



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

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Marsing, Idaho 83639  
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In Reply Refer To:  
4160 ID130

December 19, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

LU Ranching Co.  
c/o Tim Lowry  
Box 415  
Jordan Valley, OR 97910

**Notice of Field Manager's Final Decision for the McKay FFR Allotment**

Dear Tim,

Thank you for your application to renew the grazing permit on the McKay Fenced in Federal Range (FFR) allotment and for working with us throughout the permit renewal process. A signed Proposed Decision to renew grazing as described under Alternative 2 was released on November 21, 2013. Under this alternative, livestock management practices will not result in any change to the allotment's performance under the Idaho Rangeland Health Standards and Guidelines (Idaho S&Gs) or the Owyhee Resource Management Plan (ORMP).

You received the Proposed Decision on November 22, 2013, and we did not receive a protest of the Proposed Decision from you. The Bureau of Land Management (BLM) received protests regarding the Proposed Decision from the Western Watersheds Project.

All Group 4 protest points raised within the submissions received and my responses are provided in the attached document titled "Group 4 Response to Protests". Protest points applicable to your allotment are from the protestant(s) mentioned above.

**Background**

As you know, the BLM evaluated grazing practices and conditions in the McKay FFR allotment; the BLM undertook this effort to ensure that a decision to renew grazing permits on these allotments would be 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 Final Decision incorporates those documents by reference and the information contained therein.

On January 11, 2013, the BLM Owyhee Field Office initiated the public scoping process for the Toy Mountain, South Mountain, and Morgan groups of grazing allotments, Groups 3, 4, and 5, respectively. The McKay FFR allotment is one of seven allotments within Group 4. A scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with Idaho S&Gs and the ORMP. 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 comments and information to be received by February 25, 2013, for each group of allotments but did not set a closing date for the receipt of public comments. This effort helped develop grazing management alternatives for three grazing permit renewal Environmental Assessments (EA), including the South Mountain Group EA # DOI-BLM-ID-B030-2013-0022-EA. The Final South Mountain Group EA, which was published on November 21, 2013, tiers to and incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS # DOI-BLM-ID-B030-2012-0014-EIS and the analysis contained therein. This Final Decision incorporates by reference the analysis contained in those documents.

In addition to the scoping period mentioned above, we met with you on on July 15 and August 27, 2013 to discuss allotment conditions, objectives, and livestock management. Your application for renewal of this grazing permit was received on January 27, 2012.

The Initial Allotment Review and Rangeland Health Standards and Guidelines Assessment for the McKay FFR allotment was drafted in 2006 as a portion of the grazing permit renewal process. Until 2013, no rangeland health determination was completed and the permit authorizing grazing use in this allotment has not been fully processed for renewal. The current document consists of the 2006 RHA, in full, supplemented by new information available since the 2006 document was completed. The 2013 Supplement to the document includes data compiled between 2006 and 2013, as well as the completion of the 2013 evaluation report and determination consistent with the Livestock Grazing Permit Renewal Desk Guide for Idaho Bureau of Land Management, May 2009. On August 30, 2013, BLM issued the completed 2013 Rangeland Health Assessments, Evaluations, and Determinations for the Group 4 South Mountain allotments (which included the McKay FFR allotment) to you and all interested publics of record. The preliminary Group 4 EA<sup>1</sup> was issued to the public on October 18, 2013, for 15-day review and comment period, providing yet another opportunity for grazing permittees and interested publics to provide additional feedback, and comment on the preliminary EA in preparation of the final EA and selection of preferred grazing alternatives. We did not receive comments from you regarding the rangeland health determination. We did receive comments on the preliminary EA from you on November 5, 2013, although they did not change the analysis or the Final Decision.

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 McKay FFR allotment; however, these resource condition concerns are not related to current livestock management practices.

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<sup>1</sup> EA number DOI-BLM-ID-B030-2013-0022-EA analyzed five alternatives for livestock grazing management practices to fully process permits within the South Mountain Group of allotments.

Following the release of the BLM's November 21, 2013, Proposed Decision to the public and review of protest points, I am now prepared to issue a Final Decision to renew your permit to graze livestock within the McKay FFR allotment.

This Final Decision will:

- Describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the McKay Allotment;
- Considers protest points received following release of the November 21, 2013, Proposed Decision;
- Outline my Final Decision to select Alternative 2; and
- State my reasons why I made this Final Decision.

### *Allotment Setting*

The McKay FFR allotment is located in Owyhee County, Idaho, approximately 14 miles southeast of Jordan Valley, Oregon. The ORMP categorized allotments and prioritized development and implementation of grazing systems to meet multiple use resource objectives and rangeland health standards based on resource conditions, potentials, and concerns, as well as economics, present management, and other criteria. Of the three categories included in the ORMP, the McKay FFR allotment is listed as a Custodial category allotment.

In addition to allocating livestock grazing within the McKay FFR allotment, the ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns included the ecological condition of vegetation communities, perennial surface water present, riparian/wetland ecosystems, redband trout, and Greater sage-grouse (*Centrocercus urophasianus*), from this point on referred to as sage-grouse, some of which occur on private land within the allotment.

The McKay FFR<sup>2</sup> allotment is subdivided into three pastures with 20 AUMs of permitted grazing and consists of 24 percent public land and 76 percent private land (see Table 1). Although the existing permit identifies a season of use from December 1 to December 31, it also includes a term and condition that the number of livestock and season of use within the allotment is at the permittee's discretion. Actual use has been submitted but is lacking accuracy to the pasture level and has only 2 years of information<sup>3</sup>.

**Table 1: McKay FFR Allotment (0457) (Acres)**

Pastures	Public	State	Private	Total
1	260	0	591	
2	1	0	191	

<sup>2</sup> Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

<sup>3</sup> For reported actual use, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Appendix B.

