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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 Nicholson:

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

The BLM completed a Rangeland Health Assessment/Evaluation, and a Determination for the Toy allotment in 2013 (USDI BLM, 2013) by supplementing the assessment completed in 2006.¹ We undertook this effort to ensure that any renewed grazing permits on this allotment are consistent with the BLM's legal and land management obligations. 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 Toy allotment is one of 20 allotments within Group 3, 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 Rangeland Health Standards and Guidelines (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) 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

¹ Rangeland health assessments for the Toy Mountain Group allotment are available on the web at http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal1.html

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 an application for renewal of your permit to graze livestock in the Toy allotment. 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 complete an application for grazing permit renewal and update any previously submitted application.

After evaluating conditions on the land, meeting with you, and reviewing information received from the public, it became clear that resource concerns currently exist on the Toy allotment. You submitted an application for renewal of this grazing permit, received by the BLM on June 12, 2011. Following discussion with the BLM in 2013, you provided an updated application for permit renewal, received by the BLM on June 13, 2013.

As a focus of addressing livestock impacts to public land resources, my office prepared and issued the Toy Mountain Group Grazing Permit Renewal Environmental Assessment² (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. 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 natural resources in the Toy allotment 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 Toy allotment. Upon implementation of the decision, your permit to graze livestock on this allotment will be fully processed.

This proposed decision will:

- Describe current conditions and issues on the allotment;
- 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 Toy allotment;
- Outline my proposed decision to select Alternative 3; and
- State my reasons for proposing this decision.

² EA number DOI-BLM-ID-B030-2013-0021-EA analyzed five alternatives for livestock grazing management practices to fully process permits within the Toy allotment.

