



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

Josephine Ranch
c/o Mike Boren
1050 N. Briar Lane
Boise, ID 83712

Notice of Field Manager's Proposed Decision

Dear Mr. Boren:

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

The BLM recently evaluated current grazing practices and current conditions in the Josephine FFR and Lone Tree allotments. The BLM undertook this effort to ensure that any renewed grazing permits on these allotments are consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, Rangeland Health Assessments/Evaluations and Determinations were completed. This proposed decision incorporates those documents by reference and the information contained therein (USDI BLM, 2013a) (USDI BLM, 2013b).

The BLM also engaged in public scoping and met with members of the public interested in grazing issues associated with the Group 3, or Toy Mountain Group, allotments. The process for completing the Toy Mountain allotments Livestock Grazing Permit Renewal Environmental Assessment (Toy Mountain Group EA) began with the initiation of public scoping by letter dated January 11, 2013. The letter sought resource information and identification of issues for this project planning effort. The letter requested that comments and information be received by February 25, 2013, for the Toy Mountain Group of allotments but did not set a closing date for the receipt of public comments. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. Any comments received were addressed in the Group 3 EA, including BLM Responses to comments considered during development of the EA.

In addition to the scoping period identified above, my staff and members of the NEPA Permit Renewal Team met with you to discuss your grazing permit renewal application, current allotment conditions, and your livestock operations within these allotments. During this meeting, BLM discussed with you our preliminary conclusions regarding rangeland health, standards and guidelines and made grazing management recommendations associated with your grazing permit renewal application.

After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Josephine FFR and Lone Tree allotments.

To assist us in addressing livestock impacts to public land resources, my office prepared and issued the Toy Mountain Group EA in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for both the Josephine FFR and Lone Tree allotments. We also considered other alternatives that we did not analyze in detail. Our goal in developing alternatives was to consider options important to you, the permittee, and to consider options that, if selected, would ensure that the natural resources in the Josephine FFR and Lone Tree allotments conform to the goals and objectives of the Owyhee Resource Management Plan (ORMP) (USDI BLM, 1999) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the EA.

We have now completed the initial part of the permit renewal process and I am prepared to issue a proposed decision to renew your permit to graze livestock within the Josephine FFR and Lone Tree allotments. This decision is the culmination of a comprehensive review of the relationship of between resource conditions and livestock grazing practices on the Josephine FFR and Lone Tree allotments, completed in accordance with the grazing regulations, Idaho S&Gs, the National Environmental Policy Act (NEPA), and the ORMP.

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 Josephine FFR and Lone Tree allotments;
- Outline my proposed decision to select Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment; and
- State my reasons for these proposed selections.

Background

Allotment Setting

The Josephine FFR and Lone Tree allotments are located approximately 4 to 5 miles northeast of Triangle, Idaho, in Owyhee County, Idaho.

The Josephine FFR allotment consists of one pasture and has 346 acres of public land, 2,369 acres of private land, and 146 acres of state land, for a total of 2,861 acres (12 percent public land and 88 percent private and state lands). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by the permittee, provided that the 20 animal unit months (AUMs¹) permitted were not exceeded and unacceptable impacts to public land resources did not occur.

The Lone Tree allotment consists of five pastures and has 7,131 acres of public land, 235 acres of private land, and 8,177 acres of state land for a total of 15,542 acres (46 percent public land and 54 percent private and state land). This allotment has had a consistent grazing schedule for more than a decade with use of two different pastures usually starting in mid-May and ending in late June, a third pasture usually starting in mid-June or mid-July and ending by late August, and the remaining two pastures usually starting after August 1 and ending by late November. The pastures were consistently used in this manner with very few to no rest years identified during this period.