Pastures	Public	State	Private	Total
3	0	0	39	
Total	261 (24%)	0	821 (76%)	1082 (100%)

The McKay FFR allotment is situated within the Owyhee Uplands and Canyons Ecoregion (see Map 1), and is characterized by rolling shrub steppe uplands interrupted by juniper woodlands, steep to low hills, and rocky outcrops. The McKay FFR allotment is composed of two major ecological sites: loamy mountain big sagebrush/bluebunch wheatgrass-Idaho fescue (206 acres, or 79 percent), with the shallow claypan low sagebrush/Idaho fescue site making up the remainder (54 acres, or 21 percent). Currently, the expansion of juniper into former shrub communities has transformed much of the area into woodlands ranging from open, savanna-like conditions to denser canopy forest. Juniper trees are common to dominant at upper elevations of the allotment; whereas, under reference conditions, they would occur in trace amounts.

Across ecological sites within the allotment, effective average annual precipitation ranges from 12 to 16 inches. Mapping done by the Pacific Northwest National Laboratory using 2000/2001 Landsat satellite imagery, and updated for vegetation treatments and fire, indicate the current vegetation in the McKay FFR allotment is dominated by juniper (43 percent), mountain shrub (22 percent), mountain big sage (21 percent), low sagebrush (9 percent), wet meadow (3 percent), bunchgrass (2 percent), exotic annual (<1 percent), big sagebrush (<1 percent), and bitterbrush (<1 percent). No noxious weeds have been mapped in the McKay FFR allotment. Bulbous bluegrass is the only identified non-native invasive species, and it is reported to be common in the allotment and dominant under junipers.

No riparian habitat exists on public lands in McKay FFR allotment; however, Juniper Creek runs through pastures 1 and 2 on private lands. A majority of the allotment once provided habitat for sage-grouse and supported significant populations. Of all sage-grouse Preliminary General Habitat (PGH) within the the allotment, 246 acres are BLM and 661 acres are private. Fire has not been reported in the allotment since the 1960s. No federally listed threatened or endangered animals are known to occur in McKay FFR allotment.



## Current Grazing Authorization

You currently graze livestock within the McKay FFR allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows in Table 2:

**Table 2: Mandatory and Other Terms and Conditions for the McKay FFR Allotment**

Livestock		Grazing Period		% PL	Type Use	AUMs
Number	Kind	Begin	End			
20	Cattle	12/1	12/31	100	Active	20

### Terms and conditions:

1. Grazing use will be in accordance with the grazing schedule identified in the Final Decision of the Owyhee Field Office Manager, dated \_\_\_\_\_. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria (Appendix I).
3. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen (*Populus tremuloides*) stands, playas, special status plant populations, or water developments.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.
13. The number of livestock and season of use on the Fenced in Federal Range (FFR) allotment 0457 is at your discretion.

United States District Court for the District of Idaho imposed terms and conditions:

- Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the streambank, 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 streambanks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Streambank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

### ***Livestock Management***

Under this permit, you are authorized 20 AUMs of permitted grazing between December 1 and December 31. Your permit includes a term and condition that the number of livestock and season of use within the allotment is at your discretion; the season of use is for 365 days of potential use. Because of limited actual use reporting, we cannot determine when the allotment is typically used.

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

### ***Resource Conditions***

The BLM completed a Rangeland Health Assessment, Evaluation, and Determination for the McKay FFR allotment in 2013. Those documents concluded that some of the resources on the allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined the allotment did not meet Standards 1 (Watersheds), 4 (Native Plant Communities), and 8 (Threatened and Endangered Plants and Animals). Current livestock grazing management is not the causal factor in these Standards not being met; juniper encroachment and historic grazing management are the causal factors. Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 6 (Exotic Plant Communities, Other Than Seedings), and 7 (Water Quality) are not applicable on the McKay FFR allotment. Livestock management practices conform to the Guidelines for Livestock Grazing Management.

#### ***Vegetation - uplands<sup>4</sup>***

The McKay FFR allotment does not meet Standard 4 (Native Plant Communities) because of an altered fire regime resulting in subsequent juniper invasion. Historic grazing management is another contributing factor as it may have promoted juniper encroachment indirectly if season-long grazing removed enough fine fuel each year to alter the fire regime.

The ecological site description shows that under natural disturbance regime, the McKay FFR allotment should be dominated by sagebrush/bunchgrass communities; western juniper should make up only a small percentage of the area. With the increase in juniper, there has been a decrease in deep-rooted perennial native grasses and an increase in invasive grasses. While noxious weeds have not been mapped in the McKay FFR allotment, bulbous bluegrass, an exotic species,

<sup>4</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 3.3.3.1.1 and Appendix E.

was reported to be common in the allotment and dominant under junipers. Bluebunch wheatgrass and Sandberg bluegrass were reported to be the dominant grasses, and Idaho fescue was reported to be greatly reduced from what should be on the site.

Standards 5 (Seedings) and 6 (Exotic Plant Communities, Other Than Seedings) do not apply in the McKay FFR allotment.

#### *Watersheds/Soils<sup>5</sup>*

The McKay FFR allotment is not meeting Standard 1 (Watersheds) because juniper encroachment is indirectly affecting overland flow by shading out those plant assemblages that would otherwise provide for proper hydrologic function, nutrient cycling, and energy flow. Although evidence of accelerated erosion is not severe, juniper age class distribution and areas of high bare ground indicate a potential for downward trend in the future. Historic grazing pressure may have promoted juniper encroachment where utilization levels and seasons were unfavorable to persistence of herbaceous plant species. Despite its limited time span, recent grazing information suggests seasons of use avoid the critical growing period for many herbaceous plants in the allotment. This information provides the basis for determining that current grazing is not a significant factor in the allotment's failure to meet the watershed standard.

Soils on the public land in the allotment are dominated by the Snell-Sharesnout complex, a complex of loamy, claypan, and shallow stony sites. Rock and gravel constitute major soil stabilizers. The dominant ecological site associated with the Snell soils is the Loamy 13-16". The shallower Sharesnout soils are less common and support Shallow Claypan 12-16", Low sagebrush/ Idaho fescue ecological sites on convex sideslopes. None of the soils on public land in the allotment have a high erosion hazard. Indicators of soil instability on loamy sites were more apparent on loamy soils, where water flow patterns, pedestals, and bare ground indicate a slight acceleration of erosion in localized areas.