Background

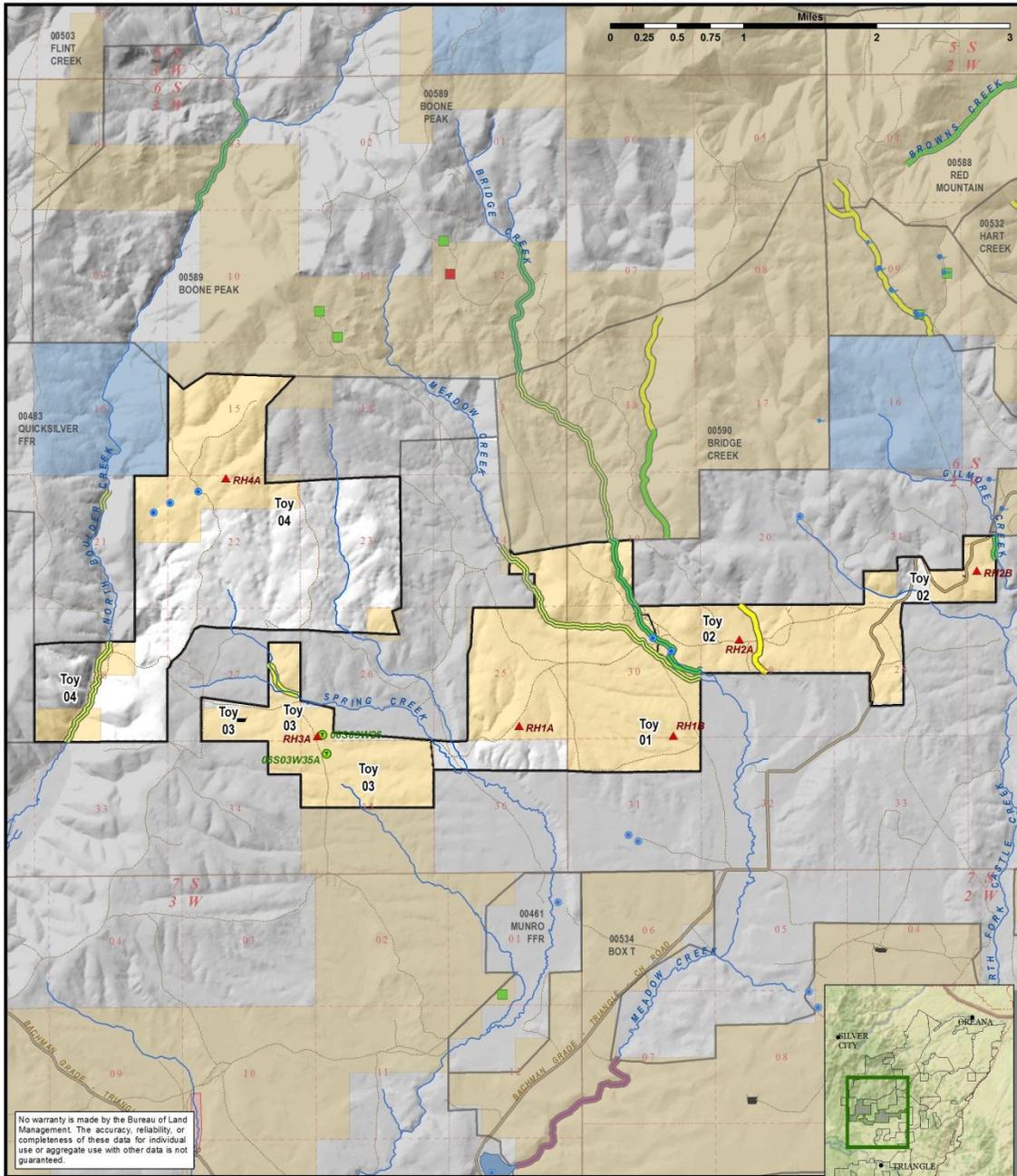
Allotment Setting

The Toy allotment is composed of four pastures in two parcels located approximately 6 miles north of Triangle, Idaho (Map 1). The ORMP categorized the Toy allotment as a Maintain (M) category allotment. In addition to allocating livestock grazing within the Toy allotment, the ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified include the high erosion potential, ecological condition of vegetation communities, juniper encroachment, perennial surface water, riparian/wetland ecosystems, and special status species (reband trout, sage-grouse, and spotted frog).

Elevations within the Toy allotment range from 5,250 feet to 5,700 feet. The allotment lies within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and cool-season bunchgrasses where native vegetation communities are diverse. Limited precipitation with cold winters and dry summers constrain plant and animal communities. Primary vegetation types are dominated by mountain big sagebrush, basin big sagebrush, or low sagebrush as the shrub layer, with native perennial bunchgrasses and forbs in the understories. Streams in the Toy allotment include approximately 10.5 miles of North Boulder Creek, Meadow Creek, Bridge Creek, Ditch Creek, Gilmore Creek, and Spring Creek. The 1999 ORMP (USDI BLM, 1999) identifies manageable riparian and fisheries habitat on 0.44 miles of North Boulder Creek, and 0.87 miles of Meadow Creek.



Map 1: Toy (00533) 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 | Primitive Road | Private |
| RHA Point | | | Water Body | |



1:60,000

Current Grazing Authorization

One existing permit authorizes livestock grazing use of the Toy allotment with a current total permitted use of 1,253 AUMs, of which 940 AUMs are active use and 313 are suspension AUMs. The authorized season of use for the allotment is a split season, with grazing authorized May 1 to June 30 and from October 1 to November 15 annually. The terms and conditions of the existing grazing permit are as follow in Table LVST-1:

Table LVST-1: Mandatory and other terms and conditions of the existing permit to graze livestock within the Toy allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00533	267	Cattle	5/1	6/30	100	Active	940
Toy	267	Cattle	10/1	11/15	100	Active	

Terms and conditions:

1. The Toy allotment (#0533) will be grazed as per your proposed decision dated August 1, 1997.
2. A minimum of 4-inch stubble will be left on herbaceous vegetation within the riparian area along 1.5 miles of Meadow Creek in allotment #0533 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.

Recent actual use data provided annually by you indicate that grazing use typically occurs in pasture 1 or 2 from late May to late June, use in pasture 4 has occurred in July, and pasture 3 is typically used from early October to mid-November. In addition, actual use reported during the 10-year period between 2003 and 2012 has averaged 279 AUMs, with a maximum of 625 AUMs in 2006.

Actual use is important when considering the renewal of a grazing permit, because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of what was authorized under the current permit, but rather is the result of the removal of a varied number of AUMs and seasons of use over the past several years.

Resource Conditions

The BLM recently evaluated current grazing practices and current conditions in the Toy allotment. The determination document for the allotment was provided to the public with the preliminary EA. The Evaluation and Determination documents concluded that some of the resources on the Toy allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the applicable Standards for Rangeland Health are not being met in the Toy allotment. Standards 5 (Seedings) and 6 (Exotic Plant Communities, other than Seedings) are not applicable to this allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1, 2, 3, 4, and 8, whereas current livestock management practices are not significant factors in not meeting Standard 7.

Vegetation - Uplands

Rangeland Health Standard 4 (Native Plant Communities) is not met in pastures 1, 2, and 4 of the Toy allotment due to altered fire regimes and juniper encroachment, but is met in pastures 3. In

addition, current livestock management practices have contributed toward not meeting the Standard in pasture 2. Moderate departure of biotic integrity indicators from reference site conditions related to soil factors, functional/structural groups, invasive plants including juniper, and the reproductive capability of perennial plants contribute to the failure to meet the Standard in pastures 1, 2, and 4. At the same time, the assessment in pasture 3 identified the pasture is close to reference site conditions for bunchgrass composition. At most, a slight-to-moderate departure from reference site conditions for indicators contributing to biotic integrity, other than invasive plants, was reported for pasture 3. Juniper encroachment into sagebrush steppe vegetation communities, a product of altered fire regimes, is the contributing factor to departure from reference site conditions throughout the allotment. In addition, annual growing-season grazing use reported for pasture 2, although at light levels, indicates that current livestock management practices are contributing toward static trend and are not meeting Standard 4. Vegetation communities in pastures 1 and 4 are frequently allowed to complete the annual growth cycle before grazing is initiated, leading to a conclusion that factors other than current livestock management practices have led to the failure to meet Standard 4 in these pastures.

Monitoring indicates a long-term (late 1980s to date) upward trend with greater dominance by deep-rooted perennial grasses at most sites and in all pastures in 2011, compared to the earliest monitoring data. Short-term (2008-2011) static trend is indicated at photo plots in pastures 1, 2, and 4, while frequency data from pasture 3 indicate the short-term continuation of upward trend, with greater occurrence of Idaho fescue.

