



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
4160 ID130

**REGISTERED MAIL**

November 26, 2013

Morgan Properties LP  
c/o Dave Rutan  
PO Box 277  
Jordan Valley, OR 97910

**Notice of Field Manager's Proposed Decision**

Dear Mr. Rutan:

Thank you for your application for permit renewal on the following Group 5 (Morgan) allotments: Big Field FFR (0594), Rail Creek FFR (0627), and Walt's Pond FFR (0659) allotments. Thank you as well for working with the BLM during the permit renewal process; I appreciate your interest in grazing these allotments in a sustainable fashion and am confident that this proposed decision achieves that objective.

As you know, the BLM evaluated current grazing practices and current conditions in the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments through 2013. We undertook this effort to ensure that any renewed grazing permit on the 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 was completed: this proposed decision incorporates by reference the information contained in those documents.

On January 11, 2013, the Owyhee Filed Office initiated by letter the collective public scoping 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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments are three of the 19 allotments in Group 5, the Morgan 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 NEPA groups,

including the Morgan Group Allotments Livestock Grazing Permit Renewal Environmental Assessment (EA) EA # DOI-BLM-ID-B030-2013-0023-EA (hereinafter, “Morgan Group EA”)<sup>1</sup>.

The letter requested comments and information be received by February 25, 2013 for these allotments. All comments are addressed in the Morgan Group EA, including BLM Responses to comments considered during development of the EA.

In addition to the scoping identified above, my staff and members from the NEPA Permit Renewal Team met with you on April 16, 2013, to discuss your grazing permit renewal application, current allotment conditions, and share information about your livestock operations within these allotments. During this meeting, BLM discussed with you our preliminary conclusions regarding rangeland health and standards and guidelines and made grazing management recommendations associated with your grazing permit renewal application.

On August 27, 2013, BLM issued the completed 2013 Rangeland Health Assessments (RHA), Evaluations, and Determinations for the Group 5 Morgan allotments (which include the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments) to you and all interested publics of record. Issuance of the RHAs and Determinations afforded you an opportunity to meet with my staff to discuss any additional grazing management changes, your application, and to provide input for completion of the Group 5 EA. Additionally, a preliminary environmental assessment (without a Finding of No Significant Impact) was issued to the public on October 18, 2013, for 15-day review and comment. Issuance of the preliminary EA afforded yet another opportunity for grazing permittees and interested publics to provide additional input on the EA and inform me in preparation of completing a proposed grazing decision. Morgan Properties submitted comments regarding the preliminary EA on November 12, 2013. Comments were reviewed and considered by the interdisciplinary team in preparation of the final EA.

After evaluating current resource conditions on public lands associated with the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments, and meeting with you and reviewing information provided during the scoping and review periods, it is clear that some resource concerns currently exist on these allotments; and as described in the determinations, current livestock grazing management is a significant causal factor or an influencing factor in some instances.

To assist us in addressing livestock impacts to public land resources, my office prepared and issued the Group 5 EA in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments. We also considered other alternatives that we did not analyze in detail. Our goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that resource conditions on these allotments is consistent with the goals and objectives of the Owyhee Resource Management Plan (ORMP), and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This proposed decision incorporates by reference the analysis contained in the Group 5 EA.

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<sup>1</sup> EA number DOI-BLM-ID-B030-2013-0023-EA analyzed 5 alternatives for livestock grazing management practices to fully process permits within the allotments.

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

This proposed decision will:

- Describe current conditions and issues on the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments;
- Respond to the applications for grazing permit renewal for use in the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments;
- Outline my proposed decision to select Alternative 3 for Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments; and
- Explain my rationale for selecting Alternative 3.

## **Background**

### ***Allotment Setting***

#### **General**

The Morgan Group allotments, which are under the purview of the Owyhee Field Office, are located adjacent to one another within the west-central portion of Owyhee County, Idaho. They occupy the central portions of the Owyhee Mountains south-southeast of Jordan Valley, Oregon. Elevations range from around 4,483 feet in the Walt's Pond FFR allotment to 6,491 feet in the Rail Creek FFR allotment.

#### **Big Field FFR**

The Big Field FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 1,044 public land acres (38%) and 1,712 private acres (62%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 147 animal unit months (AUMs) permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

#### **Rail Creek FFR**

The Rail Creek FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 124 public acres (3%), 1,857 private acres (62%), and 1,033 State acres (34%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 13 AUMs permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

#### **Walt's Pond FFR**

The Walt's Pond FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 1,320 public

land acres (38%), 2,174 private acres (62%), and 11 State acres (<1%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 76 AUMs permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

***Current Grazing Authorization***

You currently graze livestock within the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Table CGA-1: Morgan Properties, LP - Current Term Grazing Permit

Allotment	Livestock		Grazing Period		% PL	Type AUMs	Active Use	Suspended AUMs	Permitted AUMs
	Number	Kind	Begin	End					
Big Field FFR (0594)	142	Cattle	6/1	10/25	100	Active	147	21	168
Rail Creek FFR (0627)	13	Cattle	6/1	11/30	100	Active	13	0	13
Walt’s Pond FFR (0659)	75	Cattle	4/1	6/5	100	Active	76	0	76

Other terms and conditions:

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated \_\_\_\_\_. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations or water developments.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance

of range improvements within designated Wilderness requires prior consultation with the authorized officer.

9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.

As part of a U.S. District Court settlement agreement, the following terms and conditions were added to the permit in March of 2000:

- Key herbaceous riparian vegetation, where streambank 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 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.

### ***Current Grazing Management***

Based on actual use reports over the last ten years, it is clear that in most years you have grazed the public lands located in these allotments with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the permit.

Actual use is important when considering the renewal of a grazing permit because actual use and not authorized levels of use 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.

### **Big Field FFR**

The current permit authorizes 147 AUMs of forage and a season of use between June 1 and October 25, annually. Actual use in this allotment has ranged from 104 to 181 AUMs, with an

average of 140 AUMs, between 2003 and 2012. Over the same period of time, the season of use has generally been consistent with livestock grazing between June 1 and October 25.

### Rail Creek FFR

The current permit authorizes 13 AUMs of forage and a season of use between June 1 and November 30, annually. Actual use in this allotment has generally been constant with 14 AUMs, between 2005 and 2012. Over the same period of time, the season of use has varied significantly with May - June grazing in 2008-09; July - August grazing in 2007 and 2010-12; August 1-31 grazing in 2006; and September 1-30 grazing in 2005.

### Walt's Pond FFR

The current permit authorizes an annual use of 76 AUMs of forage and a season of use between April 1 and June 5, annually. Actual use in this allotment has ranged from 52 to 77 AUMs, with an average of 72 AUMs, between 2003 and 2012. Over the same period of time, the season of use has generally been consistent with livestock grazing between April 1 and June 5, annually.

### *Current Resource Conditions*

The following sections provide a brief overview of current resource conditions on the public lands as extracted from the Group 5 EA and the 2013 Rangeland Health Assessments, Evaluations, and Determinations for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments.

Resources presented include: *Vegetation - Uplands, Watersheds (soils), Water Resources and Riparian/Wetlands Areas, and Wildlife/Wildlife Habitats and Special Status Animals*. Special Status Plants are not addressed because no special status plant populations are known to occur within these allotments.

### Big Field FFR

The BLM completed a land health assessment, evaluation, and a determination for the Big Field FFR Allotment in 2013 (issued on August 27, 2013). As described in the RHA and Determination documents, BLM determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), and 8 (Wildlife); and current livestock grazing management practices were a significant causal factor in not meeting Standards 1, 2, 3, and 8.

#### *Vegetation - uplands*

Rangeland Health Standard 4 is not being met on the public lands the Big Field FFR allotment. Evidence of historic grazing impacts are present throughout the allotment, with the reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions. Historic actual use shows up to 425 AUMs consumed from public lands in 1990, which is approximately three times greater than current active use (147 AUMs). A greater dominance by increaser species (e.g., Sandberg bluegrass and squirreltail), juniper encroachment, and invasive annuals currently exist. Historic grazing was identified as being the causal factor in the failure to meet Standard 4.

The ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met. Vegetation communities appear to have shifted to

shallow-rooted bunchgrasses community, with the expansion of annual invasive grasses and juniper encroachment.

### *Watersheds*

As presented in the Group 5 EA (see Sections 3.1.2 and 3.3.3.1.2), current and past livestock grazing management practices are significant causal factors for not meeting watershed Standard 1 on the public lands in the Big Field FFR allotment. Accelerated erosional processes and water flow patterns have increased bare ground and plant pedestaling; trails and mechanical disturbance are common and have affected the biological soil crust component in the interspatial areas, have churned soils, and reduced soil stability.