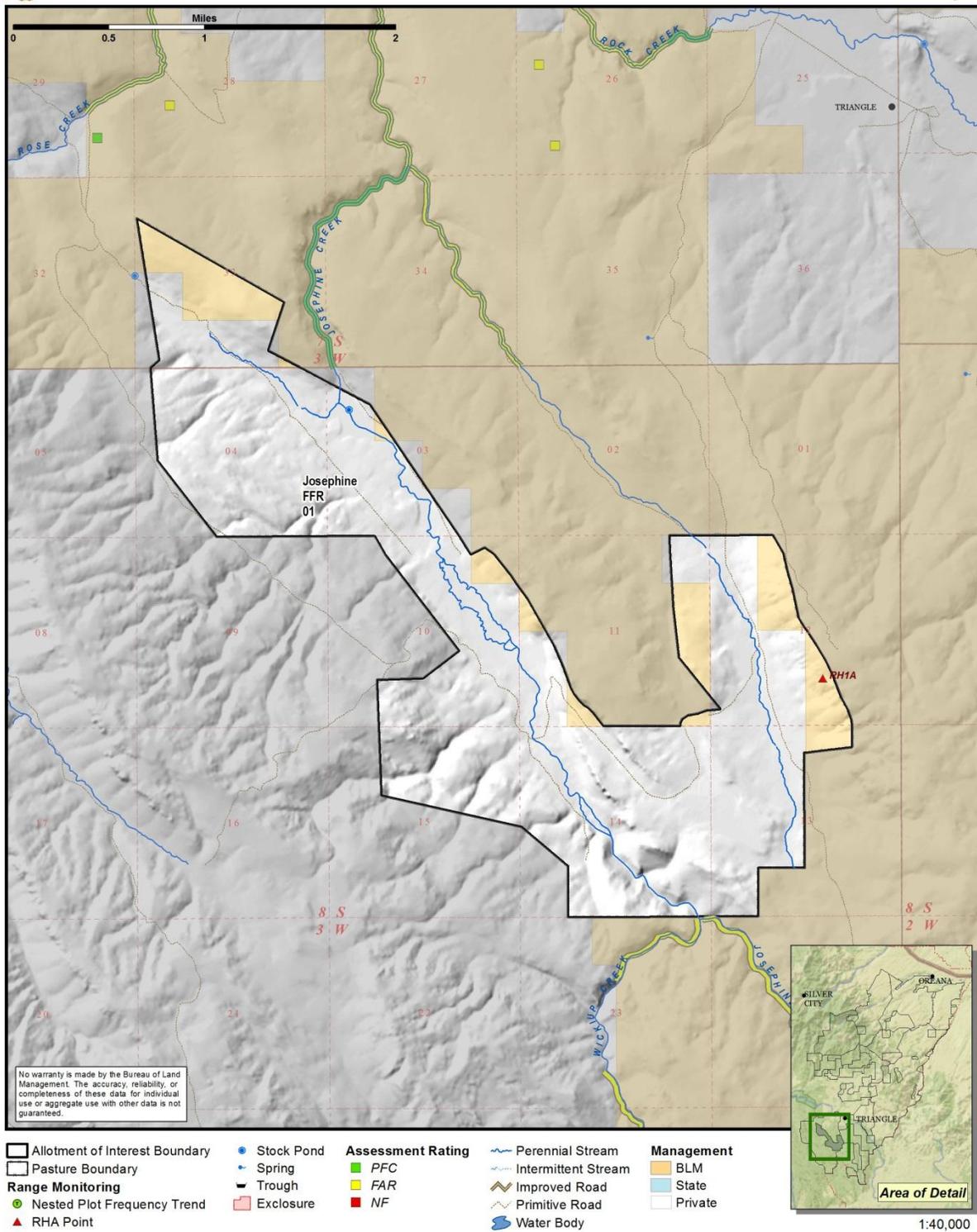
These allotments lie within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses where native vegetation communities are variable. Limited precipitation with cold winters and dry summers constrain plant and animal communities. Where deeper soils exist, the native vegetation is primarily Wyoming big sagebrush with an understory of native perennial bunchgrasses. Areas of shallow soils contain primarily low sagebrush with the same native perennial bunchgrass understory. The effective average annual precipitation for these vegetation communities is approximately 8 inches for the drier sites and 13 inches for the more moist sites, precipitation occurring primarily during the winter.² Elevations within the Josephine FFR and Lone Tree allotments range from 5,051 feet to 6,675 feet.

¹ An animal unit month (AUM) is the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

² For more detailed discussion, please refer to the affected environment sections of EA number DOI-BLM-ID-B030-2013-0021-EA.