Idaho fescue is a deep-rooted perennial bunchgrass that is co-dominant with bluebunch wheatgrass at reference site conditions for mountain big sagebrush and low sagebrush vegetation communities present in the Toy allotment. Bluebunch wheatgrass is less tolerant of grazing impacts than Idaho fescue. The absence of recorded bluebunch wheatgrass leads to a conclusion that historic grazing in all pastures of the Toy allotment, including pasture 3, has contributed to vegetation communities lacking at least one major component present at reference site conditions.

Trend data that identify a short-term static trend in pastures 1, 2, and 4 indicate that the Owyhee Resource Management Plan objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas has not been met (Table VEG-2 of the ORMP; the Toy allotment was 45 percent early seral and 55 percent mid-seral). In addition to contributing to the failure to meet Standard 4, annual growing-season grazing use reported for pasture 2 indicates that current livestock management practices are contributing to the static trend and are not meeting the ORMP vegetation management objective.³

Watersheds

Current and historic livestock grazing management practices are significant causal factors for not meeting Standard 1 in pastures 1 and 4; pasture 3 is not meeting due to historic livestock grazing. Pasture 2 is meeting but, along with pastures 1 and 4, is considered to be at risk for encroachment of western juniper, which can alter watershed function over time.

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.18.1.1, and Appendix F.

The reduction in soil and hydrologic function is primarily associated with historic and active accelerated erosional processes that have increased pedestaling of plants and altered soil infiltration and runoff through elevated water flow. Soil loss is in various stages of stabilization, with pasture 1 also experiencing mechanical damage and increased bare ground. The physical damage from hoof action to soils by livestock continues to affect the biological soil crust component, especially in the interspatial areas, adding to a reduction in soil stability.

Variable responses for ground cover trend and slight upward trend in biotic function provide some improvements in pasture 3 that otherwise continues to show impairments from historic livestock grazing impacts due to extensive erosion relics. Altered plant community composition and distribution due to decreased relative abundance of large, deep-rooted native perennial bunchgrasses, along with an increase in western juniper and invasive species, are adding to a decline in upland watershed health in pastures 1 and 4.

Overall, soil and hydrologic function are compromised and decrease the ability for proper nutrient cycling, hydrologic cycling, and energy flow. Current and historic livestock management are the primary causal factors in not meeting Standard 1 and ORMP soil management objectives for the Toy Mountain allotment.⁴

Water Resources and Riparian/Wetland Areas

Standards 2 and 3 are not being met in pastures 1, 3, and are making progress in pasture 2 of the Toy allotment. Streams on the Toy allotment include approximately 10.5 miles of North Boulder Creek, Meadow Creek, Bridge Creek, Ditch Creek, Gilmore Creek, and Spring Creek. The 1999 ORMP identifies manageable riparian and fisheries habitat on 0.44 miles of North Boulder Creek, and 0.87 miles of Meadow Creek.

The most recent assessments indicate that, of 4.8 miles assessed, 3.3 miles of stream are functional-at risk (FAR), and 1.5 miles are in proper functioning condition (PFC). Concerns for all streams in the allotment include the impacts associated with the historic mining activity, the encroachment of roadways, and the water diversions occurring on adjacent private property. Additionally, there are areas along the streams that are FAR that have inadequate deep-rooted hydric vegetation and as a result are not capable of stabilizing stream banks and dissipating energy during high flows. There are areas where the channels are incised, skewing the width-to-depth ratios and preventing frequent inundation and development of the floodplains. Livestock trailing and trampling has caused erosion and deposition.

Current livestock grazing management practices are significant causal factors for not meeting Standard 2. In some locations, residual vegetation has not been sufficient to maintain or improve riparian-wetland function, and the recent grazing schedule has not allowed for rest years. Therefore, current livestock grazing management practices are not consistent with the Idaho guideline numbers 5 and 7.⁵

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.18.1.2.

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.3 and Section 3.3.18.1.3.

Special Status Plants

One special status plant, mudflat milkvetch, occurs within the Toy allotment. The occurrence of this special status plant is meeting Standard 8.⁶

Wildlife/Wildlife Habitats and Special Status Animals

All four pastures of the Toy allotment contain preliminary priority habitat (PPH) for sage-grouse. Overall, upland habitats are not providing adequate conditions for many shrub-obligate and ground-dwelling, -nesting, and -foraging species, due to an increase in juniper cover and variable increases and reductions in shrub cover. Whereas historic livestock use and altered fire return intervals contribute to these vegetation attributes, current livestock management practices are not a factor toward not meeting the standard in upland vegetation communities. Perennial herbaceous understory cover lacks desirable deep-rooted, tall-structured bunchgrasses especially in pastures 1 and 4. Although results from sage-grouse habitat assessments showed suitable upland summer habitat conditions in the majority of pastures, marginal conditions in breeding habitats in pastures 1 and 2 and juniper encroachment into formerly usable sage-grouse habitats across the majority of the allotment are substantially limiting habitat suitability for sage-grouse. Conversion to juniper woodlands comes at the expense of shrub steppe habitats, which are the proper plant community reference state and condition for the ecological sites that predominate within the allotment. Juniper encroachment was most evident in pastures 1, 2, and 4 and is a contributing causal factor for the allotment not meeting Standard 8 for wildlife in upland habitats.