Multiple age classes of juniper indicate a potential for downward trend in hydrologic function in the future. Juniper mortality is much less apparent than juniper recruitment, indicating an increasing population. The age-class distribution and location of juniper trees on this landscape suggest young trees establishing in the open sagebrush covered hillsides, possibly from the older and denser juniper stands along draws and ridges. Overall hydrologic function is diminished by the over-abundance of juniper trees and under-representation of large-statured bunchgrass species. Although evidence of accelerated erosion is only slightly to moderately greater than reference conditions, juniper age class distribution and areas of high bare ground indicate a potential for downward trend in the future.

Overall, both the presence of juniper and past grazing practices have impacted the functionality of the watershed and has resulted in levels of erosion and degradation that should not occur on the site; Standard 1 is not being met for these reasons.

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<sup>5</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022, Section 3.3.3.1.2 and Appendix E.

### *Water Resources and Riparian/Wetland Areas*

Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and 7 (Water Quality) do not apply in the McKay FFR allotment because no streams or springs exist on public lands within the allotment.

### *Special Status Plants*

No special status plants are known to occur on the allotment.

### *Wildlife/Wildlife Habitats and Special Status Animals<sup>6</sup>*

The McKay FFR allotment is not meeting Standard 8 (Threatened and Endangered Plants and Animals), although current livestock grazing management practices are not significant factors for this allotment's failure to meet the land health standard. The evaluation and determination for special status animals (Standard 8) was based on evaluations for Standards 1 and 4, as their analyses directly reflect conditions of wildlife habitat on uplands in the allotment. The McKay FFR allotment was visited in 2013 to qualitatively evaluate BLM-administered lands on the allotment. The allotment contained heavy juniper along draws and ridges and lighter juniper on hillsides. Very few acres in the allotment serve as potential sage-grouse habitat.

Upland habitats were found to not be meeting Standards 1 or 4; however, it was determined that current livestock grazing management practices were not significant factors leading to the determination. The prevalence of juniper and an increase in bulbous bluegrass have degraded the habitat through time and reduced habitat quality for sagebrush-dependent species. Some special status species may benefit from juniper existence, such as bat species that can use the area for roosting sites. However, diminished understories of sagebrush, perennial forbs, and perennial bunch-grasses have a negative effect on other animal species.

Conversion of sagebrush habitats to juniper woodlands is the primary limiting factor on public lands in McKay FFR allotment. Although the increase in juniper cover may have benefited some woodland-associated special status wildlife species such as northern goshawks and Lewis' woodpeckers, these woodland habitats are unsuitable for and have come at the expense of sagebrush-obligate and shrub-dependent special status species such as sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, and sage sparrows. Juniper woodlands currently make up 43 percent of the allotment (all ownerships), and if their densities continue to increase, sagebrush-obligate species will be further impacted.

No federally listed threatened or endangered animals are known to occur in the McKay FFR allotment. One candidate species, the Columbia spotted frog, could potentially occur in the allotment, as surveys have never been conducted in the allotment but potential habitat is located on private lands. A second candidate species, the sage-grouse, has no designated Preliminary Priority Habitat (PPH) in the allotment, but the majority of the allotment west of Juniper Creek is designated PGH. As many as 11 mammal, 20 bird, 2 amphibian, 2 fish, and 3 reptile species with BLM special status (including Watch List Species) potentially occur within the allotment. No special status species have been recorded in the Idaho Fish and Wildlife Information System

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<sup>6</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 3.3.3.1.4 and Appendix F.

within the allotment; however, redband trout are known to occur on private land in Juniper Creek, and Western toads were discovered nearby on BLM land in 2013. In fact, white-faced ibis, white-headed woodpecker, ferruginous hawk, and sage thrasher are the only other special status species that have been documented within 3 miles of McKay FFR allotment.

No federally listed threatened or endangered plants or BLM special status plants are known to occur in the McKay FFR allotment.

### *Issues<sup>7</sup>*

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 South Mountain Group allotments:

1. *Habitat conditions for greater sage-grouse*
2. *Fish and amphibian habitat conditions*
3. *Soil compaction*
4. *Riparian vegetation conditions*
5. *Climate change*
6. *Upland vegetation and watershed conditions*
7. *Special status plant species*
8. *Noxious and invasive weeds*
9. *Livestock trailing*
10. *Cultural resources*
11. *Paleontological resources*
12. *Wildfire fuels*
13. *Socioeconomic impacts*

### *Analysis of Alternative Actions*

Based on the current condition of the McKay FFR allotment 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 the maintenance or some improved 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.<sup>8</sup> The BLM considered the following alternatives in detail:

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<sup>7</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 1.6.3

<sup>8</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.3

- Alternative 1 - Current Situation
- Alternative 2 - Permittee's Application
- Alternative 3 - BLM Developed Alternative
- Alternative 4 - BLM Developed Alternative
- Alternative 5 - No Grazing

The Draft EA number DOI-BLM-ID-B030-2013-0022-EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 4, 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.

### Final Decision

After considering the current grazing practices, the current conditions of the natural resources, the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my Final Decision to renew your grazing permit for 10 years consistent with Alternative 2. Livestock grazing associated with the implementation of Alternative 2 over the next 10 years will not result in any change to the allotment's performance under the Idaho S&Gs or the ORMP.

The terms and conditions of the renewed grazing permit will be as follows in Table 3:

**Table 3: McKay FFR Allotment Terms and Conditions**

Livestock		Grazing Period		% PL	Type Use	AUMs
Number	Kind	Begin	End			
20	Cattle	12/1	12/31	100	Active	20

**Terms and conditions:**

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated \_\_\_\_\_. Changes to the scheduled use require approval.
2. Livestock turn-out is subject to the District range readiness criteria.
3. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days of the last day of your authorized annual grazing use.
4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
5. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. Permittee will notify any/all affected permittees or landowners in advance of crossing.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on Federal lands. Pursuant to

43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.

7. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
8. Prior to turn-out, all range improvements must be maintained and in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
10. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50 percent.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. The number of livestock and season of use on the fenced in federal range (FFR) allotment 0457 on the FFR allotment is at the permittee's discretion.

### ***Grazing Schedule***

The grazing schedule for the McKay FFR allotment is flexible and allows for 365 days of use.