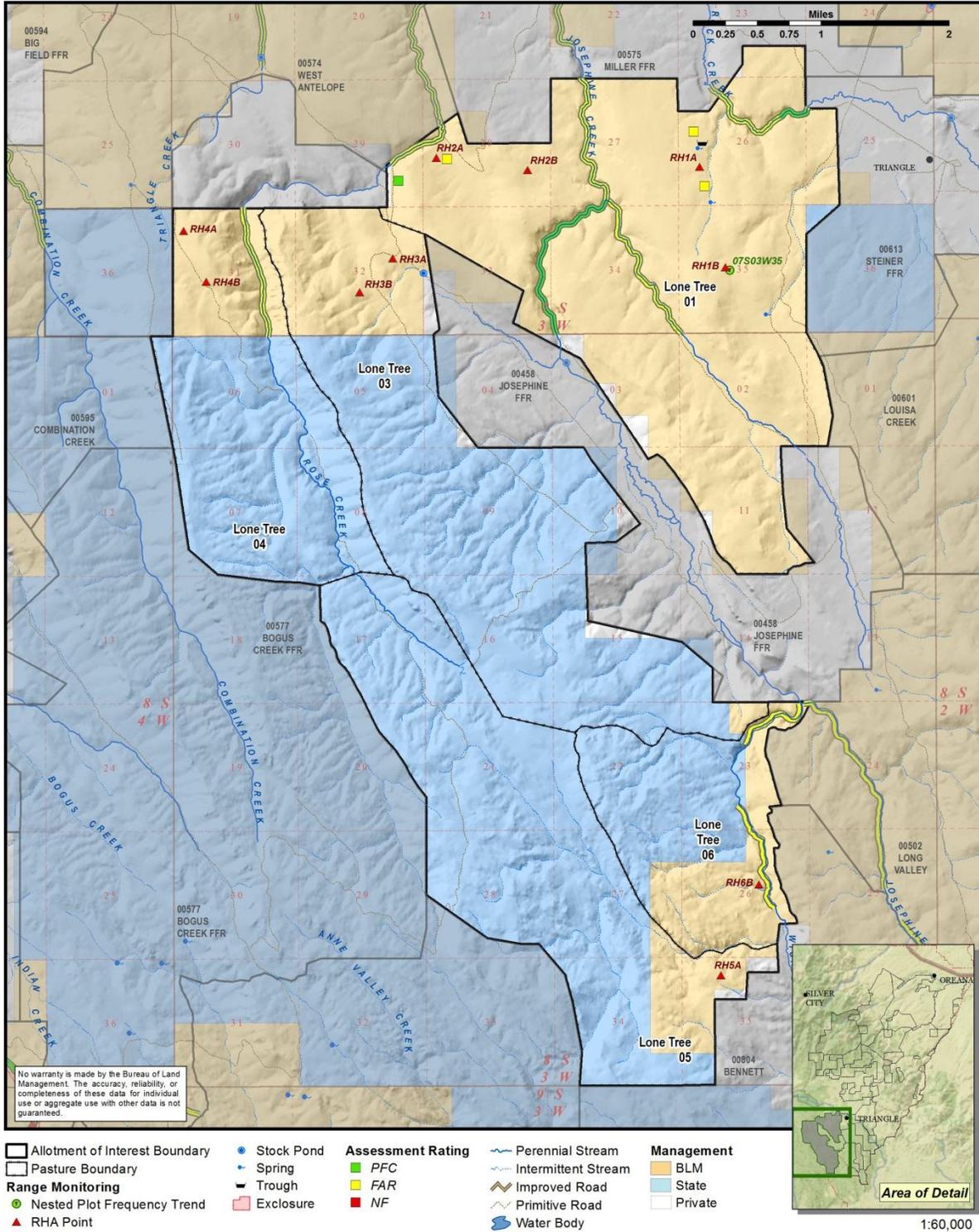
MAP

Map 1: Josephine FFR (00458) Allotment





Map 1: Lone Tree (00587) Allotment



Current Grazing Authorization

You currently graze livestock within the Josephine FFR and Lone Tree allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Table LVST-1: Grazing authorization in the Josephine FFR and Lone Tree allotments

| Allotment | Livestock | | Grazing Period | | % PL | Type Use | AUMs |
|---------------------------|-----------|--------|----------------|-------|------|----------|------|
| | Number | Kind | Begin | End | | | |
| 00458 Josephine FFR | 20 | Cattle | 12/1 | 12/31 | 100 | Active | 20 |
| 00587 Lone Tree | 489 | Cattle | 05/16 | 10/31 | 56* | Active | 1523 |

*Application of percent-public land to the offered permit is subject to submission of documentation of state and/or private land in the allotment controlled by the permittee.

Other terms and conditions for the Josephine FFR allotment:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment #0458 are at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
4. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
5. Changes to the scheduled use require prior approval.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. Livestock enclosures located within your grazing allotments are closed to all domestic grazing use.
8. 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.
9. 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.
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, 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.
11. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.

Other terms and conditions for the Lone Tree allotment:

1. Fewer than 800 federal AUMs will be utilized in any year during the term of this lease.
2. Riparian pastures #1 and #2 will be utilized as the early use pastures each year to protect and enhance riparian ecosystems.
3. Minimum 4-inch stubble height will be left on herbaceous vegetation within the riparian area along 0.3 miles of Rose Creek in allotment #0587 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
4. Turnout is subject to the Boise District range readiness criteria.
5. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
6. Salt and/or supplement shall not be placed within one quarter (1/4) mile of springs, streams, meadows, aspen stands, playas, and water developments.
7. Changes to the scheduled use require prior approval.
8. 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.
9. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
10. 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.
11. 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.
12. 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.
13. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
14. Utilization may not exceed 50 percent of the current year's growth.

As a result of Judge Winmills's February 29, 2000, Memorandum Decision and Order the following interim Terms and Conditions apply to the above grazing authorization:

- Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;

- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

As you know, the current permit authorizes an annual use of 20 AUMs of forage in the Josephine FFR allotment and a season of use between December 1 and December 31, with flexibility in terms of season of use and number of livestock. Based on the actual use data available over the last 10 years, it is clear that you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the grazing permit. Actual use is important when considering the renewal of a grazing permit because it was actual use, rather than authorized levels of use, that resulted in current conditions on the allotments.

Resource Conditions

The BLM completed rangeland health assessments for the Josephine allotment in 2001 and 2006 and the Lone Tree allotment in 2006. Additional supplementing information was compiled and added to these assessments in 2013. Evaluation reports and determinations for both of these allotments were completed in 2013 (USDI BLM, 2013a) (USDI BLM, 2013b). Those documents concluded that some of the resources on both allotments were not meeting the Idaho S&Gs.

The BLM determined that the Josephine FFR allotment met Standard 1 (Watersheds) but was not meeting or making significant progress towards meeting Standard 4 (Native Plant Communities) and Standard 8 (Threatened and Endangered Plants and Animals). Current livestock grazing management was not identified as a significant causal factor for not meeting Standards 4 and 8. Instead the allotment is not meeting those standards primarily due to altered fire regimes and subsequent western juniper encroachment. Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), Standard 5 (Seedings), Standard 6 (Undesirable Exotic Plant Communities), and Standard 7 (Water Quality) were determined to not be applicable to the Josephine allotment.