The majority of riparian habitats within the allotment are not in PFC (see Standard 2). Along some reaches in pasture 3 in particular, riparian habitats are not providing adequate breeding and foraging conditions for many dependent wildlife species. However, structural and species diversity and appropriate soil moisture supporting herbaceous vegetation in pastures 1, 2, and 4 are resulting in adequate habitat conditions for a diversity of species, including migratory birds, redband trout, beaver, and Columbia spotted frogs. Because riparian habitats outside of juniper-dominated areas and drainages in the allotment are limited, the majority of riparian habitat is unavailable and unsuitable for sage-grouse. Current livestock grazing management practices are the causal factor for not meeting Standard 8 wildlife in riparian habitats.⁷

Guidelines for Livestock Grazing Management

In addition to a discussion of rangeland health standards, the BLM's 2013 Determination for the Toy allotment (USDI BLM, 2013) identified that current grazing management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 4, 5, 7, 8, 9, and 12 for several Standards. Guidelines 1, 3, 4, 5, 7, 8, 9, and 12 are as follow:

Guideline 1: Use grazing management practices and/or facilities to maintain or promote significant progress toward adequate amounts of ground cover (determined on an ecological site basis) to support infiltration, maintain soil moisture storage, and stabilize soils.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.4 and Section 3.3.18.1.4.

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5 and Section 3.3.18.1.5.

Guideline 3: Use grazing management practices and/or facilities to maintain or promote soil conditions that support water infiltration, plant vigor, and permeability rates and minimize soil compaction appropriate to site potential.

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

Issues

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.*

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 Toy allotment and the issues identified above, the BLM considered and analyzed a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintenance or improvement of conditions on the allotment. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.⁸ The BLM considered the following alternatives in detail:

Alternative 1 - Current Situation

The BLM would renew the grazing permit with the same terms and conditions as those in the existing permit, except for authorized livestock numbers and AUMs of active use. Under Alternative 1, livestock grazing would be authorized at a level equivalent to the maximum actual use reported recently (625 AUMs), a level of use that has resulted in current resource conditions. The season of use would be split and extend from May 1 through June 30 and also from October 1 through November 15.⁹

Alternative 2 - Applicant's Proposed Action

The BLM would renew the grazing permit in accordance with terms and conditions within the application received. Authorized active use would be unchanged from the existing permit at 940 AUMs, with use authorized during a split season extending from May 1 through June 30 and also from October 1 through November 15.¹⁰

⁸ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2 and Section 2.4.18.

⁹ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.18.1

¹⁰ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.18.2

Alternative 3

BLM would renew the livestock grazing permit with terms and conditions that limit seasons, intensities, duration, and frequency of grazing use consistent with the pasture-specific constraints specific to resource values including wildlife, vegetation, soils, riparian, and water quality. Cattle grazing would be authorized during a split season extending from May 1 through June 30 and also from October 1 through November 15, with an active use of 264 AUMs.¹¹

Alternative 4

BLM would renew the livestock grazing permit with terms and conditions that constrain the frequency of grazing use during critical periods of the year, and limit the intensity and duration of grazing use specific to resource values including wildlife, vegetation, soils, riparian, and water quality that would be more limiting than those under Alternative 3. In addition the alternative would limit grazing impacts to high-value sage-grouse pre-laying/lekking and late brood rearing. Cattle grazing would be authorized during a split season extending from May 1 through June 30 and also from October 1 through November 15, with an active use of 170 AUMs.¹²

Alternative 5 - No Grazing

No grazing would be authorized on public lands within the allotment for a term of ten years. The application for grazing permit renewal would be denied and no grazing permit would be offered.

The Preliminary EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 12, 2013. Comments that were received were used to complete the EA and draft a finding of no significant impact (FONSI).

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 10 years consistent with the terms and conditions under Alternative 3. Implementation of Alternative 3 over the next 10 years will allow the Toy allotment to make significant progress toward meeting the Idaho S&Gs, while also moving toward achieving the resource objectives outlined in the ORMP.

You will be offered a permit for a term of 10 years with an active use of 264 AUMs, as outlined in Table LVST-2. Authorized active use in the Toy allotment will be reduced from 940 AUMs in the existing permit to 264 AUMs.¹³ The elimination of 676 AUMs of active use will not result in a conversion to suspension AUMs as discussed in Section 2.1.2 of the EA. The difference in AUMs

¹¹ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.18.3

¹² For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.18.4

¹³ The reduction in use to 264 AUMs active AUMs under Alternative 3 compares to 625 AUMs in the current situation (Alternative 1) and an average active use of 279 AUMs reported between 2003 and 2012.

is the result of fewer livestock numbers, while retaining the same dates of grazing use for the allotment.

Table LVST-2: Permitted grazing use within the Toy allotment with implementation of the decision

Active Use	Suspension ¹⁴	Permitted Use
264 AUMs	313 AUMs	577 AUMs

The terms and conditions of the renewed grazing permit are defined in Table LVST-3.