### ***Notes on the Terms and Conditions***

My Final Decision is to offer you a grazing permit for a term of 10 years for McKay FFR allotment with 20 Active AUMs. Implementation of Alternative 2 will not result in a reduction of Active AUMs on the McKay FFR allotment compared to your current permit. Permitted use within the McKay FFR allotment will be as follows in Table 4:

**Table 4: McKay FFR Allotment Permitted Use**

Active Use	Suspended AUMs	Permitted Use
20 AUMs	0 AUMs	20 AUMs

### **Rationale**

#### ***Record of Performance***

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to their last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the McKay FFR allotment and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal. Implementation of this Final Decision is contingent upon maintenance of projects in a functioning condition (e.g., boundary and internal fences riparian developments in good and functioning condition).

## *Justification for the Final Decision*

Based on my review of EA number DOI-BLM-ID-B030-2013-0022-EA, the specialist reports, and other documents in the grazing files, it is my Final Decision to select Alternative 2 for the McKay FFR allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate. Selection of Alternative 2 will not result in any change to the allotment's performance under the Idaho S&Gs or the ORMP.

## *Issues Addressed*

Earlier in this Final Decision I outlined the major issues that drove the analysis and decision-making process for the McKay FFR allotment. I want you to know that I considered the issues specific to this allotment through the lens of each alternative before making my decision. My selection of Alternative 2 for the McKay FFR allotment was in large part because of my understanding that this selection not only meets the needs of the permittee on an allotment where existing management is not causing the allotment to fail Standards, but it also satisfies the BLM's legal and land management responsibilities<sup>9</sup>.

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<sup>9</sup> As you know, your allotment is part of a group of allotments that form the Chipmunk 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 members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite the efforts of BLM and the ranch operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year, some are severely impaired from historical use. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape. Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern. Nonetheless, as stewards of the land, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipated organizational ability, and which does soon a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

1. *Habitat conditions for greater sage-grouse:* Historically, a majority of the allotment provided suitable habitat for sage-grouse and supported significant populations. Currently, sage-grouse PGH only occurs in portions of the McKay FFR allotment, and of that, only 27 percent exists on public lands. Extensive areas of juniper encroachment occur in pastures 1 and 2 of the allotment, which reduce the suitability of habitat for sage-grouse. The allotment is not meeting Standard 8 because of juniper encroachment on uplands and historic livestock management practices. While Alternative 2 is identical to current management, changes to livestock management will not move the allotment towards meeting Standard 8 because altered fire regimes are the primary reason the allotment is not meeting the standard.

The Standard 8 determination is largely driven by Standards 1 (Watersheds) and 4 (Native Plant Communities) in this allotment; because of juniper encroachment and historic livestock practices, these two standards are not met. Riparian/wetland late brood-rearing habitat does not occur on public lands within the allotment.

Additional and sometimes substantial improvement to upland plant communities can be made by instituting changes to grazing management in some circumstances; however, in this case, grazing management will not result in reduced juniper cover in the McKay FFR allotment and will not result in the allotment meeting Standard 8. While juniper treatment would be necessary to improve vegetative conditions, livestock management as outlined under Alternative 3 is compatible with achieving ORMP objectives.

2. *Fish and amphibian habitat conditions:* There is no riparian/wetland habitat on the McKay FFR allotment; therefore, Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) do not apply. Fish and amphibian habitat conditions will not be affected because they do not exist on the allotment.
3. *Soil compaction:* Grazing could occur at any time, so long as range readiness criteria (see Appendix I) are met. Direct physical effects to soil will occur to the extent that the operator uses the allotment when soils are near saturation, although adhering to the range readiness criteria will minimize impacts to soils during this timeframe. Adverse effects to soil structure will be avoided to the extent that the operator defers use until after spring (March 31). Rocks and gravels would continue to be major components of soil stability.

Although this management scheme will maintain current soil conditions, the allotment will continue to fail meeting the watershed Standard due to the effects of juniper encroachment on soil/site stability and hydrologic function. Juniper tree cover will continue to increase slowly, along with the potential for larger and more continuous patches of bare ground, decreasing infiltration, and increasing runoff.

Where compaction occurs, freeze-thaw cycles in the winter will loosen soils and lessen the degree of compaction that may have occurred. Rocks and gravels will continue to be major components of soil stability. Overall, both the presence of juniper and past grazing practices have impacted the functionality of the watershed and has resulted in levels of erosion and degradation that should not occur on the site; Standard 1 is not being met for these reasons. Although overall soil conditions will remain the same under this alternative, juniper will continue to encroach, increasing the risk of depressed watershed function and accelerated

erosion. Ultimately, juniper encroachment, not soil compaction related to livestock grazing, will prevent the allotment from meeting Standard 1 and ORMP objectives; the level of livestock grazing implemented with this Final Decision will have no effect on the rate of encroachment.

4. *Riparian vegetation conditions:* There is no riparian/wetland habitat on the McKay FFR allotment; therefore, Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) do not apply.
5. *Climate change:* Climate change is another factor I considered in building my decision around Alternative 2 for the McKay FFR allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternative will not alter conditions in the allotment in any way that will either influence or be influenced by climate change. As mentioned earlier, the departure from preferred ecological site conditions is primarily due to juniper encroachment.
6. *Upland vegetation and watershed conditions:* The allotment is not meeting Standards 1 (Watersheds) and 4 (Native Plant Communities) because of juniper encroachment and historic livestock management practices. Livestock grazing seasons of use and livestock numbers authorized in the allotment with implementation of Alternative 2 will not contribute to either improvement or continued failure to meet these Standards because the implemented level of livestock grazing would have no effect on the rate of juniper encroachment.

Ultimately, juniper encroachment, not livestock grazing, prevents the allotment from meeting Standard 1 or Standard 4 and ORMP objectives over the long term.