The BLM determined the Lone Tree allotment was not meeting Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), Standard 4 (Native Plant Communities), and Standard 8 (Threatened and Endangered Plants and Animals). Current livestock grazing management was identified as a significant causal factor for not meeting Standards 2, 3, 4, and 8. Current livestock grazing was identified as a significant causal factor for not meeting Standard 4 (Native Plant Communities) due to annual grazing use of pastures 1 and 2 during the active growing season (May-June), which reduced the number and vigor of upland native perennial herbaceous species. Frequent grazing use in pasture 3 late in this same active growing season has also been occurring. Current livestock grazing management was not identified as a significant causal factor for not meeting Standard 4 in pastures 5 and 6; instead these pastures were determined to be failing to meet Standard 4 primarily due to altered fire regimes and

subsequent western juniper encroachment. Eighty-two percent of the stream miles within pastures 1, 2, 4, and 6 of the Lone Tree allotment were assessed and rated as functional at-risk (FAR). Issues identified included areas with inadequate soil moisture to support hydric species that stabilize stream banks, the presence of noxious weeds, and sheared and eroded stream banks due to current livestock grazing. Three out of the five springs in pastures 1 and 2 were also rated as FAR. Issues identified included altered flow patterns caused by soils being sheared by livestock and/or the presence of a dam and non-functioning, improperly maintained troughs. Current livestock grazing management was not identified as a significant causal factor for not meeting Standard 1 (Watersheds), which instead was determined to be primarily due to altered fire regimes and subsequent western juniper encroachment. Standard 5 (Seedings), Standard 6 (Undesirable Exotic Plant Communities), and Standard 7 (Water Quality) were determined to not be applicable to the Lone Tree allotment. Current livestock grazing management was identified as a significant causal factor for not meeting Standard 8 (Threatened and Endangered Plants and Animals) due to a large percentage of streams and springs in the allotment rated as FAR, resulting in less-than-suitable habitat for a diversity of species including migratory birds, redband trout, and Columbia spotted frogs. Conversion of sagebrush steppe to juniper woodlands due to altered fire regimes and the presence of invasive annual grasses were also identified as primary causal factors for not meeting Standard 8 for wildlife in upland habitats.

Vegetation - Uplands⁸

Josephine FFR

The Josephine FFR allotment is not meeting Standard 4 (Native Plant Communities) and Standard 8 (Threatened and Endangered Plants and Animals) because juniper encroachment into vegetation communities that should not include juniper (in excess of a few scattered trees) has occurred due to altered fire regimes. Juniper is competing with native perennial shrub, bunchgrass, and forb species. Fire frequency altered from natural disturbance regimes contributes to conditions that lead to a failure to meet the standard due to juniper encroachment.

Lone Tree

The Lone Tree allotment is not meeting Standard 4 (Native Plant Communities) due to current livestock management practices and because juniper is competing with native perennial shrub, bunchgrass, and forb species. A fire regime, altered from natural disturbance regimes, contributed to conditions that led to a failure to meet the standard due to juniper encroachment. At the same time, annual grazing use during the active growing season has prevented meeting the ORMP vegetation objective to improve unsatisfactory health/condition.

Watersheds/Soils⁴

Lone Tree

Standard 1 is not met in pastures 1, 2, and 3 due to juniper encroachment and historic livestock management; pastures 4, 5, and 6 are meeting Standard 1 but are at risk for a decline in soil stability and hydrologic function due to juniper encroachment. While all pastures have been

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.3.8 and 3.3.9 and Appendix F.

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Sections 3.3.8.1.2 and 3.3.9.1.2.

physically impaired by past grazing impacts, soils are stabilizing based on developing biological crusts over historic erosion relics, with little to no indication of current mechanical impacts. Soil stability, hydrologic function, and nutrient availability, however, are impaired where western juniper encroachment and dominance are not part of site potential. Because overall watershed conditions are closely tied to the health of the biotic community, the current imbalance of vegetation composition identified for upland vegetation is a concern. The encroachment of western juniper in all pastures is negatively affecting soil stability due to reductions in infiltration capacity from displacement of sagebrush and deep-rooted perennial bunchgrasses. The subsequent runoff results in sheet erosion and rilling, with greatest disturbances and reductions in infiltration capacity observed in pastures 1 and 3; pastures 4, 5, and 6 currently display little to no departure for soil and hydrologic indicators but are considered to be at risk.

Water Resources and Riparian/Wetland Areas⁵

Lone Tree

Standards 2 and 3 are not being met in pastures 1-4 and 6 of the Lone Tree allotment. Five named streams traverse the pastures within the allotment. Approximately 8.3 miles have been assessed, and 6.8 miles (82 percent) were rated FAR; only 3.4 miles showed an upward trend. Issues identified included areas with inadequate soil moisture to support hydric species that stabilize stream banks, the presence of noxious weeds, and sheared and eroded stream banks.

Additionally, five springs in pastures 1 and 2 have been assessed. Four of them were rated FAR in 2004, and one was rated as proper functioning condition (PFC). Lone Tree Spring was reassessed in 2011 and its rating was changed from FAR to PFC. All of the springs that were FAR had altered flow patterns caused by soils being sheared by livestock. Lone Tree Spring has been altered by the presence of a dam and a trough. However, most recently (2011), Lone Tree Spring was rated in PFC because the hydric vegetation was abundant and robust, and was regenerating.

There are no Idaho Department of Environmental Quality-listed 303(d) water-quality impaired stream segments within the Lone Tree allotment.