Table LVST-3: Mandatory and other terms and conditions of the offered permit to graze livestock within the Toy allotment with implementation of the decision

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00533	121	Cattle	5/1	6/30	62	Active	264
Toy	121	Cattle	10/1	11/15	62	Active	

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

1. Grazing use of the Toy allotment (0533) 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 _____. Flexibility in dates of moves between pastures is provided to meet resource management and livestock management objectives, as long as move dates adhere to seasons of use constraints identified in the decision (Table LVST-5). 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 Toy 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. Minimum 4 inch stubble will be left on herbaceous vegetation within the riparian area along 0.87 miles of Meadow Creek and 0.44 miles of the North Fork Boulder Creek in allotment #0533 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.

¹⁴ In accordance with revisions to the grazing regulations as amended through February 6, 1996, paragraph C with provisions requiring the authorized officer to hold AUMs comprising the decreased permitted use in suspension was removed from 43 CFR 4110.3-2. As a result, the reduction in permitted use from 1,253 AUMs to 577 AUMs would not result in an increase in suspension AUMs.

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

Based on private land ownership and state land lease information provided in the permit renewal application received on June 13, 2013, available forage production will be defined based on percent public land, calculated by the proportion of livestock forage available on public lands within the allotment, compared to the total available from both public land and lands which you control.¹⁵

The grazing schedule for the Toy allotment, identified in Table LVST-4, will be authorized and its implementation will be included as a term and condition of the permit offered. When grazing use occurs during the active growing season (5/1 through 7/15) more often than one in each three years, utilization at the end of the active growing season will be limited to not exceed 20 percent. Flexibility in dates of moves between pastures is provided to meet resource management and livestock management objectives, as long as move dates adhere to seasons of use consistent with constraints listed in Table LVST-5.

Table LVST-4: Toy allotment grazing strategy with implementation of Alternative 3

Pasture	Year 1	Year 2	Year 3
1	5/1 to 6/30	10/1 to 11/15	10/1 to 11/15
2	5/1 to 6/30	10/1 to 11/15	10/1 to 11/15
3	10/1 to 11/15 (limited water)	5/1 to 6/30 *	5/1 to 6/30 *
4	10/1 to 11/15	5/1 to 6/30 *	5/1 to 6/30 *

* Upland utilization limit not to exceed 20 percent at the end of the active growing season (7/15)

¹⁵ Percent public land for the Toy allotment was calculated based on the normal year potential production of ecological sites for the proportion of public lands in the allotment, compared to the total of public lands plus lands which may be controlled by the permittee. Although the ecological condition of lands within the allotment may not be in reference condition, the assumption was made that both public lands and lands controlled by the permittee are in equal condition and the proportion of production from each does not differ from the proportion of production at reference site conditions.

Table LVST-5: Constraints to seasons, intensities, duration, and frequency of grazing use specific to the Toy allotment under Alternative 3

Resource	Pasture 1	Pasture 2	Pasture 3	Pasture 4
Sage-grouse (nesting/early brood-rearing)	no use 4/1 to 6/30; one of three years	no use 4/1 to 6/30; one of three years	NA	NA
Redband Trout (spawning)	NA	NA	NA	no use 3/15 to 6/15; one of three years
Spotted Frog (breeding)	no use 5/1 to 6/15; one of three years	no use 5/1 to 6/15; one of three years	NA	NA
Vegetation	no use 5/1 to 7/15; two of three years*	no use 5/1 to 7/15; two of three years*	no use 5/1 to 7/15; two of three years*	no use 5/1 to 7/15; two of three years*
Soils	no use 3/1 to 5/31; one of three years	no use 3/1 to 5/31; one of three years	no use 3/1 to 5/31; one of three years	no use 3/1 to 5/31; one of three years
Riparian/ Water Quality	no use 7/15-9/30; one of three years			

* Flexibility to graze more frequently between 5/1 and 6/30 with utilization limits (see grazing schedule Table LVST-4 above and Section 2.2.3 of the EA)

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 Toy, Browns Creek, West Castle, Whitehorse-Antelope, and Garrett FFR 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, and other documents in the grazing files, it is my proposed decision to select Alternative 3. I have made this selection for a variety of reasons, but most importantly because implementation of this decision will 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 Toy allotment making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs, where they are currently not met due to livestock management practices.¹⁶

¹⁶ 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 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 so on a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that 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.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Toy allotment. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with this allotment before I made my decision. My selection of Alternative 3 was in large part because of my understanding that this selection best addressed those issues pertaining to Standards 1, 2, 3, 4, 8 and ORMP management objectives, given the BLM's legal and land management obligations.

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

Standard 4 was not met in pasture 2 of the allotment due to current livestock management actions that were not in conformance with guidelines. Guidelines recommend application of grazing management practices that provide periodic rest or deferment during critical growth stages. Standard 4 was also not met in pastures 1 and 4 due to other factors including juniper encroachment.

