



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
4160 ID130

November 26, 2013

**REGISTERED MAIL**

Morgan Properties LP DBA Morgan Ranches  
C/O David Rutan  
Box 277  
Jordan Valley, OR 97910

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

Dear Mr. Rutan:

Thank you for working with the BLM during this permit renewal process on the Bogus Creek FFR and Combination Creek Allotments. I appreciate your interest in grazing the allotments in a sustainable fashion and am confident that this proposed decision achieves that objective.

As you know, the BLM recently evaluated current grazing practices and current conditions in the Bogus Creek FFR and Combination Creek allotments. We undertook this effort to ensure that any renewed grazing permit(s) on these allotments will be consistent with the BLM's legal and land management obligations. As part of our evaluation process, rangeland health assessment, evaluation, and determinations were completed in 2013; this proposed decision incorporates by reference the information contained in those documents.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Bogus Creek FFR and Combination Creek allotments. The process for completing the Morgan Group Allotments Livestock Grazing Permit Renewal Preliminary Environmental Assessment (hereinafter "Morgan Group EA") began with initiating a scoping letter on January 11, 2013. The letter encouraged comments and information be received by February 25, 2013 for the Bogus Creek FFR and Combination Creek allotments but did not set a closing date for the receipt of public comments. All comments are addressed in the Morgan Group EA, including BLM responses to comments considered during development of the Final EA. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. In addition to the scoping period 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 this allotment. During this meeting, we 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 (for which includes the South Mountain Individual allotment) to you and 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 FONSI) was issued to the public on October 25, 2013, for 15-day review and comment. Issuance of the preliminary Group 5 EA afforded yet another opportunity for grazing permittees and interested publics to provide additional input on the Group 5 EA and inform me in preparation of completing a proposed grazing decision.

After evaluating conditions on the land and meeting with you in April of 2013; and hearing public concerns, it became clear that resource concerns currently exist on the in the Bogus Creek FFR and Combination Creek allotments.

To assist us in addressing livestock impacts to public land resources, my office prepared and issued the Morgan Group EA in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail four alternatives for the Bogus Creek FFR and Combination Creek allotments. We also considered other alternatives not analyze in detail. Our goal in developing alternatives was to consider options important to you as the permittee, and to consider options that, if selected, would ensure that natural resource conditions on the Bogus Creek FFR and Combination Creek allotments are 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 Morgan Group EA.

We have now completed the most difficult part of the permit renewal process and I am prepared to issue a proposed decision to renew your permit to graze livestock within the Bogus Creek FFR and Combination Creek allotments. After careful consideration, I have selected Alternative 4 as a proposed decision for the Bogus Creek FFR and Combination Creek allotments. Upon implementation of the decision, your permit(s) to graze livestock in the Bogus Creek FFR and Combination Creek allotments will be fully processed.

This proposed decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management systems that the BLM considered in the Morgan Group EA;
- Respond to the applications for grazing permit renewal for use in the Bogus Creek FFR and Combination Creek allotments;
- Outline my proposed decision to select Alternative 4 in Bogus Creek FFR and Combination Creek allotments;
- My rationale for proposing this alternative.

## Background

### *Allotment Setting*

#### Bogus Creek FFR Allotment

The Bogus Creek FFR allotment is located approximately 15 miles southwest of Silver City (Map 1). In the 1999 Owyhee Resource Management Plan (ORMP), the Bogus Creek FFR allotment was placed in Selective Management Category “Custodial”. Custodial allotments are managed with minimal expenditure of appropriated funds and continuation of existing resource values protection. They must also meet or make progress in meeting the Idaho Standards for Rangeland Health. The RMP identified 24 animal unit months of active preference for livestock grazing.

One existing grazing permit authorizes livestock grazing use of the Bogus Creek FFR allotment with a current total permitted use of 24 animal unit months (AUMs)<sup>1</sup>, of which all are active use and none are suspension AUMs. Of the 7,349 acres on the allotment 421 acres (6 percent) are BLM lands, 19 are private lands and 6,909 are state lands. Although the existing permit identifies a season of use between 12/1 and 12/31, it also includes a term and condition that the number of livestock and season of use within the allotment is at the permittee’s discretion. Recent actual use data annually provided by the permittee indicate that the allotment is typically used beginning in late June and extending to late September.

#### Combination Creek Allotment

The Combination Creek allotment is located approximately 15 miles south of Silver City, Idaho (Map 2). In the 1999 ORMP, the Combination Creek Allotment was placed in Selective Management Category “Improve” with medium priority. Improve allotments are managed with the objective to manage the public lands with adequate expenditure of funding and manpower to improve current unsatisfactory resource conditions. The allotment must also meet or move toward meeting the Idaho Standards for Rangeland Health.