Past and current grazing has reduced deep-rooted bunchgrasses and increased plant decadence and mortality. As a result, soil degradation associated with mechanical damage by livestock hoof action is common due to a reduction in protective vegetation. In addition, western juniper is encroaching into the plant community and is affecting hydrologic function and soil stability.

The decreased ecological function and physically impaired soils indicate that soil and hydrologic function are an issue in not meeting Standard 1. Current and historic livestock management are the primary causal factors for not meeting either Standard 1 or ORMP soil management objectives aimed at improving unsatisfactory watershed health/conditions.

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

Standards 2 and 3 are not being met in the Big Field FFR allotment, and current livestock grazing management is a significant causal factor. Approximately 1.2 miles of Combination Creek were assessed in 2001 and given a functioning-at-risk (FAR<sup>2</sup>) rating. The same segment was re-visited in 2011. The 0.9-mile reach that traverses BLM land along the western boundary of the allotment had areas of inadequate composition and age classes of riparian vegetation present (needed to provide deep roots that aid in protecting the stream banks during peak spring runoff and thunderstorm events). The point bars were not re-vegetating and were scoured, and there were areas where the sinuosity and width-to-depth ratios were out of balance, with areas of excessive soil erosion and deposition. A shorter 0.3-mile reach was assessed in 2001, and revisited in 2011, where it was concluded that there was no change from the 2001 FAR rating. Combination Creek serves as the primary, most accessible perennial livestock water source found on public land within this allotment.

North Boulder Creek serves as the north western allotment boundary between the Upper Deer Creek and the Big Field FFR allotments and a 1.2-mile segment of North Boulder Creek flows through the Big Field FFR allotment. The majority of the segment flowing through the allotment is heavily wooded, rock armored, and inaccessible to livestock. When assessed in 2001, this reach was rated FAR-U (with an apparent upward trend). In 2001, invader and shallow rooted species were a component of the floodplain and leafy spurge occupied over 35 percent (with a trace of Canada thistle observed) of the riparian area surveyed. When re-visited in 2011, the same riparian area was rated as Proper Functioning Condition because conditions had improved and vegetation was sufficient to protect stream banks.

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<sup>2</sup> See Group 5 EA Sections 3.2.3 and 3.3.3 for more riparian/wetlands information.

## *Wildlife/Wildlife Habitats and Special Status Animals*

### **Upland Habitat**

Evaluation of Standard 4 determined that the Big Field FFR allotment is not meeting rangeland health standards due to historic grazing practices. Currently, the plant community is dominated by smaller, more grazing-tolerant species such as Sandberg bluegrass and squirreltail. These species do not have the robust growth form or stature of bluebunch wheatgrass and do not provide the plant composition, structure, and function for sagebrush steppe-dependent species. Due to current upland conditions as stated here, and above under *Vegetation - uplands*, Standard 4 is not being met and current upland resources in this allotment are not providing adequate upland habitat cover and forage values for sagebrush steppe species. Therefore, it was determined that Standard 8 is not being met and historic livestock grazing practices are identified as the causal factor.

### **Riparian Habitat**

Evaluation of Standards 2 and 3 identified streams within this allotment that are not properly functioning due to historic and current grazing practices. As mentioned above under *Water Resources and Riparian/Wetland Areas*, Combination Creek was rated FAR and North Boulder Creek PFC. BLM determined that, due to the FAR rating on Combination Creek, the allotment was failing to meet Standards 2 and 3 and current livestock grazing management is a significant causal factor. Because Combination Creek is lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment, this riparian area fails to provide adequate riparian conditions to support viable aquatic and terrestrial species populations. Therefore, it was determined that Standard 8 is not being met and current livestock grazing is a significant causal factor.

### **Focal Species**

#### *Sage-grouse*

A total of 523 acres of sage grouse Preliminary Priority Habitat (PPH) exists in this allotment (Group 5 EA, Section 3.3.3.1.4). In addition, western juniper has encroached into these PPH acres. The current value of this allotment for sage-grouse is further reduced when combined with the transition of the upland plant community to smaller-stature grasses from bluebunch wheatgrass to Sandberg. There are no active leks within this allotment. This allotment is not meeting Standard 8 for sage-grouse due to historic grazing practices that have contributed to the decline in the plant community composition and the expansion of junipers into sagebrush steppe habitats.

#### *Columbia Redband Trout and Columbia Spotted Frog*

Columbia River redband trout are known to occur within the Combination Creek system. Evaluation under Standard 2 identified Combination Creek as FAR due to historic and current grazing practices. Redband trout require intact channels with well-developed riparian communities that stabilize banks to minimize erosion and create undercuts, minimize impacts of flood events, filters sediments, provide shade to reduce water temperatures, and contribute woody debris to create channel structure and regulate seasonal flow. Because these in-stream and near-stream habitat characteristics are not adequately represented, this allotment is not providing adequate riparian habitat for redband trout and therefore is not meeting Standard 8 due to historic and

current grazing practices. This allotment is not within the modeled distribution area of the Columbia spotted frog.

### Rail Creek FFR

The BLM completed a land health assessment, evaluation, and a determination for the Rail Creek FFR Allotment in 2013. As described in the RHA and Determination documents, BLM concluded that some of the resources on the Rail Creek FFR Allotment were not meeting the Idaho Rangeland Health Standards and Guidelines (S&Gs). Specifically, the BLM determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Wildlife); and current livestock grazing management practices were a significant causal factor in not meeting Standards 2, 3 and 8.

#### *Vegetation - uplands*

Rangeland health Standard 4 is not being met in pasture 2 of the Rail Creek FFR allotment; however, Standard 4 is being met in pasture 1. As identified in the 2013 Rail Creek FFR RHA and Determination, evidence of historic grazing impacts are present throughout the allotment with the reduced composition of deep-rooted decreaser bunchgrasses (e.g. bluebunch wheatgrass and Idaho fescue) from reference site conditions and a greater dominance of shallower-rooted species (e.g. Sandberg bluegrass and squirreltail). Standard 4 is not being met due to departure of plant mortality and decadence in the with moderate departure ratings in annual invasives, including juniper, and reproductive capabilities of perennial plants. This conclusion is supported by current ecological site descriptions and correlation with vegetation inventories. In addition, as identified in the RHA/Determination, invasive plant species (cheatgrass and western juniper) are an issue in this allotment and determined to be an influencing causal factor towards not meeting Standard 4.

The ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met. Vegetation communities shifting to shallow-rooted bunchgrasses, with the expansion of annual invasive grasses and juniper, and moderate ratings of reproductive capabilities of perennial plants lead to a conclusion that the vegetation management objective is not being met.

#### *Watersheds*

Pasture 1 is meeting Standard 1 (Watersheds); however, it was determined that pasture 2 of the Rail Creek FFR allotment is not meeting Standard 1. The current season of use allows for livestock grazing between June 1 and November 30, annually. Historically, actual use identifies that the allotment has not been rested, with grazing occurring primarily in May-June, July-August annually (2006-2012). As identified in the Group 5 EA, Standard 1 is not being met in pasture 2 because accelerated erosional processes and water flow patterns have caused an increase in bare ground, and pronounced pedestaling of plants on public land in the Rail Creek FFR allotment. Additionally, soil surface sealing is reducing infiltration while historic and some active soil loss has resulted in a degraded soil surface horizon that is otherwise stabilized by rocks and gravel. A shift from deep-rooted bunchgrasses to more shallow-rooted species has occurred and herbaceous cover between shrubs is lacking. With the protective vegetative and persistent cover components lacking to provide soil stability and infiltration, soil degradation is common.

It was determined that historic livestock grazing management practices are the primary causal factor in not meeting Standard 1.

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

Standards 2 and 3 are not being met in pasture 2 of the Rail Creek FFR allotment, and current livestock grazing management practices are a significant causal factor. Actual use data identifies that the allotment has not received a rest treatment, with grazing occurring primarily in May-June, July-August annually (2006-2012). Approximately 0.7 mile of South Mountain Creek that occurs on BLM lands within pasture 2 was assessed as FAR in 2000. The FAR rating was based on the riparian vegetation being in poor condition or absent altogether and minimally controlling erosion, stabilizing streambanks, and shading the stream channel. Riparian-wetland vegetation with deep, strong-binding roots was not sufficient to stabilize streambanks, and the age class and structural diversity of riparian-wetland vegetation was inadequate. Approximately a 0.3 mile portion of this same reach was re-visited in 2011 and the FAR rating was verified.

Standard 7 is not being met in this allotment based upon Idaho Department of Environmental Quality's (IDEQ)<sup>3</sup> placement of South Mountain Creek on the State's Clean Water Act 303(d) list due to unacceptable mercury levels and temperature. However, the allotment is in conformance with the Guidelines for Livestock Grazing Management because a Total Maximum Daily Load has been developed for temperature, removing it from the 303(d) list, and livestock are not the causal factor for the elevated mercury levels.