Under Alternative 3, the season of use would exclude grazing during the active growing season (5/1 to 7/15) in 1 of 3 years in pastures 3 and 4 and exclude grazing during the active growing season in 2 of 3 years in pastures 1 and 2. In addition, the intensity of grazing use would be limited to not exceed 20 percent at the end of the active growing season when grazing is authorized more often than 1 of 3 years between 5/1 and 7/15. A reduction in the number of cattle that graze within the allotment from 177 under the current situation (Alternative 1) to 121 under Alternative 3 would result in an allotment-wide stocking rate of approximately 10 acres per AUM, compared to the current permit with 3.8 acres per AUM. The stocking rate under Alternative 3 would result in a reduction in the intensity of grazing use occurring in all pastures. The reduced intensity of grazing use, especially when that use occurs during the active growing season, would 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 opportunity for regrowth. In combination, limits to the intensity of grazing use during the active growing season and 1 in 3 years or 2 in 3 years of exclusion of use during the active growing season would allow cool-season bunchgrass species to regain health and vigor, as detailed in Appendix E of the EA.

Progress would be made toward meeting Standard 4 within pasture 2, with limitations to the intensity and seasons of grazing use under Alternative 3. Similar progress toward meeting the Standard would not occur in pastures 1 and 4, where factors other than current livestock management practices contribute to the failure to meet the standard. While progress toward meeting the ORMP objective to improve unsatisfactory vegetation health and condition would occur in pasture 2, similar progress toward meeting the objective in pastures 1 and 4 is limited by juniper dominance. Implementation of the Alternative 3 grazing schedule that provides deferment of grazing use until after the active growing season in pastures of the Toy allotment during 1 or 2 of each 3 years would provide opportunity for the current vegetation communities to express aspects of potential within the limits of the existing vegetation composition that includes juniper.¹⁷

¹⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.1 and Section 3.3.18.2.3.1

Issue 2: Improve watershed conditions within upland sites.

Alternative 3 would provide 1 out of 3 years of deferment from spring grazing and critical growing-season use for the four pastures and result in a reduction in livestock numbers, active AUMs, and adjusted stocking rates. This would result in reduced physical impacts to soils during the wettest period of the year and increase the ability of native plant communities to remain healthy, vigorous, and productive during active growth. On the other hand, soils would continue to be susceptible to reduced stability and altered soil infiltration and water-holding capacity over time due to the spread of juniper. As a whole, progress toward maintaining, meeting, and improving soil and hydrologic function proposed with Alternative 3 is therefore expected to be better as compared with Alternatives 1 and 2, though not as rapid as Alternatives 4 and 5.¹⁸

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

As noted above under Issue 1, implementation of proper livestock management practices or the elimination of authorized livestock grazing from the Toy allotment, as would occur under Alternative 5, would not change the capability for making progress toward meeting Standards where the causal factor for not meeting the Standard is altered fire regimes and juniper encroachment. Similarly, proper grazing management practices would not lead to limiting juniper encroachment into shrub-steppe vegetation types, except when those practices replace repeated heavy use during critical periods of the year, as occurred with historic grazing practices more than 50 years ago.

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

In Idaho, the BLM works closely with the Idaho Department of Agriculture, Tribal governments, and county governments to combat noxious weeds. Cooperative weed management arrangements utilize local, state and Federal resources to inventory and treat weed infestations on both public and private lands. Populations are recorded, treated, monitored, and retreated as their presence is known. Undiscovered noxious weeds may also exist. Identified locations of weeds within the Toy allotment (39 sites recorded) are primarily leafy spurge and whitetop, with two sites of Canada thistle and three sites of scotch thistle along roads. Noxious weed control is ongoing.

Grazing of livestock includes the continued risk of introducing noxious weeds and invasive species to public lands and potential for spread of existing incursions. Although the presence of listed weeds, cheatgrass, and other invasive annual species was identified in the rangeland health assessments, evaluations, and determinations for the Toy allotment, no location within the allotment was found to be dominated by these species.

Livestock may spread weeds and invasive species through transport on fur and on hoofs, as well as through ingestion and later defecation of viable seeds. Soil disturbance resulting from livestock concentration adjacent to water sources, salting areas, and routes of travel provides sites for establishment of weeds and invasive species. The level of risk associated with implementation of

¹⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.2.4 and Section 3.3.18.2.3.2

each of the alternatives considered in the EA is proportional to the number of livestock authorized to graze within the allotment and the concentration of soil disturbance. Risks of weed and invasive species introduction and spread would be greater, with significantly higher cattle numbers as vectors of seed movement and as soil disturbance is increased, while those risks associated with authorized livestock grazing would be eliminated in the no-grazing alternative. Alternative 3 will have fewer livestock numbers than other Alternatives 1 or 2. As a result, livestock as a vector of seed dissemination and soils disturbance would be reduced from the current situation, although greater than under Alternatives 4 and 5.

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

Under Alternative 3, each of the four pastures within the Toy allotment would be available for grazing during the spring and early summer for one year, and during the fall the second and third years of a 3-year rotation. Consequently, within the allotment, 0.6 miles of perennial stream and 10.1 miles of intermittent/ephemeral stream would be affected by the impacts associated with the spring and fall seasons of grazing. Under current management, the Toy allotment is not meeting the Standards associated with the riparian-wetland resources. Recent actual use reported indicates that pastures 1 and 2 of the allotment have primarily been used during the spring months annually, and pastures 3 and 4 have been used during the fall, and the riparian Standards are not being met.