7. *Special status plant species:* This issue does not apply to the McKay FFR allotment.
8. *Noxious and invasive weeds:* No noxious weed occurrences have been recorded in this allotment; although bulbous bluegrass, an invasive species, is present in the allotment, it does not dominate in any area. Any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses through soil surface disturbance and transportation of seed to and from the allotment in fur, on hooves, and in their digestive system. The risk of invasive species spreading is the same as under Alternative 1 (Current Situation). Although Alternatives 3-5 may reduce or eliminate 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. Livestock grazing seasons of use and livestock numbers authorized in the allotment with implementation of Alternative 2 would not contribute to either improvement or continued failure to meet Standard 4 in areas where the Standard is

not being met due to juniper encroachment into sagebrush steppe vegetation communities.

Management that provides for the necessary health and vigor of the vegetative community will be continued, and with implementation of Alternative 2, existing upland bunchgrasses in the McKay FFR will be maintained over the short term (less than 10 years). The effects from past grazing (reduction of large bunchgrasses) and the presence of invasive species (annual grasses and juniper) in some pastures would still be part of the vegetation community and cause the allotment to continue to not meet Standard 4.

9. *Livestock trailing*<sup>10</sup>: No new trailing routes were identified in the McKay FFR allotment. Trailing or moving animals across Federal, State, or private land is a component of regular grazing management practices in the South Mountain Group 4 allotments. Livestock are primarily actively trailed on the existing roads, where no or limited forage is consumed and where the trailing occurs for short durations. For the majority of situations, trailing activities have not been documented, nor are they expected to substantially affect resources. Thus, they are not affecting the ability of these allotments to meet or make significant progress toward meeting the Standards.
10. *Cultural resources*: No previously recorded sites occur within the McKay FFR allotment.
11. *Paleontological resources*: No recorded fossil sites are within the South Mountain Group. The lack of fossil discoveries can be directly related to the absence of any fossil-bearing strata underlying the allotments.
12. *Wildfire fuels*: During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 2 for the McKay FFR 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, specifically within seedings of grazing tolerant introduced grasses and annual grasses, conditions that do not exist on the allotment. 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.

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<sup>10</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.1.3.

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to avoid undermining 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.<sup>11</sup>

13. *Socioeconomic impacts:* During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA could impact regional socioeconomic activity. I share this concern and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 2 for the McKay FFR allotment, in large part because the selection will accomplish those latter goals.

Because Alternative 2 is similar to how the allotment has been managed, abrupt economic impacts from its implementation will not occur.

### **Additional Rationale**

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

I did consider selecting Alternatives 1, 3, 4, and 5 for this allotment. However, based on all the information used in developing my decision, I believe the BLM can meet resource objectives and still allow grazing on the allotments under the management described in Alternative 2. In selecting Alternative 2 for the McKay FFR allotment rather than Alternatives 1, 3, 4, or 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 you, and (3) your past performance under previous permits. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

During the public comment period for the Draft EA and the 15-day protest period for the Proposed Decisions, we received comments from members of the interested public stating that the BLM should analyze the effects of livestock grazing in an Environmental Impact Statement (EIS) rather than an EA. The BLM completed EIS # DOI-BLM-ID-B030-2012-0014-EIS that analyzes

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<sup>11</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.3 Wildfire Fuels (Alternative 8).

the effects of livestock grazing in the Chipmunk Group 2 allotments that are associated with the Owyhee 68 permit renewal process. The scope of analysis in this EIS is relevant to all the allotments within the Owyhee Field Office and supports the analysis in the Groups 3, 4, 5, and 6. As stated earlier in this Decision, I am incorporating by reference the analysis in the Chipmunk Group 2 EIS.

### **Finding of No Significant Impact (FONSI)**

A FONSI was signed on November 18, 2013, concluding that the Proposed Decision to implement Alternative 2 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-B030-2013-0022-EA is available on the web at:

[http://www.blm.gov/id/st/en/prog/nepa\\_register/owyhee\\_grazing\\_group/grazing\\_permit\\_renewal2.html](http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal2.html)

### **Conclusion**

In conclusion, it is my decision to select Alternative 2 for the McKay FFR allotment over other alternatives because selection of Alternative 2 will not result in any change to the allotment's performance under the Idaho S&Gs or the ORMP. Because issues related to current livestock management do not exist, I believe it appropriate to give primary consideration to Alternative 2 (your application). Because Alternatives 3-5 would not result in the allotment meeting the applicable Standards, I believe they should not be given priority over your application.

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

### **Authority**

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

- 4100.0-8 Land use plans. The ORMP designates the McKay FFR allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and

- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This Final Decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

### Right of Appeal

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the Final Decision may file an appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the Final Decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

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

In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

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

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

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

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

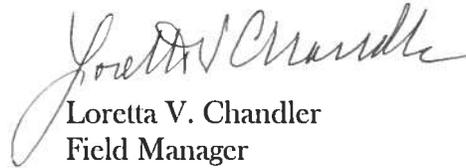
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler  
Field Manager  
Owyhee Field Office

Attachments: Protest Responses - Group 4 Allotments

cc: Group 4 Allotments Interested Public Mailing list

## Group 4 - Final Decisions Mailing List

Company Name	First Name	Last Name	Address	City	ST	Zip
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Corral Creek Grazing Assoc. LLC	Tim	Lequerica	PO Box 135	Arock	OR	97902
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
ID Wild Sheep Foundation	Director: Jim	Jeffress	PO Box 8224	Boise	ID	83707
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Juniper Mtn. Grazing Assn.	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
Lequerica & Sons Inc.			PO Box 113	Arock	OR	97902
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO BOX 415	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock St., Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St., 20th Floor	San Francisco	CA	94104
Oregon Division State Lands			1645 N.E. Forbes Rd., Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Assn.			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair	Gene Gray	2393 Watts Ln.	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
	Senator James E.	Risch	350 N. 9th St., Ste. 302	Boise	ID	83702
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of NV Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801
The Fund for the Animals Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W. Bannock St., Ste. 210	Boise	ID	83702
The Wilderness Society			950 W Bannock St., Ste. 605	Boise	ID	83702
US Fish & Wildlife Service			1387 S. Vinnell Wy., Rm. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed			PO Box 1770	Hailey	ID	83333