#### *Wildlife/Wildlife Habitats and Special Status Animals*

##### **Upland Habitat**

Evaluation under Standard 4 determined that pasture 1 of the Rail Creek FFR allotment is meeting the Standard; however, pasture 2 is not meeting the Standard and the primary causal factor is due to historical livestock grazing management practices.

Currently the plant community in pasture 2 is dominated by smaller, more grazing-tolerant species such as Sandberg bluegrass. In addition, invasive plant species, including cheatgrass and western juniper are common and contribute to the not meeting Standard 4 conclusion. Sandberg bluegrass and cheatgrass lack the robust growth form or stature necessary to provide adequate plant composition, structure, and function for sagebrush steppe dependent species. Therefore this allotment is failing to provide adequate upland habitat conditions for sagebrush steppe species, and is not meeting Standard 8 (uplands) due to historic grazing practices and the increased dominance of invasive annual species (cheatgrass and western juniper).

##### **Riparian Habitat**

As indicated above at *Water Resources and Riparian/Wetland Areas*, Standards 2, 3, and 7 currently are not being met. Current livestock grazing (grazing between June 1 and October 25, annually) is a significant causal factor for not meeting Standards 2 and 3. South Mountain Creek was rated as FAR and lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment. Consistent with

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<sup>3</sup> See Group 5 EA Section 3.1.3 for additional IDEQ information regarding the Rail Creek FFR allotment.

Standards 2 and 3, this allotment is failing to provide adequate riparian conditions to support viable aquatic and terrestrial species populations; therefore, it is not meeting Standard 8 for riparian habitat due to current livestock grazing management practices.

### **Focal Species**

#### *Sage-grouse*

The Rail Creek FFR allotment lies within PPH<sup>4</sup> for sage-grouse. This allotment includes approximately 446 acres (15%) of PPH sagebrush habitat; and 2,569 acres (85%) of PPH where juniper has encroached into sage grouse habitat. As a result, the allotment provides limited seasonal breeding, summer, riparian, and winter habitat for sage-grouse. There are no known active sage grouse leks within this allotment. No sage-grouse habitat assessments have been collected for this allotment.

#### *Columbia Spotted Frog<sup>5</sup>*

This allotment is within the Owyhee Field Office's Columbia spotted frog distribution area. Spotted frogs are usually found along vigorous grassy/sedge margins of streams, lakes, ponds, springs, and marshes not far from sources of quiet permanent water. They migrate along these vegetation corridors between habitats used for spring breeding, summer foraging, and winter hibernation. Evaluation under Standards 2, 3, and 7 identified streams and springs that are not properly functioning or meeting water quality parameters due to current grazing practices (grazing between June 1 and October 25, annually). Because streams and springs are not functioning properly, this allotment is not providing adequate aquatic conditions to sustain viable populations of spotted frogs and therefore is not meeting Standard 8 due to historic and current grazing practices.

### Walt's Pond FFR

The BLM completed a land health assessment, evaluation, and a determination for Walt's Pond FFR Allotment in 2013. As described in the RHA and Determination documents, BLM concluded that some of the resources on Walt's Pond FFR Allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Wildlife); and current livestock grazing management practices are a significant causal factor in not meeting Standards 1, 2, 3 and 8.

#### *Vegetation - uplands*

Rangeland Health Standard 4 is not being met in pastures 1 and 2 of the Walt's Pond FFR allotment, and historic grazing practices are the primary reason for not meeting the standard. Evidence of historic grazing impacts are present throughout the allotment, reflected in the departure of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions and a greater dominance by shallow-rooted species (e.g.,

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<sup>4</sup> PPH acres in the Rail Creek FFR allotment are total acres including BLM, State, and private lands.

<sup>5</sup> See Group 5 EA Sections 3.1.5 and 3.3.14.1.4 for more Columbia spotted frog information pertaining to the Owyhee Field Office and the Rail Creek FFR allotment.

Sandberg bluegrass and squirreltail). In addition, invasive annuals, including juniper encroachment, are causal factors for not meeting Standard 4.

Vegetation communities shifting to shallow-rooted bunchgrasses, with the expansion of annual invasive grasses and juniper, has reduced reproductive capabilities of perennial plants. Consequently, the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met.

### *Watersheds*

Standard 1 (Watersheds) is not being met in both pastures 1 and 2 in the Walt's Pond FFR allotment. The current season of use has generally been consistent with livestock grazing between April 1 and June 5, annually. The reduction in soil and hydrologic function is associated with physical soil disturbance and an altered plant community composition and distribution due to decreased abundance of large, deep-rooted native perennial bunchgrasses, and an increase in invasive species (including western juniper).

The reduction in soil and hydrologic function is primarily associated with 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, primarily due to widespread 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. An increase in invasive species also contributes to an ongoing decline in hydrologic function and nutrient availability.

The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and historic livestock management is the primary contributing factor for not meeting Standard 1 or ORMP soil management objectives of improving unsatisfactory watershed health/conditions for the Walt's Pond FFR allotment.

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

In 2013, Walt's Pond FFR allotment was determined to not be meeting Standards 2 and 3, and current livestock grazing management practices are a significant causal factor in not meeting these standards. Pasture 1 includes 0.4 mile of Glass Gulch and 0.5 mile of Jordan Creek on public land. The segment of Glass Gulch that traverses public land in pasture 1 was assessed as FAR in 2000. The site was re-visited in 2012, at which time a lack of hydric species and mechanical damage to the stream banks were identified. Jordan Creek was originally assessed in 2001 and revisited in 2011. In 2011, Jordan Creek was classified as an ephemeral stream without the capabilities of producing and maintaining riparian vegetation.

Pasture 2 includes 0.7 mile of Glass Gulch which was assessed in 2000 and 2003. In 2000 this reach was assessed FAR; and in 2003, the reach was assessed as FAR (with an upward trend) with intermittent mechanical damage of the herbaceous understory where livestock access the stream and that the channel had been previously deeply incised. Pasture 2 also includes 0.6 miles of Williams Creek which was assessed in 2001 and 2012, and was rated PFC.

Standard 7 is not being met in this allotment based upon IDEQ<sup>6</sup> data which indicate that Jordan and Williams creeks in pasture 1 are 303d-listed for flow alterations and failure to meet cold-water aquatic life (CWAL) - temperature beneficial uses on. Williams Creek in pasture 2 was rated as fully supporting IDEQ water quality standards in the allotment and therefore is meeting Standard 7. Although Standard 7 is not being met in Walt's Pond FFR allotment, current livestock grazing management is not a causal factor. In addition, because these streams are 303(d) listed based on flow alterations, the allotment is in conformance with the Guidelines for Livestock Grazing Management because livestock are not the causal factor.

### *Wildlife/Wildlife Habitats and Special Status Animals*

#### **Upland Habitat**

As was stated under Standard 4 above, upland vegetative communities are dominated by shallow-rooted perennial grasses such as Sandberg bluegrass and squirreltail, with cheatgrass common throughout the pastures. In addition, encroachment of western juniper into the native plant communities is a primary causal factor to not meeting Standard 4. The determination for Standard 4 is consistent with vegetation data from sage-grouse habitat assessments showing the dominance of invasive annuals in Walt's Pond FFR pastures. Cheatgrass does not have the robust growth form or stature to provide the plant community composition, structure, and function for sagebrush steppe-dependent species. Because of the upland conditions, this allotment is failing to provide adequate upland habitat conditions for sagebrush steppe species, and is not meeting Standard 8 due to historic livestock grazing practices (grazing between April 1 and June 5, annually) and invasive plants.

#### **Riparian**

Evaluation of Standards 2 and 3 determined that streams within this allotment are not meeting standards due to historic and current livestock grazing. Streams functioning-at-risk lack adequate riparian vegetation composition and distribution to provide the structure and functions that support a productive riparian environment. Glass Gulch which flows through pastures 1 and 2 does not meet riparian Standards, and historic and current livestock grazing are significant causal factors. The remaining perennial riparian areas within pasture 2 were rated as PFC.

Because Standards 2 and 3 are not being met in portions of pastures 1 and 2, the allotment fails to provide adequate riparian habitat conditions to support viable aquatic and terrestrial species populations. Therefore, Standard 8 for wildlife/wildlife habitat and special status animals is not being met and both historic and current livestock grazing management practices are causal factors.

#### **Focal Species**

##### *Sage-grouse*

Walt's Pond FFR allotment lies within PPH<sup>7</sup> for sage-grouse. This allotment includes approximately 3,332 acres (95%) of PPH sagebrush habitat; and 174 acres (5%) of PPH where juniper has encroached into sage grouse habitat. The allotment still provides limited seasonal breeding, summer, riparian, and winter habitat for sage-grouse. There are no known active sage

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<sup>6</sup> See Group 5 EA Section 3.1.3 for additional IDEQ information regarding Walt's Pond FFR allotment.