Under Alternative 3, the allotment would be managed with a defined 3-year grazing schedule that incorporates riparian area deferment all years. The impacts from spring and fall grazing would continue, but the impacts from summer use would be eliminated. The changes in season of use would result in a reduction in active AUMs compared to the existing permit and the current situation (Alternative 1). Livestock management practices under Alternative 3 would allow the allotment to make progress toward meeting the riparian-wetland Standards.¹⁹

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

Grazing authorized under Alternative 3 would provide conditions in this allotment that continue to meet Standards and ORMP objects. The reduction in authorized AUMs under Alternative 3 is expected to benefit special status plant species as compared to Alternative 1 and 2 with greater active use authorized. However, Alternative 3 would not benefit special status plants to the degree that would occur under the greater AUM reductions in Alternatives 4 or 5.²⁰

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

Upland habitat

Grazing during the active growing season in 2 of each 3 years in pastures 3 and 4, with utilization limited, or 1 of each 3 years in pastures 1 and 2, would reduce the current year's growth and

¹⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.3 and Section 3.3.18.2.3.3

²⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.4 and Section 3.3.18.2.3.4

reduce seed production for perennial grasses and forbs. However, with 1 year of deferment in pastures 3 and 4 or 2 years of deferment in pastures 1 and 2, perennial grasses and forbs would recover vigor and reproductive capability. Perennial grasses and forbs would increase in abundance and stature and would provide increased nesting, escape cover, and forage base for sage-grouse and other shrub steppe-dependent species. Continued juniper encroachment would eventually limit the shrub-steppe habitats and result in reduced abundance of shrubs, perennial grasses, and forbs.

Pastures 3 and 4 would not be grazed during the active growing season in 1 of 3 years. During the other 2 years, when grazing does occur during the active growing season, utilization limits would be established to mitigate the effects of grazing during the growing season. Grazing during the active growing season 2 in 3 years would reduce current year's growth and reduce seed production for perennial grasses and forbs; however, with one year of deferment and utilization limits, perennial grasses and forbs would recover vigor and reproductive capability. Grazing after the active growing season has a minimal effect on the vigor and reproduction of perennial grasses and forbs in the following year. Perennial grasses and forbs would increase in abundance and stature and would provide increased nesting, escape cover, and forage base for sage-grouse and other shrub steppe-dependent species. Continued juniper encroachment would eventually limit the shrub steppe habitats and result in reduced abundance of shrubs, perennial grasses, and forbs.

Upland habitats would make progress toward meeting standard 8 until they are limited by juniper encroachment.

Riparian habitat

Deferment of grazing to periods other than mid-summer (hot season) would allow for increased growth, reproduction, and establishment of riparian vegetation. This would provide increased forage for sage-grouse, cover for spotted frogs, and stream shading for redband trout. It would also allow development of vegetation community diversity for all riparian-dependent wildlife species. Riparian habitats in all pastures would be expected to make progress toward meeting Standard 8.

Sage-grouse habitat

Perennial grass height would increase and provide suitable cover for sage-grouse; however, eventually, juniper encroachment would reduce the abundance of shrubs, grasses, and forbs as juniper out-competes them and increases in density. Reduced cover provided by native shrubs and bunchgrasses increases the visibility of nests and individual sage-grouse to predators. Juniper encroachment reduces a sage-grouse's ability to see predators and provides additional roosts for predators. Both of these factors reduce nest success and individual survival.

A reduction in authorized active AUMs, compared to the existing permit and the current situation (Alternative 1), would further reduce grazing pressure and would increase the rate of response from the upland and riparian vegetation as the allotment progresses toward meeting Standard 8, until juniper encroachment limits shrub steppe habitat.²¹

²¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.5 and Section 3.3.18.2.3.5

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 graze livestock at the landscape scale to reduce fire behavior or use targeted grazing to create fuel breaks on the Toy Mountain Group allotments with the intention that livestock grazing 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 Toy allotment will not significantly alter fire behavior during extreme conditions or the BLM's ability to fight wildfire in the area.

Wildfire behavior is dependent on a number of factors, including climatic conditions and current weather, as well as the size and connectivity of fuels, fuel loading, fuel moisture, and topographic slope. Although landscape-scale livestock grazing has the potential to reduce fine fuels to a degree, fire intensity and spread in sagebrush steppe and salt desert shrub vegetation communities during periods of extreme fire behavior through mid-summer would be little altered in the absence of heavy livestock grazing prior to the fire season. At the same time, the period when grazing could reduce fine fuels prior to the fire season is also the season of active growth of native perennial bunchgrass species. Annual heavy livestock grazing during the active growing season to reduce fine fuels would not be consistent with maintaining or improving native perennial herbaceous species health and condition, as summarized in Appendix E of the EA. The BLM's current permit renewal process is focused on improving native upland and riparian plant communities, and landscape-scale grazing to reduce fine fuels to a level or at a time necessary to control fire behavior would not support that improvement.