Wildlife/Wildlife Habitats and Special Status Animals⁶

Josephine FFR

Standard 8 for wildlife is not being met in the Josephine FFR allotment due to altered fire regimes and subsequent western juniper encroachment resulting in the conversion of shrub steppe habitat types to woodland/forest habitat types. A loss of shrub steppe vegetation communities results in a deficiency of adequate habitat for sagebrush-obligate and shrub-dependent special status wildlife species including sage-grouse, pygmy rabbit, Brewer's sparrow, sage sparrow, and loggerhead shrike. This allotment's habitat is currently unclassified but is considered to be unsuitable for sage-grouse due to excessive juniper encroachment and subsequent loss of shrubs and understory herbaceous species.

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.3.9.1.3 and Appendix G.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0014-EA Section 3.1.5 and Appendix G.

Less than 0.1 miles of Josephine Creek pass through public land within this allotment. Josephine Creek is known to contain both Columbia spotted frog and redband trout.

Lone Tree

Standard 8 for wildlife is not being met in the Lone Tree allotment due to current livestock management; both upland and riparian habitats are not providing adequate conditions for many shrub-obligate and riparian dependent species. Annual livestock grazing use of pastures 1, 2, and 3 during the active growing season (May-June) has reduced the number and vigor of upland native perennial herbaceous species. Perennial herbaceous vegetation heights and forb diversity and abundance are not providing suitable nesting and concealment cover or early brood-rearing forage for sage-grouse.

Although sagebrush steppe habitats are the historic climax potential communities based on the ecological site descriptions for the area, juniper woodlands are co-dominant and increasing throughout the allotment. Sage-grouse use within the allotment at most is limited to the breeding season in the northeastern corner of pasture 1. Only the northern portion of pasture 1 is currently categorized as sage-grouse preliminary priority habitat.

Portions of Rock, Josephine, Wickiup, and Rose Creeks are found on public land within the Lone Tree allotment, and several known lentic areas (e.g., seeps) are located in pasture 1. Columbia spotted frog populations are present within all of the sub-watersheds intersected by the allotment and occur in Josephine Creek and other lentic areas within pastures 1, 5 and 6. Rock, Josephine, and Wickiup Creeks contain redband trout populations. Annual livestock grazing use during the active growing season of riparian vegetation in pastures 1 and 2 has limited habitat for these wildlife species due to sheared and eroded stream banks and the lack of hydric vegetation available to stabilize them.

Guidelines for Livestock Grazing Management

The Josephine FFR allotment is conforming to all guidelines. The BLM's 2013 Determination for the Lone Tree allotment (USDI BLM, 2013a) identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate cover appropriate to site potential.

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

Guideline 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 9: Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate and landform.

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

Issues⁷

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Toy Mountain Group allotments:⁸

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.

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.

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 1.6.3.

⁸ Issues identified in EA number DOI-BLM-ID-B030-2013-0014-EA Section 1.6.3 that were not present within the Josephine FFR and Lone Tree allotments are not discussed in this decision.

Issue 9: *Consider the 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 Josephine FFR and Lone Tree allotments and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered in detail and analyzed in the EA for both allotments. The range of alternatives developed include: Alternative 1 - No Action/Current Condition, Alternative 2 - Permittee's Application, and Alternative 5 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints.

The Preliminary EA detailing the 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, as well as other information, it is my proposed decision to renew your grazing permit for ten years with modified terms and conditions consistent with the following:

Josephine FFR allotment - Alternative 2 as described in EA number DOI-BLM-ID-B030-2013-0021-EA.

Lone Tree allotment - Alternative 4 as described in EA number DOI-BLM-ID-B030-2013-0021-EA.

Implementation of these alternatives over the next ten years will allow the Josephine FFR and Lone Tree allotments to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP, at least to the extent livestock grazing is and will have an impact on the resources.

The terms and conditions of the renewed grazing permit would be as follows:

Table LVST-2: Terms and conditions for the Josephine FFR and Lone Tree allotments

| Allotment | Livestock | | Grazing Period | | % PL | Type Use | AUMs ⁹ |
|---------------------------|-----------|--------|----------------|-------|------|----------|-------------------|
| | Number | Kind | Begin | End | | | |
| 00458 Josephine FFR | 20 | Cattle | 12/1 | 12/31 | 100 | Active | 20 |
| 00587 Lone Tree | 165 | Cattle | 05/16 | 10/31 | 56** | Active | 513 |

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

** Application of percent-public land to the offered permit is subject to submission of documentation of state and/or private land in the allotment controlled by the permittee.

Other Terms and Conditions for the Josephine FFR and Lone Tree allotments:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment #0458 are at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
4. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
5. Changes to the scheduled use require prior approval.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. Livestock enclosures located within your grazing allotments are closed to all domestic grazing use.
8. 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.
9. 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.
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, 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.
11. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.

⁹ The sum of the AUMs from the permit schedule may not equal the Active Use AUMs due to individual line calculations and rounding in the AUM calculation.

Other Terms and Conditions specific only to the Lone Tree allotment:

1. Grazing use in the Lone Tree allotment will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____.
2. Minimum 4-inch stubble height will be left on herbaceous vegetation within the riparian area along 0.3 miles of Rose Creek in allotment #0587 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.