<sup>7</sup> PPH acres in Walt's Pond FFR allotment are total acres including BLM, State, and private lands.

grouse leks within this allotment. Sage-grouse habitat assessment information collected in 2012 for pastures 1 and 2 showed unsuitable breeding and upland summer habitat conditions for nesting and late brood-rearing sage-grouse. The assessments identified marginal sagebrush overstory conditions combined with a substantially reduced perennial grasses and forbs in the understory. Because of the absence of understory cover and the reduced availability of forbs, this allotment is not providing adequate breeding and late brood-rearing nesting and security cover for sage-grouse and does not meet Standard 8 due to historic grazing practices and invasive annuals.

#### *Columbia Redband Trout<sup>\*</sup>*

Columbia River redband trout are known to occur within the Jordan Creek system. However, the segment of Jordan Creek flowing through Walt's Pond FFR allotment on public land has been classified as an ephemeral stream, which does not support redband trout.

#### *Guidelines for Livestock Grazing Management*

In addition to a discussion of land health standards, the BLM's 2013 Determination for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

*Guideline 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.*

*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 cover appropriate to site potential.*

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

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

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<sup>\*</sup> See Group 5 EA Sections 3.1.5 and 3.3.14.1.4 for more Columbia redband trout information pertaining to the Owyhee Field Office and Walt's Pond FFR allotment.

*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 11: Use grazing management practices developed in recovery plans, conservation agreements, and Endangered Species Act, Section 7 consultations to maintain or improve habitat for federally listed threatened, endangered, and sensitive plants and animals.*

*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**

Based on the BLM's evaluation of the current grazing scheme, the current conditions on the allotments, public response to scoping, and the BLM's obligations to meet the Idaho S&Gs and move toward meeting the ORMP management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the allotments:

*Issue 1: Habitat conditions for greater sage-grouse (*Centrocercus urophasianus*; hereinafter, sage-grouse) - Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.*

*Issue 2: Riparian vegetation conditions - Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.*

*Issue 3: Fish and amphibian habitat conditions - Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*

*Issue 4: Upland vegetation and watershed conditions - Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.*

*Issue 5: Noxious and invasive weeds - Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

*Issue 6: Livestock trailing - Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.*

*Issue 7: Socioeconomic impacts - Livestock grazing affects local and regional socioeconomic activities generated by livestock production.*

*Issue 8: Wildfire fuels - Livestock grazing has the potential to change vegetation that may affect wildfire.*

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

### ***Analysis of Alternative Actions***

Based on the current resource conditions on the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments and the issues identified above, BLM considered a number of alternative livestock management schemes and changes in the Group 5 EA to ensure that if the grazing permit was renewed, Morgan Properties, LP management will result in the maintenance of or some improved conditions in the allotments. 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>9</sup> The alternatives analyzed in detail include the following:

- Alternative 1 – *Current Situation*
- Alternative 2 - *Applicant's Proposed Action*
- Alternative 3 – No Title (BLM developed alternative with resource constraints and deferment)
- Alternative 4 – No Title (additional BLM developed alternative with resource constraints, deferment and or rest, and Active AUM reductions)
- Alternative 5 – *No Grazing*

### **Proposed Decision**

After considering the current livestock grazing management practices, the current conditions of the natural resources, and the alternatives and analysis in the Group 5 EA, comments received from you and other interested publics, as well as other information, it is my proposed decision to authorize grazing for ten years consistent with Alternative 3 of EA # DOI-BLM-ID-B030-2013-0023-EA. Implementation of Alternative 3 over the next 10 years will allow the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed Morgan Properties, LP grazing permit will be as follows:

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<sup>9</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

Table PROP 1.0. Terms and Conditions.

Allotment	Livestock		Grazing Period		% PL	Type AUMs	Active Use	Suspended AUMs	Permitted AUMs
	Number	Kind	Begin	End					
Big Field FFR (0594)	168	Cattle	6/15	11/15	40	Active	147	21	168
Rail Creek FFR (0627)	300	Cattle	6/1	12/15	3	Active	13	0	13
Walt's Pond FFR (0659)	75	Cattle	4/1	12/25	20	Active	76	0	76

Other terms and conditions:

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

11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.
13. Big Field FFR Allotment - A minimum of 6 inch stubble height, 30 percent browse (where applicable), and less than 10 percent bank alteration will be maintained in key riparian areas at the end of the grazing season.
14. Big Field FFR Allotment - Cattle numbers may vary up to 168 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.
15. Rail Creek FFR Allotment - Cattle numbers may vary up to 300 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.
16. Walt's Pond FFR Allotment - Cattle numbers may vary up to 75 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.

Table PROP 1.1. Big Field FFR, Rail Creek FFR, and Walt's Pond FFR Allotments - Grazing Schedules.

<b>Big Field FFR Allotment (0594)</b>			
<b>Pasture</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Pasture 1	6/15-10/15	6/15-10/15	10/1-11/15
<b>Rail Creek FFR Allotment (0627)</b>			
<b>Pasture</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Pasture 1	6/1-8/31	6/1-8/31	10/1-10/31
Pasture 2	9/1-11/30	9/1-11/30	11/1-12/15
<b>Walt's Pond FFR Allotment (0659)</b>			
<b>Pasture</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Pasture 1	10/1-12/25	10/1-12/25	4/1-6/5
Pasture 2	4/1-6/5	4/1-6/5	10/1-12/25

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

Flexibility is provided as identified on your grazing schedule. You will be offered a grazing permit for a term of 10 years for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. Implementation of Alternative 3 will result in no change in active AUMs from your previous term permit, but will limit how those AUMs are allocated throughout the grazing year. Permitted use will be as follows:

<b>Operator</b>	<b>Allotment</b>	<b>Active Use</b>	<b>Suspension</b>	<b>Permitted Use</b>
Morgan Properties LP	Big Field FFR	147 AUMs	21	168 AUMs
	Rail Creek FFR	13 AUMs	0	13 AUMs
	Walt's Pond FFR	76 AUMs	0	76 AUMs

## Rationale

### *Record of Performance*

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the Big Field FFR, Rail Creek FFR, and Walt's Pond 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 the Group 5 EA number DOI-BLM-ID-B030-2013-0023-EA, the 2013 rangeland health assessments/evaluations, determinations, and other documents in the grazing files, it is my decision to select Alternative 3 for the Big Field FFR, Rail Creek FFR and Walt's Pond FFR allotments. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will continue to 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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

### *Issues Addressed*

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. 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, given the BLM's legal and land management obligations.

#### Big Field FFR Allotment

*Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse) - Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.*

And

*Issue 4: Upland vegetation and watershed conditions - Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.*

Deferred rotation grazing schedules provide for one or more years of grazing use after seed-set, following one or more years of growing season use. Moderate utilization levels (40-60%) at either deferred or rest-rotation grazing systems can allow for adequate recovery of upland herbaceous root growth and associated carbohydrate storage following the impact of critical-season defoliation. Additional years of deferment or rest increase opportunity for recovery, maintenance of plant health and vigor improvement. Implementing these grazing practices (deferment and rest) will improve or maintain native rangeland species to attain composition, density, foliar cover and vigor appropriate to site potential (USDI BLM 1999b) can help achieve desired conditions for native plant communities.

Big Field FFR utilization data was collected in 2009 and ranged from 0-20% (slight to light utilization). Areas of repeated light grazing will result in static or increased community diversity (Group 5 EA Sections 3.2.1). Generally, the vigor of forage grass species can be sustained with light or moderate utilization, while heavy utilization reduces photosynthetic tissue below levels needed to maintain root reserves, diminishing the vigor of utilized species. Utilization effects to specific key forage species are described generally as the degree of increasing or decreasing presence in the vegetative community from grazing pressure. Bluebunch wheatgrass as a key forage species decreases with heavier grazing pressure while Sandberg bluegrass increases. Most sources recommend that bluebunch wheatgrass be grazed under a deferred, rotational grazing system to ensure plants remain healthy.

Implementation of Alternative 3 will institute pasture rotation schedules that include less frequent use during the critical growth periods, or deferred use, compared to the current situation. Increased years of deferment will allow opportunity for recovery and maintenance of plant health and vigor to improve (Bailey and Brown 2011). The decrease in the frequency of growing-season use will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives.

Implementation of Alternative 3 will include June through October grazing two out of three years and deferment from October through November in year three of a three-year grazing rotation with a maximum of 168 head of cattle and 147 AUMs. Increased years of deferment as compared to repeated grazing during the critical growing period in Alternatives 1 and 2 in the Big Field FFR allotment will improve vegetative health and vigor, which will result in movement toward meeting vegetation standards and ORMP objectives for vegetation health.<sup>10</sup> Vegetation resources not meeting ORMP vegetation management will improve compared to Alternatives 1 and 2.