Company Name	First Name	Last Name	Address	City	ST	Zip
Projects						
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
	Craig & Rhonda	Brasher	4401 Edison	Marsing	ID	83639
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W. El Gato Ln.	Meridian	ID	83642
	Frankie	Dougal	36693 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	Lloyd	Knight	PO Box 47	Hanmett	ID	83627
	Sandra	Mitchell	501 Baybrook Ct.	Boise	ID	83706
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd., Reynolds Creek	Murphy	ID	83650
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	Doug	Terry	PO Box 11	Jordan Valley	OR	97910
	John	Townsend	8306 Road 3.2 N.E.	Moses Lake	WA	98837
	Thenon & Jana	Elordi	59010 Van Buren	Thermal	CA	92274
Larrusea Cattle Co.			PO Box 124	Arock	OR	97902
	Congressman Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	Senator Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
Idaho Wild Sheep Foundation	Herb	Meyr	570 E. 16 <sup>th</sup> N.	Mountain Home	ID	83647
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639
	Martin & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
Office of Species Conservation	Cally	Younger	304 N. 8 <sup>th</sup> St., Ste. 149	Boise	ID	83702

## Group 4 Response to Protests

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWP12052013	1	We Protest the failure to fully assess the footprint of the LU Ranching Company Company, LU Ranch, Lequerica and Sons Inc, Corral Creek Grazing Association, Craig and Ronda Brasher and Thenon Elordi across the Idaho-Oregon region public and state lands.	The BLM does not conduct background checks on the applicants for grazing permits other than to examine his/her record as a grazing permit holder. We determine if the applicant has a satisfactory record of performance and is a qualified applicant for the purposes of a permit renewal. In this case, the BLM has determined that the applicant has met these requirements and is a qualified applicant. It would be inappropriate for the BLM to speculate what the "footprint" of the Company may be or what decisions the permit holder may make in his/her ranching operation that result from the grazing systems put in place on public land by the agency when renewing a grazing permit.
4WWP12052013	2	We Protest BLM preparing a Final EA and FONSI, yet splitting off and segmenting the issuance of all the Final Decisions.	Some of the allotments that have been analyzed in this NEPA document (Group 4) are not subject to the stipulated settlement agreement which requires the BLM to fully process the Owyhee 68 permits before December 31, 2013. Because the court imposed deadline does not apply to all of the allotments, the decision was made to complete the permits applying to the allotments that are on the year-end deadline first, and defer the others until the new year. However, this does not alter the CEQ guidance under the NEPA (1508.25 (3)): "Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement." It is appropriate to analyze these multiple actions in one NEPA document while issuing separate decisions by allotment, by permit.

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWP12052013	3	<p>The EA analyses are plagued by BLM reliance on the severely flawed unvetted NRCS Ecosites that use inaccurate information on sagebrush and western juniper fire return and disturbance intervals (see Knick and Connelly 2009/2011, USFWS WBP Finding for GSG in contrast, and falsely claim that sage is "decadent" and that no western juniper communities should exist-- anywhere in this landscape.</p>	<p>The suggestion that current distribution and density of western juniper in the South Mountain Allotments is inconsistent with site potential among the NRCS ecological site description is not supported by current science and professional understanding of the role of western juniper within vegetation communities of the Owyhee Uplands. Ecological site descriptions do not include a site description for a juniper site inventoried within the South Mountain Allotments, although absence of a site guide does not mean that it is not a native species present in the landscape at site potential. Western juniper is present at site potential in limited inclusions of described sites where shallow soils and rocky outcrops limit the spread of fire. Current science was used in the EA to describe the vegetation affected environment section and other related sections, including identification of the role of western juniper within the landscape and analysis of cumulative effects.</p>
4WWP12052013	4	<p>BLM backpedaling on South Mountain, keeping the disease-infested domestic sheep by using Oregon as an excuse, and now segmenting decision issuance are very disturbing signs that we are back to square one in the Owyhee.</p>	<p>Thank you for your domestic sheep opinion. While the NEPA does not require a specific decision document regarding actions for which an EA has been completed, the BLM has chosen to use the decision record (DR) to document the decision regarding the action for which the EA was completed. The decision cannot be implemented until the DR is signed. The term 'segmenting' in NEPA is meant to describe a circumstance where analysis for related or connected actions are treated as separate, or segmented, NEPA documents (EAs) for the purpose of avoiding the preparation of an EIS. In this case, however, the BLM has chosen to lump proposed actions (permit renewals) into a single NEPA analysis for the reasons cited in 40 CFR 1508.25 (3) and stated above in Protest Point #2. Separate grazing decisions being issued at different times is a different form of segmenting, not prohibited by the NEPA, and is the equivalent of each individual customer receiving a separate agreement and billing for a service received.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWP12052013	5	An EIS is clearly required to take a hard and unbiased look at the critical habitat needs of sage-grouse and other sensitive species, and livestock grazing impacts on these habitats and populations associated with the South Mountain Group.	This Protest Point infers that only an EIS meets the NEPA's hard look requirement for unbiased analysis when the hard look standard also applies to EA-level analysis. BLM has taken a hard look at the sage-grouse habitat needs in the area. In fact, the cumulative effects analysis bounding for effects analysis in the Group 4 EA considers the same geographic extent as the Group 2 EIS. Both of these NEPA documents consider the sage-grouse subpopulation area of northern Nevada, eastern Oregon, and southwestern Idaho.
4WWP12052013	6	BLM must provide at least some ball park analysis of the adverse impacts and degraded conditions on non-federal lands, and a hard look at what is occurring on its own lands in ID-OR including the intermingled and neighboring allotments and other areas in watersheds including the North Fork Owyhee Juniper Mountain watershed and habitat degradation that is occurring. We Protest the lack of a hard look at all direct indirect and cumulative adverse effects.	The cumulative effects analysis in the EA defines affected areas based upon multiple scales, at the allotment and watershed levels depending on the specific resource affected. Please see Tables CMLV-1 and 2 starting in section 3.4.1.1 to read a description and rationale for the analysis of effects. As stated in the Group 4 EA, "It is appropriate to consider a combined cumulative effects analysis area for all seven allotments because simultaneous permit renewals on adjacent allotments within the South Mountain Group may have similar effects on the landscape. Within the cumulative effects analysis area, 40 percent of the area is public land administered by BLM, 34 percent is private land, and 27 percent is managed by the State of Idaho. The percentages of BLM and private land are similar due to the high number of custodial operated FFR allotments (4 out of 7)."
4WWP12052013	7	BLM is unlawfully conceding to exclusion of the Interested Public from processes involving the South Mountain and potentially other allotments. We Protest this.	The BLM has not stated in any of group 4 allotments that we are excluding the interested public from participating in monitoring on any allotment. The interested public is welcome to participate with us.
4WWP12052013	8	We Protest BLM's minimal consideration of the adverse effects of its grazing scheme (including the full state scheme and developments in South Mountain) on amplifying and worsening the adverse effects of climate change. See Beshta et al. 2012.	The EA process resulted in the BLM recognizing climate change as an issue to be addressed. Please see section 3.4.1 for climate analysis citing the Beschta paper. The Protest Point does not state exactly how the overall reductions of grazing in the Group 4 allotments would magnify and worsen the adverse effects of climate change, but the analysis speaks to the result from the selected alternatives in improving vegetation conditions on the allotments and thereby lessening the effects of those stressors addressed in the Beschta paper.