One existing grazing permit authorizes livestock grazing use of the Combination Creek allotment with a current total permitted use of 410 AUMs, of which all are active use and none are suspension AUMs. Of the 4,204 acres on the allotment 3,142 acres are BLM, 43 are private and 1,019 are state lands. The existing permit identifies a season of use between 6/1 and 10/31. Recent actual use data annually provided by the permittee indicate that the allotment is typically used beginning in June and extending to late October.

### *Current Grazing Authorization*

You currently graze livestock on the Bogus Creek FFR and Combination Creek allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

#### **Table 1** Morgan Properties LP DBA Morgan Ranches

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<sup>1</sup> One animal unit month (AUM) is the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00577 Bogus Creek FFR	24	Cattle	12/01	12/31	100	Active	24
00595 Combination Creek	103	Cattle	6/01	10/31	79	Active	410

Other terms and conditions:

1. The number of livestock and the season of use on the fenced federal range (FFR) allotments are at the permittees discretion.
2. 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.
3. Turn-out is subject to the Boise District range readiness criteria.
4. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.
5. 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.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. 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.
8. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
9. 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.
10. 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.
11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
12. Utilization may not exceed 50 percent of the current year's growth.
13. A minimum 4-inch stubble height will be left on herbaceous vegetation within the riparian area along 1.0 miles of North Fork of Boulder Creek of allotment at the end of the growing season.

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

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

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

The current permit authorizes annual use as seen in Table 2, below. However, based on management actions over the last ten years, you have made use of the flexibility authorized in the grazing permit and utilized the allotment with different livestock numbers and seasons compared to the numbers and dates specified in the Mandatory Terms and Conditions. The result of this management is reflected in the average actual use.

**Table 2** Average Actual use as compared to Active Use AUMs

Allotment Name	Baseline Active AUMs	Average Actual Use	Percent Difference Active vs. Average Actual Use AUMs
Bogus Creek FFR	24	24	0%
Combination Creek	410	354	-14%

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

***Guidelines for Livestock Grazing Management***

The BLM’s 2013 Determination for Bogus Creek FFR and Combination Creek 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 (Table LIV-1.0):

*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 bases) 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.*

*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.*

### **Resource Conditions – Bogus Creek FFR Allotment**

The BLM completed updated land health assessments, evaluations and determinations for the Bogus Creek FFR and Combination Creek Allotments in 2013. Those documents concluded that some of the resources on these allotments were not meeting the Idaho S&Gs.

The Bogus Creek FFR Allotment consists of a single pasture. Standards 1, 2, 3, 4 and 8 of the applicable Standards for Rangeland Health are not being met in the Bogus Creek allotment, whereas Standards 5, 6, and 7 are not applicable to resources present within the allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1, 2, 3 and 8. Livestock management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 5, 7, 8, 11, and 12.

#### ***Soils-uplands<sup>2</sup>***

Current and past livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 in the Bogus Creek FFR allotment. Elevated bare ground and associated impacts from mechanical hoof action on abundant trails and within interspaces have left soils churned and exposed.

Impacts are associated with altered plant community composition and distribution include abundance of large, deep-rooted native perennial bunchgrasses. Although soil surface loss is minimal thus far, the heavy mechanical damage and the reduced protection resulting from trace

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<sup>2</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.4.1.2

vegetation and lack of persistent cover in interspaces has left the surface horizon degraded and increases the susceptibility to erosion, especially when soils are churned and bare.

Juniper encroachment also contributes to altered hydrologic function and to the deviation in functional structural groups expected within this sagebrush community. Taken together, the decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised while the allotment is at risk for juniper encroachment. Current and past livestock management are the primary causal factor in failing to meet Standard 1 and ORMP soil management objectives of improving unsatisfactory watershed health conditions in the Bogus Creek FFR allotment.

### ***Vegetation-uplands<sup>3</sup>***

Rangeland Health Standard 4 is not met in the Bogus Creek FFR allotment. Qualitative rangeland health assessment data indicate that the reason Standard 4 is not being met is due to moderate departure of structural functional group and plant community composition, with increases in annual invasives and juniper encroachment. This conclusion is supported by current ecological site descriptions and correlation to vegetation inventories. 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 and a greater dominance by sagebrush and juniper encroachment; historic grazing and invasive annuals are the causal factors in failing to meet Standard 4.

The Owyhee Resource Management Plan management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met. Vegetation communities shifting to dominance of sagebrush, juniper encroachment, and moderate departure of structural functional group in the plant community composition all lead to a conclusion that the vegetation management objective is not being met.