Livestock grazing management as described under Alternative 3 will improve upland habitat conditions, benefiting identified sage grouse as well as other associated shrub-steppe species (e.g. migratory birds, pygmy rabbits, big game). Alternative 3 identified resource constraints for soil, vegetation, riparian and focal species resources and will defer grazing during the critical growth period 1 out of 3 years (Group 5 EA Section 2.2.3).

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<sup>10</sup> While current grazing was not determined to be a significant cause of this allotment's not meeting standards for uplands (4 and 8), the reduction in grazing pressure will improve upland vegetation conditions and wildlife habitat.

Upland communities and the species that use these habitats will benefit from implementation of this alternative and will make significant progress toward meeting Standard 8 and achieve desired habitat management objectives. Significant progress towards meeting this standard and achieving ORMP objectives (compared to Alternatives 1 and 2) will be expected because the avoidance of grazing during the spring growing periods will allow for plants to complete the annual growth cycle (to seed set) without livestock grazing. As described, deferred livestock grazing in the Big Field FFR allotment will allow upland native perennial species to complete their annual growth cycles more often in the absence of defoliation by livestock and will improve plant community health and vigor and herbaceous composition and structure (Group 5 EA Section 3.2.1.3). This will result in greater security cover for nesting and brood-rearing sage-grouse and increased preferred forb diversity and availability. Overall, the incorporation of deferment into the grazing schedule will reduce repeated grazing pressure during the critical growth season and during critical wildlife nesting periods.

Under Alternative 3, upland habitat and sage-grouse habitat conditions will benefit from this grazing schedule and the incorporation of grazing deferment outside of the critical growth period (May 1–June 30) and sage-grouse nesting/early brood-rearing period (April 1–June 30) 1 out of every three years. Deferment will modify the repeated spring grazing cycle and allow plants the opportunity to grow during the critical growth season and recover vigor and health. As habitat composition and structure improves, sage-grouse will benefit by the increased security and escape cover being provided during the nesting/early brood-rearing period and the decreased vulnerability of detection and predation from terrestrial and avian predators.

*Issue 2: Riparian vegetation conditions - Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.*

And

*Issue 3: Fish and amphibian habitat conditions - Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*

Under Alternative 3, the Big Field FFR allotment will be available to grazing during the summer and fall for two years, and during the fall for the third year of the three-year rotation (see Group 5 EA Table RIPN-7 and Section 3.2.3.1). Currently, 1.2 miles of Combination Creek is not meeting Standards 2 and 3 due to current livestock grazing. Implementation of the defined three year grazing schedule that will implement growing season deferment and no summer grazing one out three years. This will be a substantial change from current grazing management, which has been from June through October, with no deferment or rest, and grazing every year through the hot summer months of July, August, and September. This will eliminate summer grazing one out of three years on Combination Creek during the months when cattle tend to congregate more in lush riparian areas adjacent to water and shade of woody riparian vegetation. Other mandatory terms and conditions of the permit under this alternative will include measures that will reduce impacts (stubble height, woody browse, and bank alteration) associated with the riparian areas condition. Monitoring will be required during the years that the riparian areas are grazed during the constraint period, and will add assurances that progress will be made toward meeting standards.

These grazing management changes along with increased monitoring of the streams in the Big Field FFR allotment will make significant progress towards meeting Standards 2 and 3 and meet ORMP objectives.

Implementation of Alternative 3, the incorporation of deferment will reduce grazing during the riparian critical growth period (July 15–Sept. 30) 1 out of 3 years. The improved regeneration and establishment of herbaceous and woody plants in the riparian areas will improve capabilities to dissipate energy of high flows, trap sediments, harden streambanks, provide shade to streams, deliver woody debris, and improve water quality. Columbia redband trout will benefit because of the increased stream shade, woody debris, pool development, flow regulation, and less sediment delivery due to reduced livestock activity and improved riparian function. Additionally, reduced occurrence of livestock trampling in the stream corridor during the spawning season (March 15–June 15) will improve egg and fry survival.

### Rail Creek FFR Allotment

*Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse) - Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.*

And

*Issue 4: Upland vegetation and watershed conditions - Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.*

Livestock grazing authorized in accordance with Alternative 3 will incorporate deferred grazing one year out of three years (with grazing occurring after the critical growing period in pasture 2 annually). See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR Allotment, above. These same upland vegetation and watershed resource benefits will be realized in the Rail Creek FFR Allotment.

Rail Creek FFR utilization data was collected in 2011 (pastures 1 and 2) and 2012 (pasture 1), and ranged from 11-18% (slight utilization). Areas of repeated light grazing will result in static or increased community diversity (Group 5 EA Sections 3.2.1). Generally, the vigor of forage grass species can be sustained with light or moderate utilization, while heavy utilization reduces photosynthetic tissue below levels needed to maintain root reserves, diminishing the vigor of utilized species. Utilization effects to specific key forage species are described generally as the degree of increasing or decreasing presence in the vegetative community from grazing pressure. Bluebunch wheatgrass as a key forage species decreases with heavier grazing pressure while Sandberg bluegrass increases. Most sources recommend that bluebunch wheatgrass be grazed under a deferred, rotational grazing system to ensure plants remain healthy.

Implementation of Alternative 3 will institute pasture rotation schedules that include less frequent use during the critical growth periods, or deferred use, compared to the current situation. Increased years of deferment will allow opportunity for recovery and maintenance of plant health

and vigor to improve (Bailey and Brown 2011). The decrease in the frequency of growing-season use will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives.

Implementation of Alternative 3 will include the following grazing seasons of use: Pasture 1 - June through August, 2 out of 3 years; and October 1-31, in year 3. Pasture 2 - September through November, 2 out of 3 years; and November through December 15, in year 3. The maximum number of cattle could vary up to 300 head on a 3,014-acre allotment that includes only 3% public land. Deferment, compared to repeated grazing during the critical growing period in Alternatives 1 and 2, will improve vegetative health and vigor, moving toward meeting vegetation standards and ORMP objectives for vegetation health. Vegetation resources not meeting ORMP vegetation management objectives will improve or continue to maintain satisfactory vegetation health and condition on all areas compared to Alternatives 1 and 2.

See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR allotment above. These same watershed/soils benefits will be realized in the Rail Creek FFR allotment under Alternative 3.

Under Alternative 3, a three year, two pasture grazing rotation will occur. Pasture 1 will be grazed 2 out of 3 years in the spring followed by a deferment year where grazing will occur in the fall. Grazing in pasture 2 will be deferred to between September 1 and November 30 or between November 1 and December 15 in a three-year rotation.

Currently, pasture 1 is meeting Standard 8 and pasture 2 is not providing adequate upland and sage-grouse habitat conditions (Group 5 EA Section 3.3.14.1.4). Under Alternative 3, habitat composition and structure will be improved by improving the health and vigor of perennial bunchgrasses by limiting grazing during the critical spring growing period. This will further benefit sage-grouse because adding security, escape cover and forage elements during the nesting/early brood-rearing period (April 1-June 30) thereby reducing vulnerability to detection and predation. In pasture 2, substantial upland and sage-grouse habitat improvement will occur because of the deferment out the critical growth period (May 1-June 30).

*Issue 2: Riparian vegetation conditions - Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.*

And

*Issue 3: Fish and amphibian habitat conditions - Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*

Standards 2 and 3 are not being met in pasture 2 of the Rail Creek FFR allotment, and current livestock grazing management practices are a significant causal factor. Approximately 0.7 mile of South Mountain Creek that occurs on BLM lands within pasture 2 was assessed as FAR in 2000 (and re-visited and verified as FAR in 2011). Under Alternative 3, pasture 2 of the Rail Creek FFR

allotment would be available to grazing during the fall (September through October - 2 out of 3 years; and November 1 through December 15 - in year 3). Pasture 2 contains the riparian-wetland areas; a recent actual use reports shows that the allotment has primarily been used during the spring and summer, and standards were not being met. Authorizing livestock grazing during the fall months is expected to eliminate the grazing impacts associated with the current conditions. Additionally, the changes in season of use will result in a 16 percent reduction in active AUMS over the life of the 10-year permit. With these grazing management changes, the allotment will make significant progress toward meeting the riparian-wetland standards and meet ORMP objectives.

Currently this allotment is not providing adequate riparian function and aquatic habitat conditions (EA Section 3.3.14.). Under Alternative 3, reduced grazing pressure will benefit the herbaceous and woody plant community in riparian areas and benefit Columbia spotted frogs because of the increased stream shade, woody debris, flow regulation, and reduced sediment delivery. Pasture 2 will show substantial improvement by implementing deferment to the fall-early winter, with no grazing during the critical growth period (July 1-Sept 30). Furthermore, as riparian function improves, more herbaceous and woody species will be established. Consequently, the quality of aquatic habitats will improve as banks stability improves, erosion is reduced and sediment delivery minimized. Columbia spotted frogs will benefit from the absence of livestock activity in aquatic habitats during the breeding/egg mass laying period (May 1-June 15) which will likely allow for improved survival of eggs and larvae.