While targeted grazing may have potential application to develop and maintain strategic fire breaks, its application needs to be considered in combination with other fuels management tools. In addition, targeted grazing to create fire breaks would alter the role of permit renewal. Grazing authorized by permit renewal would provide authorization to use public land resources, while fuels management changes the objective to manipulate vegetation attributes. Targeted grazing to establish fuel breaks, as well as landscape-scale grazing to reduce fuels, are outside the purpose and need of the EA that analyzes the consequences of implementing livestock management practices identified in the applications and alternatives for grazing permit renewal authorizing cattle grazing to meet rangeland health standards and resource management objectives.²²

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 Toy allotment. Climate change does not have a clear cause-and effect-relationship with the

²² For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.3.

applicant's proposed action or alternatives. It is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of specific climate or resource impacts at a specific location. Additionally, the proposed action and alternatives, when implemented, would not have a clear, measurable cause-and-effect relationship to climate change because the available science cannot identify a specific source of greenhouse gas emissions such as those from livestock grazing and tie it to a specific amount or type of changes in climate.

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. It is clear that the Toy allotment is greatly impaired from past use, and while repair and restoration will only occur in the long term, some change can be anticipated from the proposed reductions in AUMs and season of use. The opportunity to provide resistance and resilience within native perennial vegetation communities is within the scope of this decision. The livestock management actions under Alternative 3 combine 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.

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

During the scoping process, concerns were raised about the impacts of modifications or reductions in grazing to regional socio-economic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 3 for the Toy allotment in large part because this selection accomplishes those latter goals.

Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based in unsustainable grazing practices that do not meet rangeland health standards would result in less-reliable amounts of forage over the long term, in addition to reducing economic opportunities from ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered the range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have avoided any reduction in grazing use levels in the Toy Mountain Group allotments where current levels are compatible with meeting rangeland health standards and ORMP objectives and where not compatible in the Toy allotment, have selected Alternative 3 and its design to meet resource function and sustainability.²³

²³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.8

Additional Rationale

A tremendous amount of thought and effort went into developing grazing management that is responsive to the Toy allotment's specific resource needs, geography, and size. These considerations were made to address all concerns and requirements mandated to the BLM. Each allotment of the Toy Mountain Group has different ecology and management capability due to the size and location/topography that result in various issues and priorities. 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 also the needs and capability that you, the permittee have. I have balanced the needs of the resource and your capabilities to the extent possible, based upon the information available.

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 Toy allotment, rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected Alternative 3, (2) the impact of implementation of Alternative 5 on your operations and on regional economic activity, (3) this allotment's susceptibility to significant improvement under Alternative 5, and (4) your past performance under previous permits. By implementing Alternative 3, the resource issues identified will be addressed. Declining to authorize 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 FONSI was signed on November 20, 2013 and concluded that the proposed decision to implement Alternative 4 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-B030-2013-0022-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal1.html

Conclusion

In conclusion, it is my decision to select Alternative 3 over other alternatives, because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs consistent with the projected ability of BLM to oversee grazing on the Toy allotment over the next 10 years. Alternatives 1 and 2 would implement livestock management practices on the Toy allotment that would result in continued failure to meet objectives and standards related to uplands, riparian resources, and water quality. While Rangeland Health Standards 4 and 8 would continue to not be met under Alternative 3 due to the limited capability for recovery of the current upland vegetation composition continued encroachment of juniper in pastures 1 and 4, current livestock management practices do not contribute to this failure and the Standards would still not be met even in the absence of livestock grazing under Alternative 5.

Alternative 5 would limit the economic activity of your livestock operation in Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the

economy. Similarly, Alternative 4 would somewhat limit the contribution of your operation to the economic activity in Owyhee County, although provide a limited additional assurance that resource values would be additionally protected as compared to Alternative 3. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the decision, lead me to believe further reduction or the elimination of livestock grazing from the Toy allotment is unnecessary at this point.

Authority

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

- 4100.0-8 Land use plans; The ORMP designates the Toy allotment as 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 terms and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

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

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

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

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

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

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

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other person named in the copies sent to section of this decision in accordance with 43 CFR 4.421 and on the Office of the Regional Solicitor located at the address below in accordance with 43 CFR § 4.470(a) and 4.471(b).

Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

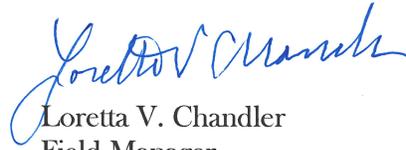
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,



Loretta V. Chandler
Field Manager
Owyhee Field Office

Works Cited

USDI BLM. (1999). *Owyhee Resource Management Plan*. Marsing, ID.

USDI BLM. (2013). *Final Rangeland Health Assessments: Whitehorse/Antelope (0541), Toy (0533), Browns Creek (0585), and West Castle (0648) 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	Bruneau	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.	Bruneau	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
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	16
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	17
Idaho Wild Sheep	President Jim	Jeffress	PO BOX 8224	Boise	ID	82707	18

Company	Name	Address	City	ST	Zip	#	
Foundation							
	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
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20 th Floor	San Francisco	CA	94104	44

Company	Name		Address	City	ST	Zip	#
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
	Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650	68
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 113	Arock	OR	97902	69

Company	Name		Address	City	ST	Zip	#
	Charles	Lyons	11408 Hwy 20	Mountain Home	ID	83647	70
	Craig & Georgene	Moore	P.O. Box 14	Melba	ID	83641	71
	Scott & 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