congressman Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	24
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	25
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	26
Idaho Wild Sheep Foundation	Herb	Meyr	570 E 16th N.	Mountain Home	ID	83647	27
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	28
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644	29
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	30
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	31
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650	32
-	John	Richards	8933 State Hwy. 78	Marsing	ID	83639	33
	Senator James E.	Risch	350 N 9th Street STE 302	Boise	ID	83702	34
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701	35
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	36
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	37
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	38
	Congressman Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	39
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203	40
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	41
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	42

Company	Name		Address	City	ST	Zip	#
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	43
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20 th Floor	San Francisco	CA	94104	44
Office of Species Conservation	Cally	Younger	304 N. 8 th STE 149	Boise	ID	83702	45
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650	46
Holland & Hart LLP			PO Box 2527	Boise	ID	83701	47
Idaho Cattle Association			PO Box 15397	Boise	ID	83715	48
IDEQ			1410 N. Hilton	Boise	ID	83701	49
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720	50
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701	51
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636	52
Oregon Division State Lands			1645 NE Forbes Rd., Ste. 112	Bend	OR	97701	53
Owyhee Cattlemen's Association			PO Box 400	Marsing	ID	83639	54
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701	55
Sierra Club			PO Box 552	Boise	ID	83701	56
State Historic Preservation Office			210 Main St.	Boise	ID	83702	57
State of Nevada Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801	58
The Nature Conservancy			950 W. Bannock, Ste. 210	Boise	ID	83702	59
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999	60
U.S.F.W.S. Idaho State Office			1387 S. Vinnell Way, Ste. 368	Boise	ID	83709	61
USDA Farm Services			9173 W. Barnes	Boise	ID	83704	62
Western Watershed Projects			PO Box 1770	Hailey	ID	83333	63
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Bosie	ID	83712	64
	John E	Edwards	15804 Tyson Rd	Murphy	ID	83650	65
Northwest Farm Credit Services, FLCA	Maudi	Hernandez	16034 Equine Drive	Nampa	ID	83687	66
	Rohl	Hipwell	18125 Oreana Loop	Oreana	ID	83650	67

Company	Name		Address	City	ST	Zip	#
			Rd.				
	Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650	68
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 113	Arock	OR	97902	69
	Charles	Lyons	11408 Hwy 20	Mountain Home	ID	83647	70
	Craig & Georgene	Moore	P.O. Box 14	Melba	ID	83641	71
	Soctt & Sherri	Nicholson	P.O. Box 690	Meridian	ID	83680	72
	Joseph	Parkinson	123 W. Highland View Dr.	Boise	ID	83702	73
Zion First National Bank	Bertha	Scallon	500 5th St.	Ames	IA	50010	74
	Elmer	Stahl	17965 Oreana Loop Rd.	Murphy	ID	83650	75
Estate of Charles Steiner	John	Steiner	24597 Collett Rd.	Oreana	ID	83650	76
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650	77
Idaho Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686	78
Northwest Farm Credit Services			815 N. College Rd	Twin Falls	ID	83303	79
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632	80