As noted in Other Term and Condition # 1 for the Lone Tree allotment, the grazing schedule for this allotment (identified below) must be followed:

Table LVST-3: Lone Tree allotment grazing schedule

| Pasture | Year 1 | Year 2 | Year 3 |
|---------|----------------|---------------|---------------|
| 1 (2) | 5/15 to 6/30 | 10/1 to 10/31 | 10/1 to 10/31 |
| 3 | 7/1 to 8/31 | 7/1 to 8/31 | 8/1 to 9/30 |
| 4 | Rest | 5/15 to 6/30 | Rest |
| 5 | 9/1 to 10/15 | 9/1 to 10/31 | 6/11 to 7/31 |
| 6 | 10/16 to 10/31 | Rest | 5/16 to 6/10 |

Notes on the Terms and Conditions

Flexibility is provided within your grazing schedule for the Josephine FFR allotment; the number of livestock and season of use will be at your discretion. No flexibility is provided within your grazing schedule for the Lone Tree allotment. You will be offered a grazing permit for a term of ten years for the Josephine FFR allotment with 20 active AUMs and the Lone Tree allotment for 513 active AUMs. Implementation of Alternative 4 for the Lone Tree allotment will result in a reduction in AUMs from your current permit; however, the elimination of 1,010 active AUMs will not result in a conversion to suspension AUMs, 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), and as discussed in section 2.1.2 of the EA. The difference in AUMs will be the result of fewer livestock numbers and scheduled rest in all three pastures.

Table LVST-4: Permitted use within the Josephine FFR and Lone Tree allotments

| Allotment | Active Use | Suspension | Permitted Use |
|---------------|------------|------------|---------------|
| Josephine FFR | 20 AUMs | 0 AUMs | 20 AUMs |
| Lone Tree | 513 AUMs | 515 AUMs* | 1,028 AUMs |

* 515 Suspended AUMs in the Lone Tree allotment are present on the existing permit and will not be eliminated with this decision. A term and condition added to the existing 1997 permit limited active use to 800 AUMs/year, the remaining 515 AUMs were suspended.

Other Notes on the Proposed Decision

Finally, it is my proposed decision not to authorize additional projects. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this proposed decision. Implementation of this proposed decision is contingent

upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition so as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement).

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit.

Accordingly, I have reviewed your record as a grazing permit holder for the Josephine FFR and Lone Tree allotments and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

Justification for the Proposed Decision

Based on my review of 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 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment. I have made this selection for a variety of reasons, but most importantly because 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 (FLPMA) multiple use and sustained yield mandate and will result in the Josephine FFR and Lone Tree allotments meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Josephine FFR and Lone Tree allotments. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment was in large part due to my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations. I spent hours with members of my staff and the NEPA Permit Renewal Team to discuss pros and cons for each alternative. Ultimately, I had to choose the alternatives that best protect the resource while considering your livestock operation, current resource conditions, and alternative feasibility.¹⁰

¹⁰ As you know, your allotments are part of a group of 20 allotments that form 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 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

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

AND

Issue 2: Improve watershed conditions within upland sites.

AND

Issue 7: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse. ¹⁵

Josephine FFR

Under Alternative 2, the Josephine FFR allotment permit will be unchanged from the existing permit with 20 AUMs active use authorized and no suspended AUMs. The number of livestock and season of use will be at the permittee's discretion.

Currently, the Josephine FFR allotment is not meeting Standards 4 and 8, primarily due to altered fire regimes and subsequent dominance of western juniper resulting in competition with, and loss of, other native perennial shrub, bunchgrass, and forb species that wildlife species including sage-grouse depend on for their habitat. In addition to the encroachment by juniper, other past disturbances have resulted in a limited acreage (less than 20 acres) dominated by exotic annual species (e.g., cheatgrass). Although Standards 4 and 8 were not met in this allotment, current livestock management practices were not identified as a causal factor. Standards 4 and 8 would continue to not be met with the selection of Alternative 2. However, implementation of this alternative would not contribute to a failure to meet either standard in the future. Discretion provided to the permittee regarding livestock numbers and season of use up to 20 AUMs within the allotment, which includes significant land other than public lands, has not resulted in recorded utilization exceeding the maximum allowable limit of 50 percent set in the ORMP. The proposed terms and conditions under Alternative 2 would allow for this flexibility to be continued, leading to

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.

a conclusion that the continuation of current livestock management practices, as they relate to the intensity of use, would not additionally impact vegetation resources.

Lone Tree

Under Alternative 4, a resource-based/constraint design grazing strategy will be implemented and is intended to stimulate vegetation vigor and reproduction. In time, implementation of Alternative 4 should enhance upland shrub steppe and riparian habitat plant composition and structure for wildlife.