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWP12052013	9	We Protest the failure of BLM to conduct the necessary on-the-ground site-specific assessment and inventories for rare plants and other sensitive species across the South Mountain Group, and all the 68 permit allotments.	All available data and information was used as required by NEPA. The NPR Team and OFO visited as many special status plant sites as feasible in the allotted timeframe. Known special status plant occurrence within the Dougal FFR and South Dougal Allotment were visited in 2013 (See Special status plant specialist report ). Please see the EA, Sections 3.1 and 3.3 for baseline discussions.
4WWP12052013	10	This failure is made worse by BLM continuing to allow large numbers of livestock, often in significant excess of the number that have actually been able to be grazed in the past, and/or BLM failing to require mandatory measurable use standards to ensure protection of habitats.	Livestock numbers for alternative 3 were based on a maximum number of livestock from actual use information. The season of use for alternative 3 was then reduced resulting in less AUMs used compared to the permit. Alternative 2 livestock numbers were based on the permittees request which is less than the maximum number of livestock. The season of use was then reduced for Alternative 2, resulting in fewer AUMs used. The BLM does require monitoring in alternatives 2 (modified) and 3 to protect resources.
4WWP12052013	11	Exotic flammable weeds caused by grazing and trampling degradation are indeed overrunning this landscape, and grazing is a significant cause - as a lot of this country has not been burned. We Protest the failure of BLM to adequately assess this in the SM and other 68 permit EAs. See Connelly et al. 2004, Knick and Connelly 2009/2011, USFWS GRSG WBP Finding, Manier et al. 2013.	The BLM issue statement acknowledges that livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds. The South Mountain Allotment EA the analysis of weeds is carefully considered and found that with the selected alternative the risk would allow native perennial species health and vigor to be maintained or improved.

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWP12052013	12	BLM fails to provide necessary site-specific baseline information and analysis to satisfy compliance with these provisions of the RMP in SM and the other 68 permit allotments. We Protest this.	The list referred to in this protest point is from the ORMP's Objectives list. Objectives in an RMP identify specific desired outcomes for resources. Not every objective is required to be fully met with every action taken, nor can they be. For example, the Protestant identifies Forestry as an omitted objective. The RMP has a forestry objective to: "Use juniper harvesting to help achieve a desired plant community." This objective is not one that the BLM is choosing to achieve in this grazing permit renewal exercise, nor would the Protestant want this. The management actions taken by this grazing permit renewal process do not conflict with the resource objectives listed in this section of the EA and RMP and reproduced here in the protest letter. The list is placed in section 1.7, the Conformance Statement--required in an EA--to demonstrate that the proposed management actions do not conflict with the objectives and are in conformance with the RMP.
4Idaho12062013	13	The State of Idaho questions the legality of BLM's footnote I 0 on page 17 of the proposed decision where BLM states "No new decision will be written to implement this alternative." 43 CFR 4130.3-3 discusses modifications of grazing permits and in part states	The grazing regulations at 4130.3-3 state: "To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM is in the process of issuing a new permit at this time, and this process includes the opportunity for the State and interested publics to comment and give input. These new permits establish the combination of terms and conditions described in the Proposed Decision. BLM has no intention of altering these terms and conditions at a later time. The final decision clearly states that when the mandatory conditions are met the BLM will allow grazing under Alternative 2. For this reason we are not modifying the permit later, we are modifying it now, and we are simply allowing grazing under a different prescription that has already been consulted and coordinated with the affected lessees or permittees, the State and interested public.

Protest ID	Protest Point No.	Protest Text	Protest Response
4Idaho12062013	14	The State Protests the BLM statement at the top of page 38 of the proposed decision which states: "My proposed decision did include modification and or clarification to your application that I did not previously discuss. The State does not believe that BLM should be modifying the permittee's application without any discussion with the permittees.	On December 4, 2013, during the 15 day protest period, the BLM met with Tim Lowy, Craig Brasher and the Idaho State Lands to go over the modifications made to their application. No concerns were raised during the meeting.
4Idaho12062013	15	In the EA and the proposed decision, BLM has provided no clear rationale on how they arrived at the total of their 336 AUM reduction in the South Mountain Area Allotment.	The reduction in 336 AUMs for the South Mountain Area Allotment was determined by considering the maximum number of cattle that have run on the allotment based on Actual Use, the resource constraint periods for Alternative 3, NRCS Ecological site information and the appropriate season of use the allotment can be grazed based on information provided by the permittees.
4Idaho12062013	16	Bureau of Land Management (BLM) did not allow permittees to use all parts of 43 CFR 4100 (specifically 43 CFR 4120 and 4180.2c) to assist them in moving towards meeting Standards. On page 28 of the proposed decision, the authorized officer states "I will not authorize construction of the approximately 1/2 mile offence that was proposed on BLM land that would split the Lone Tree Creek North and Lone Tree Creek South pastures because it does not meet the Purpose and Need of the EA."	Please see the FINAL EA section 2.3, Alternatives Considered but not Analyzed in Detail. Alternative 7 addresses in depth the reasons why new rangeland projects and infrastructure have not been considered in this federal action. While grazing regulations certainly allow this type of rangeland management tool to be used, and the BLM has used this tool extensively in the Group 4 allotments area, the regulations do not require that the BLM use a specific tool on every occasion when significant progress must be made toward meeting a rangeland health standard.