#### Walt's Pond FFR Allotment

*Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse) - Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.*

And

*Issue 4: Upland vegetation and watershed conditions - Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.*

Livestock grazing authorized in accordance with Alternative 3 will incorporate deferred grazing one year out of three years in pasture 2 (and deferment 2 out of 3 years in pasture 1). See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR Allotment, above. For the same reasons, the same upland vegetation and watershed resource benefits will be realized in Walt's Pond FFR Allotment.

Implementation of Alternative 3 will institute pasture rotation schedules that will result in less frequent use during the critical growth periods compared to current management (under the current situation livestock grazing has been April 1 through June 5, annually, with both pastures grazed concurrently). Deferred rotations will provide an opportunity for recovery and maintenance of plant health and vigor. The decrease in the frequency of growing-season use will

allow native perennial species to complete their annual growth cycles more often, allowing significant progress toward achieving upland vegetation health and vigor, and ORMP objectives.

Implementation of Alternative 3 will include the following grazing seasons of use: Pasture 1 - October 1 through December 25, for two years; and April 1 through June 6 in year 3. Pasture 2 - April 1 through June 5, 2 out of 3 years; and October 1 through December 25, in year 3. The maximum number of cattle could vary up to 75 head on the 3,401-acre allotment that includes only 20% public land. Increased years of deferment as compared to repeated spring grazing during the critical growing period in Alternatives 1 and 2 in Walt's Pond FFR allotment will improve vegetative health and vigor, which will move toward meeting vegetation standards and ORMP objectives for vegetation health. Health and condition of vegetation resources not currently meeting ORMP vegetation management objectives will improve under Alternative 3, as compared to Alternatives 1 and 2.

See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR Allotment above. These same watershed/soils benefits will be realized in Walt's Pond FFR Allotment under Alternative 3.

Currently, pastures 1 and 2 are not meeting Standard 8 because they are not providing adequate upland and sage-grouse habitat conditions (Group 5 EA Section 3.3.16). Under Alternative 3, a 3-year, two-pasture grazing rotation will occur. Pasture 1 will be grazed 1 out of 3 years in the spring followed by 2 years of deferred grazing. Pasture 2 will be grazed 2 out 3 years in the spring followed by a year of grazing in the fall. Under Alternative 3, upland habitat and sage-grouse habitat conditions will benefit by this grazing schedule because grazing will not occur during the sage-grouse nesting early brood-rearing seasons in two of three years in pasture 1, and one of three years in pasture 2. Deferment will modify the repeated spring grazing cycle and allow plants to grow during the critical growth season. This will improve plant vigor and health, and improve habitat composition and structure. Sage-grouse will benefit by the increased security and escape cover provided during the nesting/early brood-rearing period, resulting in decreased vulnerability to detection and predation by terrestrial and avian predators.

Overall, under Alternative 3, current upland and sage-grouse habitat conditions will show considerable improvement. Habitat conditions in both pastures will continue to improve and recover plant vigor and health and habitat composition and structure. Sage-grouse will benefit by the increased security and escape cover available during the nesting/early brood-rearing period.

*Issue 2: Riparian vegetation conditions - Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.*

And

*Issue 3: Fish and amphibian habitat conditions - Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*

In 2013, Walt's Pond FFR allotment was not meeting Standards 2 and 3, and current livestock grazing management practices were a significant causal factor in not meeting these standards.

Under Alternative 3, pasture 1 of the Walt's Pond FFR allotment would be available to grazing during the spring for one year and during the fall for two years of a three year rotation. Pasture 2 will be grazed during the spring for two years and during the fall for the third year. Pasture 1 and 2 include 0.4 and 0.7 miles of Glass Gulch which are not meeting Standards 2 and 3, and current livestock grazing are significant causal factors. Actual use reports (2003-2012) indicate April 1-June 5 grazing annually.

In accordance with Alternative 3, the allotment will be managed under a defined three year schedule with at least one year of growing season deferral in pasture 2, and two out of three years of deferred grazing (until October 1) in pasture 1. The prescribed grazing rotation which incorporates deferment during the spring two out of three years in pasture 2, and two out of three years in pasture 1 (in addition to maintaining no summer grazing in both pastures), will allow for making significant progress towards meeting the standards and ORMP objectives. Currently 1.1 miles of Glass Gulch in pastures 1 and 2 rating FAR and with the incorporation of deferment, riparian vegetation will be allowed to complete growth cycles before grazing occurs one out of three years in pasture 2, and two out three years in pasture 1. Riparian vegetation will increase in abundance and overall health and vigor with these reductions in grazing pressure during the spring and summer months. Therefore, significant progress will be made towards meeting Standards 2 and 3.

Currently, this allotment does not provide adequate riparian habitat along Glass Gulch. In both pastures, the incorporation of deferment will reduce grazing during the critical growth period (July 15-Sept. 30) at least one out of three years (two out of three years in pasture 1). This will regenerate and establish herbaceous and woody plants in the riparian zone that function to dissipate high-flow energy, trap sediments, harden streambanks, shade streams, deliver woody debris, and improve water quality. Under Alternative 3, upland and riparian conditions will improve and make significant progress towards meeting Standard 8 and ORMP objectives.

#### All Allotments - Big Field FFR, Rail Creek FFR, and Walt's Pond FFR

*Issue 5: Noxious and invasive weeds - Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

And

*Issue 6: Livestock trailing - Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.*

Although no noxious weeds are known exist on public land in these allotments, invasive annuals (cheatgrass) are found in areas of each allotment. The dominant visual aspect in these allotments is sagebrush with Sandberg bluegrass dominating the understory, while bluebunch wheatgrass and western juniper are common. Although some invasive species are present, the native plant community is generally healthy and capable of competing for resources. Under Alternative 3, current resource conditions are expected to improve for all Standards and meet ORMP objectives.

Although Alternatives 4 and 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 3, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.

*Issue 7: Socioeconomic impacts - Livestock grazing affects local and regional socioeconomic activities generated by livestock production.*

During the NEPA and public comment process, a concern was raised that selection of certain alternatives could impact regional socio-economic activity. I share this concern, and have taken this into consideration in making my decision. However, my primary obligation is to ensure that grazing permits protect 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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments in large part because the selection accomplishes those latter goals, while maintaining the current level of AUMs.

Consideration of Alternatives 1 and 2 disclosed that neither alternative would allow the allotments to meet Idaho S&Gs or the ORMP resource objectives. Therefore I could not select them despite the lesser economic impacts that they may have. Over the long term, your grazing operation relies upon maintenance of the natural 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 derived from healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have minimized reductions in grazing use levels where current levels are compatible with meeting rangeland health standards and ORMP objectives. Where not compatible, I attempted to select alternatives designed to meet resource needs. In cases of particular or particularly acute resource needs, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.<sup>11</sup>

*Issue 8: Wildfire fuels - Livestock grazing has the potential to change vegetation that may affect wildfire.*

During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments will not significantly alter the BLM's ability to fight wildfire in the area.

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<sup>11</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.1.2.3.6.

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

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotments, 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>12</sup>

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

Climate change is another factor I considered in building my decision around Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. 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 combined 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 these allotments will be better armed to survive such changes. The native plant health and vigor protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

### ***Additional Rationale***

Considerable thought and effort went into developing grazing management that responds to the allotments' specific resource needs, geography, and size. These considerations were made to

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<sup>12</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

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 the needs and capability that you, the permittee, have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

I did consider selecting Alternative 5 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 allotments. In selecting Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on you, and (3) your past performance under previous permits.

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

A finding of no significant impact (FONSI) was signed on November 20, 2013, and concluded that the proposed decision to implement Alternative 3 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 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-B030-2013-0023-EA is available on the web at:

[http://www.blm.gov/id/st/en/prog/nepa\\_register/owyhee\\_grazing\\_group/grazing\\_permit\\_renewal3.html](http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal3.html)

### **Conclusion**

In conclusion, it is my decision to select Alternative 3 over the other four alternatives analyzed because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs.