Currently, the Lone Tree allotment is not meeting Standards 2, 3, 4, and 8 due to current grazing practices and is not meeting Standard 1 due to the encroachment and/or dominance of western juniper on ecological sites that should not include juniper in excess of a few scattered trees. Improvement to the native plant community will be accomplished primarily by limiting the season of use to exclude grazing during the active growing season (5/1 to 7/15) in 2 of 3 years. In addition, the intensity of grazing use would be limited by a reduction in the number of cattle that graze within the allotment from 302 under the current situation (based on averaged actual use reports) to 165, resulting in no pasture being used more intensively than would occur at a stocking rate of approximately 10 acres per AUM (under the current permit, the stocking rate is 4.7 acres per AUM, 8.9 acres per AUM with the 800-AUM limitation identified in terms and conditions of the 1997 permit). The reduced intensity of grazing use, especially during the active growing season, will provide greater opportunity for 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 2 in 3 years of non-use during the active growing season would allow cool-season bunchgrass species to regain health and vigor. It would provide native plant communities with an opportunity to improve and respond to increased soil cover, decreased bare ground, reduced susceptibility to accelerated erosion, and lessened concentrated use on upland soils that surround riparian areas. It would reduce physical impacts to soils during the wettest and most susceptible period, and it would increase forage and cover for wildlife species. Sage-grouse nest and brood survivorship would increase. Juniper encroachment would continue to limit the ability to meet Standards 1, 4, and 8. However, Alternative 4 would allow opportunity for making progress towards maintaining, meeting, and improving vegetation vigor, as well as soil and hydrologic function over the life of the permit.

Additional, and sometimes substantial, improvement to native plant communities can be made by instituting changes to grazing management. That is, where a minimum degree of progress is currently being made on the allotment, progress at a faster rate is achievable and more desirable given the long-term potential benefits to native plant communities and sage-grouse. Moreover, it is within my discretion and responsibility to strive for such improvements based on FLPMA and the objectives in the ORMP.

Implementation of Alternative 4 would institute a pasture rotation schedule which includes deferred grazing during the critical growth periods as compared to Alternatives 1 and 2. Increased years of deferment allow opportunity for recovery and maintenance and improvement of plant health and vigor. The decrease in grazing frequency during the growing season allows native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allows significant progress toward meeting upland vegetation health and vigor standards and ORMP objectives. In addition, the stocking rates under this alternative have been

developed for vegetative communities not meeting management objectives with grazing intensity lower than the management prescriptions in Alternative 1.¹¹

By implementing Alternative 4 for the Lone Tree allotment, significant progress will be made toward meeting Standard 8 (Threatened and Endangered Wildlife) for those wildlife species dependent on streams and associated riparian areas. More rapid progress will be made toward meeting Standards 2, 3, and 8 for redband trout and Columbia spotted frog over the 10-year life of the permit as compared to Alternatives 1, 2, and 3. I expect the quality and quantity of the riparian communities to progress steadily toward meeting desired habitat management objectives and meeting Standard 8. The deferred season of use two out of three years and reduced AUMs within each pasture will improve amphibian habitat, streams, floodplains, wetlands, and mesic conditions throughout the allotment. In the short term (1 to 6 years, or two rotations), riparian habitat conditions will show measurable and observable improved forage and cover elements for wildlife species. In the long term (7 to 12 years), vegetation composition and structure will be much improved and will move toward meeting desired management and Standard 8.

It is my proposed decision to implement Alternative 4 with deferred grazing use 2 years out of a 3-year rotation as the surest means of making progress towards meeting Standards.

Issue 2: Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.

Josephine FFR

Alternative 2 will implement the same number of AUMs and livestock as currently permitted and allow use at the permittee's discretion, provided AUMs do not exceed those authorized. Riparian standards are not applicable in the Josephine FFR allotment. Terms and conditions for stubble height, woody browse, utilization, and stream bank alteration imposed on the grazing permit by the United States District Court for the District of Idaho would not be included in terms and conditions of the offered permit for the Josephine FFR allotment because they are either not applicable to this allotment or are not necessary given the expected level of use on BLM lands.

Lone Tree

Alternative 4 on the Lone Tree allotment will incorporate 2 years of deferment in pastures 1, 2, and 5, with the result that riparian areas would be rested during the most vulnerable time (summer hot season). Pasture 4 would be available for grazing during the spring the first year and rested for 2 years, and pasture 6 would be available for grazing during the fall the first year, during the spring the second year, and rested the third year. This would allow for recovery of riparian vegetation health and vigor resulting in increased stabilization of stream banks, streamside shade, improved invertebrate prey habitat, and stream channel characteristics appropriate to stream morphology.

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Sections 2.4.9.4 and 3.3.9 and Appendix F.

Issue 5: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Josephine FFR

There are no documented occurrences of noxious weeds in the Josephine FFR allotment, although bulbous bluegrass and cheatgrass are known to be present, and undocumented occurrences are likely. Although Alternatives 3, 4, and 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 2, livestock remain only one of a 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.

Lone Tree

There are no documented occurrences of noxious weeds in the Lone Tree allotment, although bulbous bluegrass and cheatgrass are known to be present, and undocumented occurrences are likely. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use inherent in Alternative 4 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 systems. The decrease in the grazing frequency during the growing season will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor standards and ORMP objectives. As compared to Alternatives 1, 2, and 3 the risk of invasive species spreading is lower under Alternative 4 as native perennial species' health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative 5 would remove the potential for livestock to introduce and spread invasive and non-native annual species, 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 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 this 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. I acknowledge that there may be an economic impact to the State's endowments as a result of any management changes on allotments that reduce AUMs on BLM lands. This depends solely on the Idaho Department of Lands (IDL) evaluation of rangeland conditions on state lands within the BLM allotments and whether IDL determines changes are warranted on these lands. If IDL chooses to add or reduce AUMs on any state lands as a response to BLM management changes, there will be economic impacts to the State's endowments; if no additions or reductions on state lands are made, the economic impact to the State's endowment may be minimal.