### ***Water Resources and Riparian/Wetland Areas<sup>4</sup>***

Of the total 1.55 miles of stream, there are approximately 1.3 miles of Nip and Tuck Creek and 0.25 mile of an unnamed tributary (previously named Indian Creek) that traverse BLM lands within the Bogus Creek allotment. Nip and Tuck Creek is an ephemeral swale; thus, the Proper Functioning Condition (PFC) protocol was not applied. The allotment is not meeting Standards 2 and 3 because the 0.25 mile of the unnamed tributary is a headwater wet meadow and was rated Functioning-At-Risk (FAR), the area is compacted, causing drying, hummocking, and surface erosion due to current and historic livestock grazing. Because the soils are compacted, spring flows occur quickly and an incised bank and scoured channel has formed. The riparian vegetation has been grazed repeatedly in the spring and is affecting plant vigor, composition, and age class. Standard 7 is not applicable in the Bogus Creek FFR allotment because no streams or springs have been assessed by Department of Environmental Quality (DEQ).

### ***Special Status Plants<sup>5</sup>***

<sup>3</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.4.1.1

<sup>4</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.4.1.3

<sup>5</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.1.4

No special status plants are known to occur on Bogus Creek FFR.

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

#### ***Upland Habitat***

Evaluation of rangeland trend information determined that the Bogus Creek FFR allotment is not meeting Standard 4 due to past livestock grazing and an increase of annual invasive species. The increase in annual invasive species and juniper and the decrease in bluebunch wheatgrass suggest that community composition is transitioning to more grazing-tolerant species. These annual invasive species lack the robust growth form and stature of bluebunch wheatgrass and do not provide understory plant composition, structure, and function for sagebrush steppe-dependent species. The encroachment of junipers will continue overtime and juniper will eventually become a dominant species and further drive a change in the community as well. For all those reasons, this allotment is not providing adequate upland habitat conditions for sagebrush steppe species and is not meeting Standard 8 due to historic grazing practices, the increase in annual invasive species, and the encroachment of junipers.

#### ***Riparian Habitat***

Evaluation under Standards 2 and 3 determined that a headwater wet meadow on an unnamed tributary to Nip and Tuck Creek was functioning-at-risk and that historic and current livestock grazing are causal factors. Streams, springs, and wetlands that are functioning-at-risk are lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment. Because of the total 1.55 miles of stream, there are approximately 1.3 miles of Nip and Tuck Creek and 0.25 mile of an unnamed tributary that traverse BLM lands within the Bogus Creek allotment are failing to provide adequate riparian habitat conditions to support viable aquatic and terrestrial species populations, therefore is not meeting Standard 8 due to historic and current grazing practices.

#### ***Focal Species***

##### ***Sage-grouse***

This allotment does not fall within modeled Preliminary Priority Habitat (PPH) or Preliminary General Habitat (PGH) classes for sage-grouse. Therefore, this will not be discussed further for this allotment.

##### ***Columbia Spotted Frog***

This allotment is within the mapped distribution of the Columbia spotted frog. Evaluation of Standards 2 and 3 identified an unnamed headwater spring that is functioning-at-risk. 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. Because the unnamed headwater spring habitat characteristics are functioning-at-risk, 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 livestock grazing practices.

No Columbia redband trout are known to occur within this allotment.

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<sup>6</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.4.1.4

### Resource Conditions - Combination Creek Allotment

The Combination Creek Allotment consists of a single pasture. Standards 1, 2, 3, and 8 of the applicable Standards for Rangeland Health are not being met in the Combination Creek allotment, while Standard 4 is being met. Standards 5, 6, and 7 are not applicable to this allotment. Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, and 8. Livestock management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 4, 5, 7, 8, 11, and 12.

#### *Soils-uplands<sup>7</sup>*

The Combination Creek allotment is not meeting Standard 1 due to past livestock grazing management practices. The reduction in soil and hydrologic function is associated with soil surface loss and degradation that continues to be displayed as water erosion relics. These are in various stages of stabilization as most are covered by biological soil crusts and mosses. Past grazing management altered plant community composition and distribution that now contains a high component of shallow-rooted bunchgrasses, though deep-rooted native perennial bunchgrasses are maintained.

With the vegetation cover having been reduced as a result of moderate to heavy utilization in the past, abundant rock and gravel now fill much of the interspaces and provide stability. Ground cover and frequency trend show a long-term static to slightly upward trend though not quite conclusive enough to show significant progress toward meeting the Standard. Western juniper is scattered throughout the allotment and in some places are heavy enough to consider them at risk for potential deteriorating watershed function.

The localized reduction in ecological function from impaired soils indicates that soil and hydrologic function are compromised. Past 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 Combination Creek allotment.