### **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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;

- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

### **Right of Protest and/or Appeal**

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

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

Boise Field Solicitors Office

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

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

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

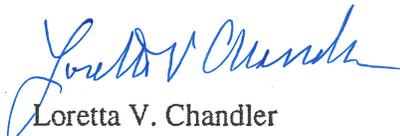
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler  
Owyhee Field Manager

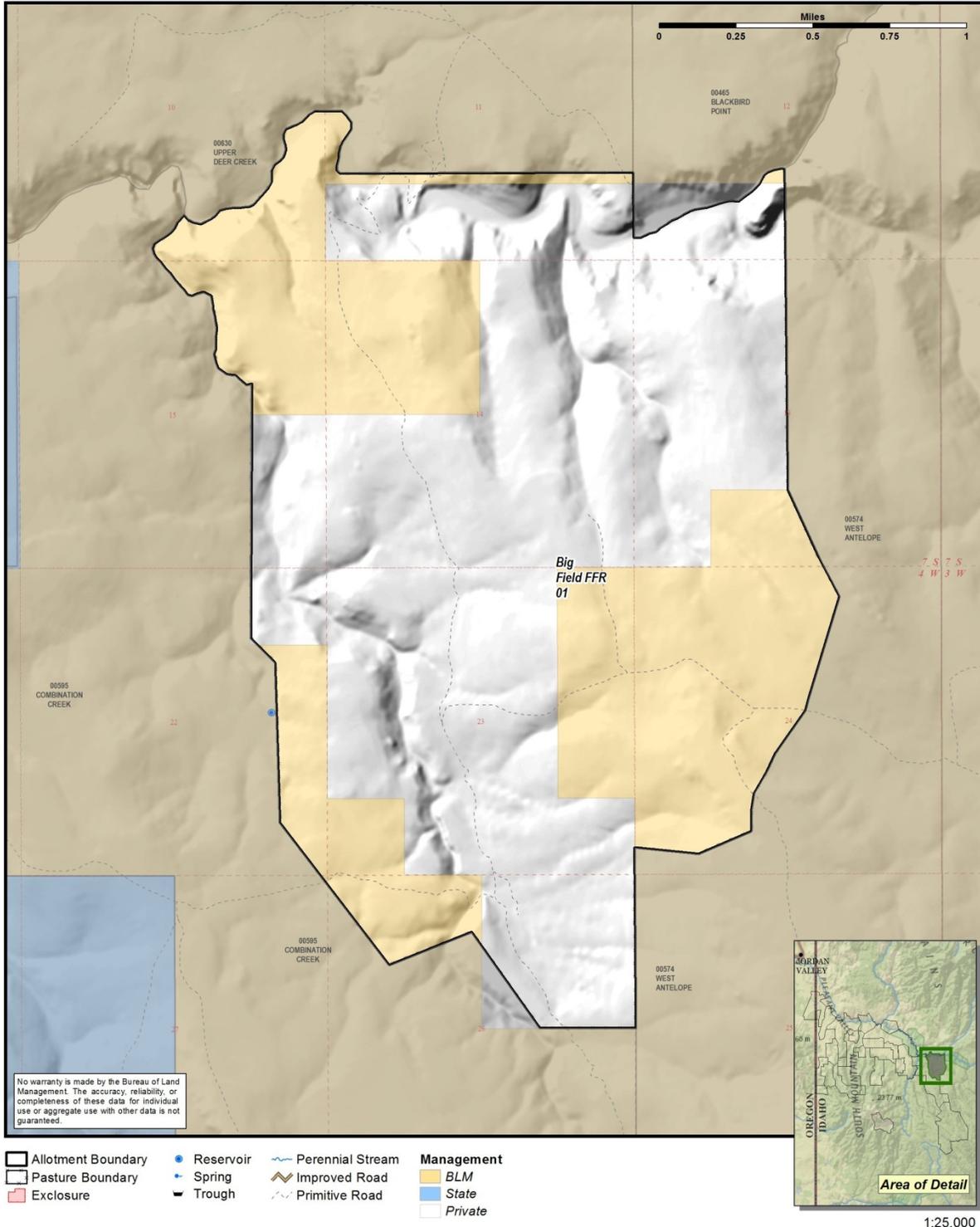
Sent to:

- See attached Group 5 Mail List



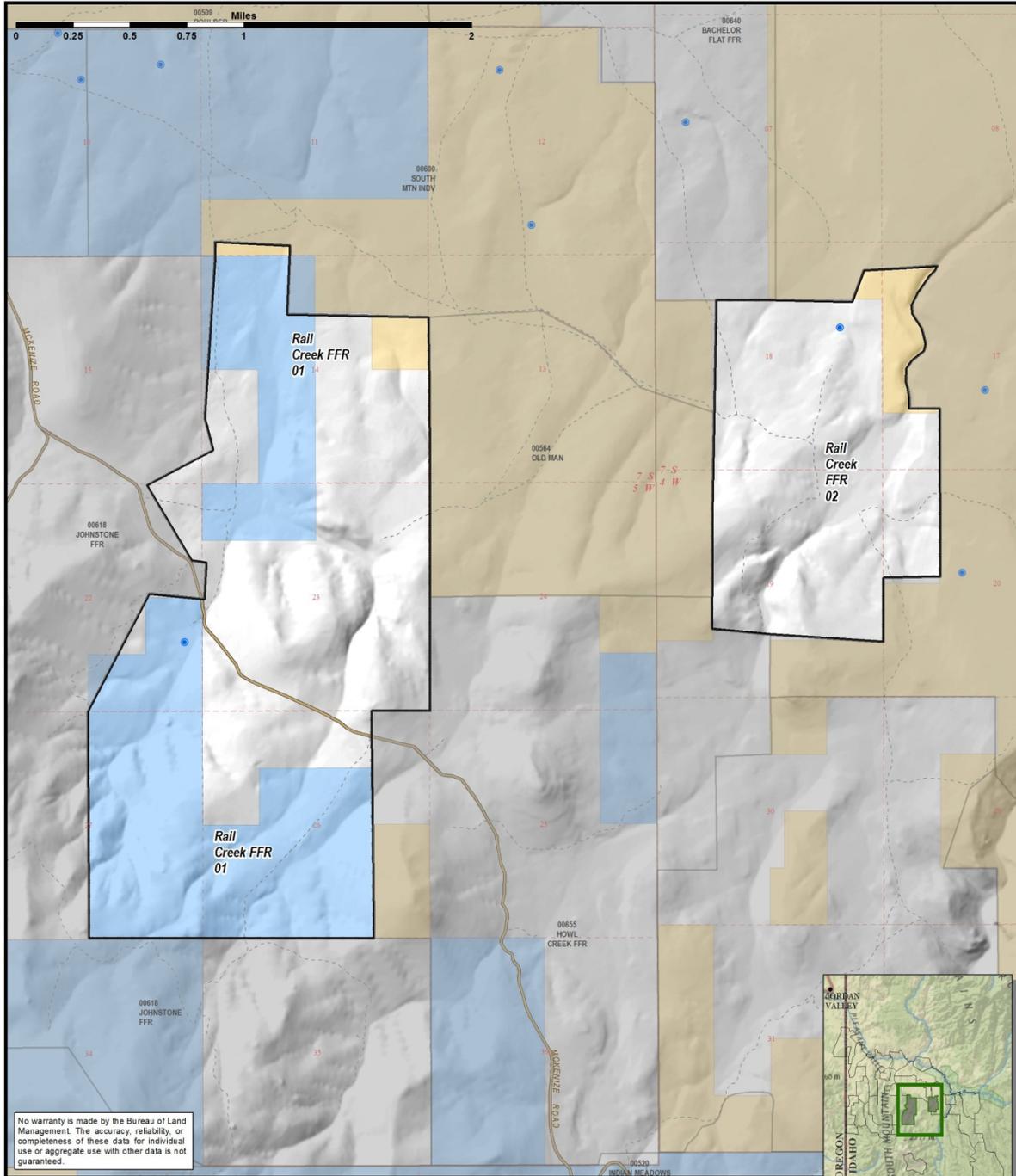


# Map 1: Big Field FFR (00594) Allotment

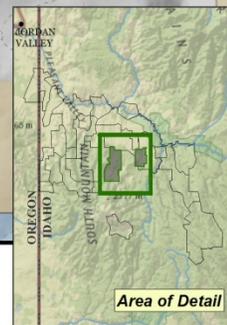




# Map 2: Rail Creek FFR (00627) Allotment



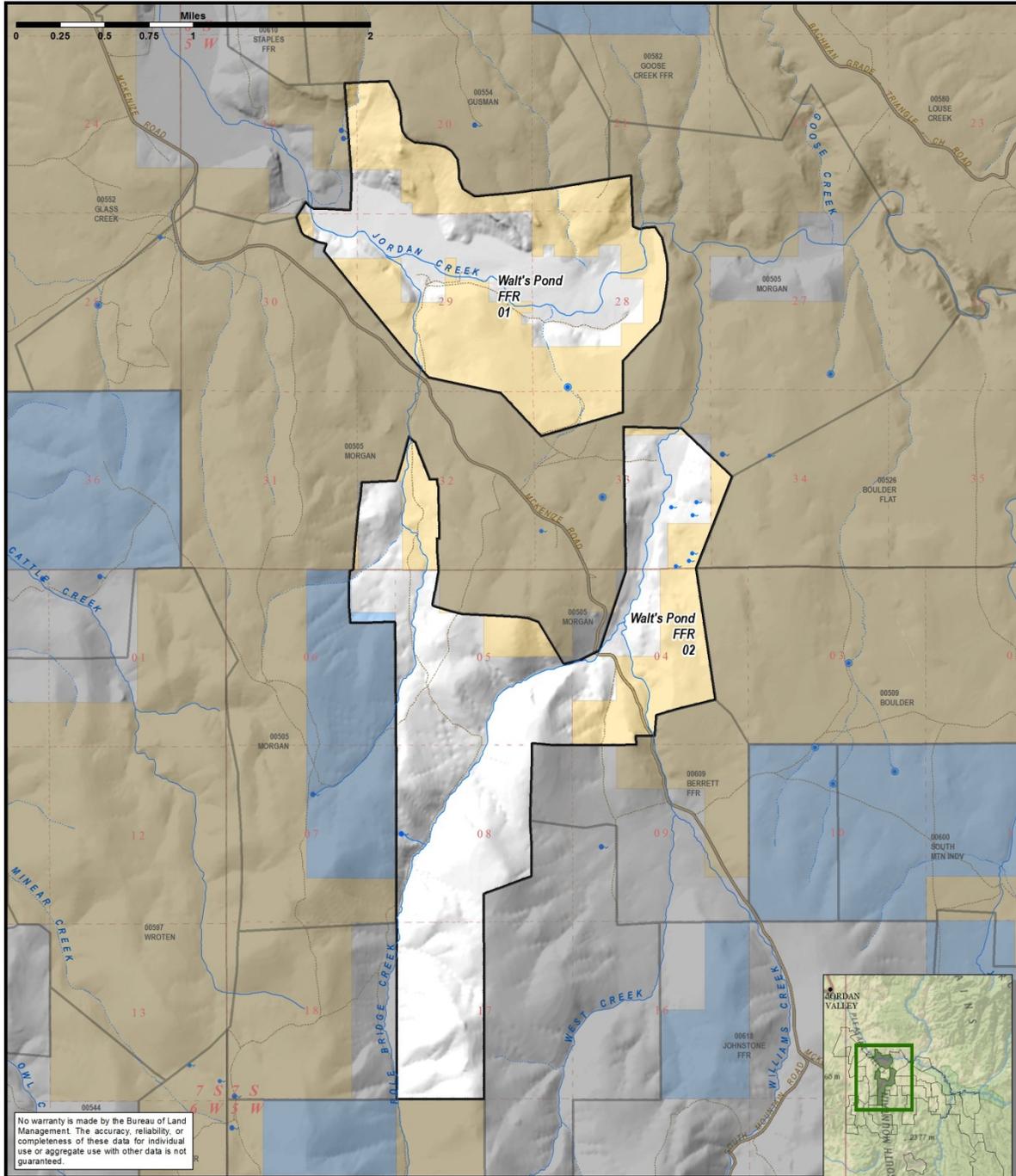
- |                    |           |                  |                   |
|--------------------|-----------|------------------|-------------------|
| Allotment Boundary | Reservoir | Perennial Stream | <b>Management</b> |
| Pasture Boundary   | Spring    | Improved Road    | BLM               |
| Exclosure          | Trough    | Primitive Road   | State             |
|                    |           |                  | Private           |



1:35,000



# Map 1: Walt's Pond FFR (00659) Allotment



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

- |                    |           |                  |                   |
|--------------------|-----------|------------------|-------------------|
| Allotment Boundary | Reservoir | Perennial Stream | <b>Management</b> |
| Pasture Boundary   | Spring    | Improved Road    | BLM               |
| Exclosure          | Trough    | Primitive Road   | State             |
|                    |           |                  | Private           |



1:45,000

Group 5 Proposed Decision Mail List

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
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918	3
Idaho Dept. of Agriculture	John	Biar	PO Box 790	Boise	ID	83707	4
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701	5
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642	6
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604	7
	Senator: Mike	Crapo	251 East Front Street STE 205	Boise	ID	83702	8
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 38	Murphy	ID	83650	9
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701	10
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701	11
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	12
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676	131
Resource Advisory Council	Chair: Gene	Gray	2393 Watts Lane	Payette	ID	83661	415
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	16
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	17
Idaho Wild Sheep Foundation	President: Jim	Jeffress	PO BOX 8224	Boise	ID	82707	18
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	19
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	20
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	21
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	22
	Lloyd	Knight	PO Box 47	Hammett	ID	83627	23
	Congressman: Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	24
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	25
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	26
Idaho Wild Sheep Foundation	Herb	Meyr	570 E 16th N.	Mountain Home	ID	83647	27
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	28
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	29
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	30

Company	Name		Address	City	ST	ZIP	#
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650	31
	Senator: James E.	Risch	350 N 9th Street STE 302	Boise	ID	83702	32
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701	33
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	34
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	35
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	36
	Congressman: Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	37
Shoshone-Bannock Tribes	Tribal Chair: Nathan	Small	PO Box 306	Ft. Hall	ID	83203	38
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	39
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	40
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	41
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20 <sup>th</sup> Floor	San Francisco	CA	94104	42
Office of Species Conservation	Cally	Younger	304 N. 8 <sup>th</sup> STE 149	Boise	ID	83702	43
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650	44
Holland & Hart LLP			PO Box 2527	Boise	ID	83701	45
Idaho Cattle Association			PO Box 15397	Boise	ID	83715	46
IDEQ			1410 N. Hilton	Boise	ID	83701	47
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720	48
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701	49
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636	50
Oregon Division State Lands			1645 NE Forbes Rd., Ste. 112	Bend	OR	97701	51
Owyhee Cattlemen's Association			PO Box 400	Marsing	ID	83639	52
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701	53
Sierra Club			PO Box 552	Boise	ID	83701	54

Company	Name		Address	City	ST	ZIP	#
State Historic Preservation Office			210 Main St.	Boise	ID	83702	55
State of Nevada Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801	56
The Nature Conservancy			950 W. Bannock, Ste. 210	Boise	ID	83702	57
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999	58
U.S.F.W.S. Idaho State Office			1387 S. Vinnell Way, Ste. 368	Boise	ID	83709	59
USDA Farm Services			9173 W. Barnes	Boise	ID	83704	60
Western Watershed Projects			PO Box 1770	Hailey	ID	83333	61
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Bosie	ID	83712	62
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 113	Arock	OR	97902	63
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650	64
Idaho Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686	65
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632	66
	Craig & Rhonda	Brasher	4401 Edison	Marsin	ID	86369	67
Corral Creek Crazing Assoc.	Tim	Lequerica	P.O. Box 135	Arock	OR	97902	68
LU Ranching	Bill	Lowry	PO Box 132	Jordan Valley	OR	97910	69
	Sandra	Mitchell	PO Box 70001	Boise	ID	83707	70
Paula Ashby	c/o: Scott	Ashby	P.O. Box 247	Bruneau	ID	83604	71
Wintercamp Ranch Trust	Don	Barnhill	P.O. Box 1	Murphy	ID	83650	72
	Dale	Berrett	3540 Hwy 95	Jordan Valley	OR	97910	73
Oregon Natural Desert Association	Brent F	Fenty	50 S. W. Bonds St. #4	Bend	OR	97702	74
	Thomas	Gluch	P.O. Box 257	Jordan Valley	OR	97910	75
Chipmunk Grazing Association	Elias	Jaca	PO Box 175	Marsing	ID	83639	76
	Loetta	Larsen	P.O. Box 156	Jordan Valley	OR	97910	77
Poison Creek Grazing Association LLC	Tim	Mackenzie	PO Box 443	Homedale	ID	83628	78
	Teo & Sarah	Maestresjuan	26613 Pleasvant Valley Rd.	Jordan Valley	OR	97910	79
	WF & Carolyn	Peton	P.O. Box 998	Veneta	OR	97487	80
Morgan Properties	David	Rutan	P.O. Box 277	Jordan Valley	OR	97910	81
06 Livestock	Dennis	Stanford	P.O. Box 167	Jordan Valley	OR	97910	82

Company	Name		Address	City	ST	ZIP	#
South Mountain Grazing Coop	Terry	Warn	P.O. Box 235	Jordan Valley	OR	97910	83
	Phillip & Benjamin	Williams	1807 Danner Loop Rd	Jordan Valley	OR	97910	84
Idaho Dept. of Parks & Recreation	Director		PO Box 83720	Boise	ID	83720	85
Wroten Land & Cattle Co			30314 Juniper Mtn. Rd	Jordan Valley	OR	97910	86
Quintana Ranch LLP	Tim	Quintana	3876 Hwy. 95	Homedale	ID	83628	87