Protest ID	Protest Point No.	Protest Text	Protest Response
4Idaho12062013	17	<p>The State protests the BLM's segmented or piece mill approach in their grazing permit renewals by not including and analyzing range improvements during their permit renewal process. While the State realizes that BLM is under a tight time frame to meet court order deadlines, the State still believes that it is not consistent or fair for BLM to open all parts of the 43 CFR 4100 grazing regulations (specifically 4120 and 4180.2c) for some permittees to use as management tools to assist the permittee in moving towards meeting Idaho Standards while other permittees are restricted from using all parts of the grazing regulations (specifically Range Improvements-43 CFR 4120 and 4180.2c).</p>	<p>The term 'segmenting' or 'piece-mealing' are terms used in the NEPA context to explain circumstances where analyses for related or connected actions are considered and analyzed in separate, or segmented, NEPA documents (EAs) for the purpose of avoiding the preparation of an EIS. In this case, however, the BLM has chosen to lump proposed actions (permit renewals) into a single NEPA analysis for the reasons cited in 40 CFR 1508.25 (3). To develop a Purpose and Need statement that does not consider new range improvement projects to meet the need for federal action is neither segmenting nor piece-mealing. "A carefully crafted purpose and need statement can be an effective tool in controlling the scope of the analysis and thereby increasing efficiencies by eliminating unnecessary analysis and reducing delays in the process. The purpose and need statement dictates the range of alternatives, because action alternatives are not "reasonable" if they do not respond to the purpose and need for the action (BLM NEPA Handbook, 6.2.1).</p>
4WWPAddtl12092013	18	<p>It is shocking that BLM, as in the recent Wilson FFR assessment, relies on old, deficient PNNL mapping from 2001 or so - as the basis of its understanding of cheatgrass, medusahead.....</p>	<p>On a landscape scale, the most current vegetation from PNNL that is approximately 12 years old remains the best available information. The landscape scale inventory data was combined with RHAs to provide more site specific analysis.</p>
4WWPAddtl12092013	19	<p>The full range of adverse direct indirect and cumulative impacts of sensitive species habitats and population viability must be fully assessed in a supplemental EIS for SM as well as the Morgan and Toy allotment groups, and Trout Springs.</p>	<p>Please see the response to protest #6 on the topic of cumulative effects analysis and also those related sections of the EA addressing sensitive species. The BLM stands by this analysis. Further, the Protest point calls for a supplement to the EIS to be prepared though in the case of South Mountain, Toy, and Morgan Group allotments, there is no EIS to supplement. The adverse (and beneficial) direct, indirect, and cumulative effects of implementing new grazing systems in these allotment groups have been properly analyzed at the EA level.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
4WWPAddtl12092013	20	Review of the mapping shows that BLM has placed the single MIM site in all of the Corral Creek watershed in a section of the stream claimed to be at PFC (on what basis - who made this determination, and when). This cherry-picked siting is despite the fact that nearly 4/5 of Corral Creek that has been assessed in the allotment is "Functioning At Risk"- which typically means it is very degraded, and prone to severe and significant erosion under any heavier runoff events. This makes no sense.	The OFO determined the area to locate the MIM site based on multiple factors. Typically, the intent is to establish MIM sites on reaches of stream that have been assessed as FAR or NF.
4WWPAddtl12092013	21	P. 147 - BLM just writes off critically needed changes to prevent Cherry Creek (one of several such areas across the allotments) from dying/permanent loss of potential-using the same old excuse Owyhee BLM has always made when it is uncomfortable to do something that ranchers will oppose. It basically says "wildlife can go to water elsewhere". This is in abject violation of the RMP.	Cherry Creek does not fall within the bounds of the four allotments Proposed Decisions were presented for protest.
4TLowry12092013	22	The portion that I am protesting is the implementation of Alternative 3 as an interim grazing system while the Alternative 2 Implementation Conditions are being completed.	Alterative 3 provides for significant progress in resource conditions in the South Mountain Area allotment as required by the BLM regulations. Allowing grazing similar to current grazing practices would result in no improvement to resource conditions. See affected environment and environmental consequences

## Appendix L

This appendix hereby incorporates by reference the below language in its entirety into the DOI-BLM-ID-B030-2013-0022-EA Final Environmental Assessment (EA).

During public scoping and comment periods for the South Mountain Group permit renewal process, suggestions were received from interested publics that the BLM's NEPA process would be better served if the agency would prepare an Environmental Impact Statement (EIS) rather than an EA and Finding of no Significant Impacts (FONSI) to identify and analyze the geographic extent of the environmental impacts of livestock grazing activities in these allotments.

The BLM published a Final EIS (DOI-BLM-ID-B030-2012-0014-EIS) on October 4, 2013, that analyzed the renewal of grazing permits on 25 allotments (known as the Chipmunk Group) in the Jump Creek, Succor Creek, and Cow Creek watershed areas in the northern part of the Owyhee Field Office. This EIS defined Cumulative Impacts Analysis Areas (CIAAs) for social and economic effects and for the Owyhee subpopulation area, including, but not limited to sage-grouse habitat (Connelly, Knick, Schroeder, & Stiver, 2004).

The BLM subsequently prepared one EA each for the Toy Mountain, South Mountain, and Morgan groups of allotments (for a total of three EAs). When the CIAAs were defined, the boundaries were the same as the Group 2 EIS CIAA boundaries. The BLM found that the geographic boundary beyond which impacts to resources and habitat would no longer be measurable is the same for all groups. The rationale for establishing these boundaries is found in Section 3.4 of the Toy Mountain, South Mountain, and Morgan EAs where cumulative effects analysis begins; the cumulative effects analysis that resulted from the EIS did not unveil any effects not also recognized in the cumulative effects analyses in the EAs.