Josephine FFR

As noted above, I have selected Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment in large part because these alternatives accomplish those latter goals. Because the Josephine FFR allotment is meeting Standard 1 and current grazing is not the cause of the allotment's failure to meet Standards 4 and 8, I was able to select Alternative 2 in this case.

Lone Tree

Consideration of Alternatives 1 and 2 for the Lone Tree allotment disclosed that neither of these 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 might have had. Most importantly, I appreciate your willingness to provide an alternative (Alternative 2) that considers resource concerns/issues, regardless of the impacts it would have on your operation. I spent hours with my staff and seriously considered your alternative. Ultimately, I determined that the resource issues on the Lone Tree allotment would not be improved under that alternative and our minimum requirements would not be met. Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based on 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 derived from healthy ecosystems 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, such as the Lone Tree allotment with its sage-grouse habitat and high-value riparian resources, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health. Although Alternative 3 would make progress towards meeting rangeland health standards and ORMP objectives, Alternative 4 would improve upland and riparian habitat that sagebrush obligate and aquatic wildlife species (in the case of the Lone Tree allotment, Redband trout and Columbia spotted frog) depend on the fastest, making significant progress towards meeting Standards and ORMP objectives over the life of the permit.

*Issue 8: Consider whether grazing can be used to limit wildfire.*¹²

Josephine FFR/Lone Tree

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

¹² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.3 (Alternative 8).

Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment will not significantly alter the BLM's ability to fight wildfire in the area.

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

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

Issue 9: Consider the issue of climate change and its relationship to the renewal of grazing permits.¹³

Lone Tree

Climate change is another factor I considered in building my decision around Alternative 4 for the Lone Tree 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 selection of Alternative 4 for the Lone Tree allotment combines seasons, intensities, and durations of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on this allotment 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.

Additional Rationale

A tremendous amount of thought and effort went into developing grazing management systems that are responsive to your allotments' specific resource needs, geography, and size. We attempted to address all resource and operational concerns and the resource and stewardship requirements

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 1.6.3.

mandated to the BLM. We recognize that each allotment has different ecology and management capability due to the size and location/topography; all attempts to coordinate grazing throughout the entire allotment were made by me and my staff, with input from you and the interested public, with these features in mind. I recognize the difficulty of not only responding to the (mandated) needs to protect the resources, but recognize as well the needs and capability that you, the permittee, has. I believe I have balanced the needs of the resource and your capabilities with the information I have to the extent possible.

While I considered selecting Alternative 5 (No Grazing) for these allotments, based on all the information used in developing my decision and the condition of these allotments, I believe that the BLM can meet resource objectives and still allow grazing on these allotments. In selecting Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree 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 ten-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 20th 2013, and concluded that the proposed decision to implement Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree allotment 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 10 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/owyhee_grazing_group/grazing_permit_renewal1.htm

Conclusion

In conclusion, it is my decision to select Alternative 2 for the Josephine FFR allotment and Alternative 4 for the Lone Tree 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 Lone Tree allotment that would meet the objectives and standards. Specifically, neither alternative would implement actions that would help the allotment meet, or make significant progress towards meeting, Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), and 8 (Threatened and Endangered Animals). The selection of Alternative 4 will allow for faster progress towards meeting Standards 2, 3, 4, and 8 when compared to Alternative 3. It is my decision to implement Alternative 4 with deferred grazing use two years out of a three year rotation as a means of making progress towards meeting Standards. Alternative 5 removes economic activity 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 Josephine FFR and Lone Tree allotments is unnecessary at this point.

Authority

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

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

Right of Protest and/or Appeal

Any applicant, permittee, lessee or other interested publics may protest the proposed decision under 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:

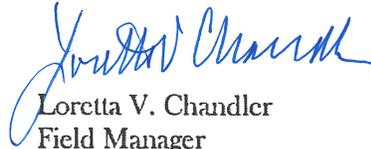
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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
Field Manager
Owyhee Field Office

Works Cited

- USDI BLM. (1999). *Owyhee Resource Management Plan*. Marsing, ID.
USDI BLM. (2013a). *Amended Rangeland Health Assessments for Lone Tree (0587) and Louisa Creek (0601) Allotments, 2013 Supplement*. Marsing, ID.
USDI BLM. (2013b). *Josephine FFR (0158) Initial Allotment and Permit/Lease Review and Rangeland Health Assessment, 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 |
| Resource Advisory Council | Chair Gene | Gray | 2393 Watts Lane | Payette | ID 83661 | 15 |

| Company | Name | | Address | City | ST | Zip | # |
|----------------------------------|---------------------|--------------|----------------------------|---------------|----|-------|----|
| | 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 |
| Moore Smith Buxton & Turcke | Paul | Turcke | 950 W. Bannock, Ste. 520 | Boise | ID | 83702 | 43 |

| Company | Name | | Address | City | ST | Zip | # |
|---|---------|-----------|--|---------------|----|------------|----|
| 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 Rd. | Oreana | ID | 83650 | 67 |

| Company | Name | | Address | City | ST | Zip | # |
|--------------------------------|------------------|-----------|------------------------------|---------------|----|-------|----|
| | 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 |