#### *Vegetation-uplands<sup>8</sup>*

Rangeland Health Standard 4 is being met in the one pasture Combination Creek allotment. Although soil stability is not improving on the site, making it at risk for future disturbance activities, all other indicators for productive native plants are maintained as appropriate to provide for proper nutrient cycling, hydrologic cycling, and energy flow on the allotment.

Qualitative rangeland health assessment data indicate that Standard 4 is met on two of the three sites, with moderate departure on one site for plant mortality and increased water flow patterns, as concluded on the RHAs. This supports the conclusion that the allotment is meeting the Standard.

Overall interpretations of trend data suggest that grass frequency is primarily static with a short-term increase in Idaho fescue; biotic conditions are maintained with a shift to shallow-rooted bunchgrasses from historic livestock grazing. However, bluebunch wheatgrass remains at 29

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<sup>7</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.7.1.2

<sup>8</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.7.1.1

percent occurrence on the trend site, with Idaho fescue increasing and co-dominating the trend site.

The Owyhee Resource Management Plan management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also met. Static and short-term upward trend recorded in the vegetation communities lead to a conclusion that the vegetation management objective is being met.

### ***Water Resources and Riparian/Wetland Areas<sup>9</sup>***

The named streams that occur within the Combination Creek allotment include Bogus, Combination, North Boulder, and South Boulder Creeks. Of the 6.8 miles of stream total on the allotment Standards 2 and 3 are not being met because reaches totaling 4.7 miles of Bogus, Combination, and South Boulder Creeks were rated FAR due to current and historic livestock grazing. Similar issues were identified for all reaches and included an inadequate amount of hydric species to stabilize stream banks, riparian plants had low vigor, and there was a lack of large woody material that aids in dissipating energy during high flows. On one reach of Combination Creek, there were noxious weeds present, and on the reaches of South Boulder Creek, there was undesirable herbaceous species encroaching (i.e., Kentucky Blue Grass). Standard 7 is not applicable in the Combination Creek allotment because no streams or springs have been assessed by Department of Environmental Quality (DEQ).

The NHD does not identify any springs within the allotment.

### ***Special Status Plants<sup>10</sup>***

No special status plants are known to occur on Combination Creek allotment.

### ***Wildlife/Wildlife Habitats and Special Status Animals<sup>11</sup>***

#### ***Upland Habitat***

The Combination Creek allotment is meeting Standard 4. While the evaluation identified an increase in Idaho fescue and bluebunch wheatgrass, Sandberg bluegrass has become a co-dominant species. Based on the vegetation information used to evaluate Standard 4, the 2013 Rangeland Health Determination found that the uplands in this allotment are providing sufficient composition, structure and forage for most sagebrush steppe-dependent species.

#### ***Riparian Habitat***

Evaluation of Standards 2 and 3 identified streams within this allotment that are not properly functioning due to current and historic grazing practices and therefore do not meet Standard 8. Streams, springs, and wetlands that are FAR are lacking adequate amount of hydric species to stabilize stream banks, riparian plants had low vigor, and there was a lack of large woody material that aids in dissipating energy during high flows to provide the structure and function to support a productive riparian environment. Because Standards 2 and 3 are not being met, this allotment is

<sup>9</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.7.1.3

<sup>10</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.1.4

<sup>11</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.7.1.4

failing to provide adequate riparian conditions to support viable aquatic and terrestrial species populations and therefore is not meeting Standard 8 due to current and historic grazing practices.

### *Focal Species*

#### *Sage-grouse*

This allotment includes 949 acres of Preliminary General Habitat (PGH)<sup>12</sup> as modeled by the BLM. A breeding habitat assessment was conducted in 2004, which showed that breeding habitat conditions were unsuitable in the Combination Creek allotment. No Preliminary Priority Habitat (PPH) habitat is identified, and the values of this allotment are the islands of sagebrush and habitat connectivity to areas of PPH. Because upland habitat conditions are shown to be meeting Standard 4 and there is no current sage-grouse habitat information available, based on available upland vegetation information available and used to determine Standard 4 is met, upland habitat conditions are providing sufficient cover values for sage-grouse and other sagebrush steppe species in this allotment.

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

Columbia River redband trout are known to occur within the Big Boulder, Jordan, Old Man, and South Mountain Creek which have been identified as functioning-at-risk due to current and historic grazing practices. Redband trout require intact channels with well-developed riparian communities that stabilize banks to minimize erosion and undercuts, minimize impacts of flood events and 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 fully represented, this allotment is not providing adequate riparian conditions to sustain viable populations of redband trout and therefore is not meeting Standard 8. The allotment is not meeting Standard 8 due to current and historic grazing practices.

This allotment is not identified within the modeled distribution of the Columbia spotted frog.

### **Issues<sup>13</sup>**

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Allotments analyzed in the Morgan Group EA:

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 Bogus Creek FFR and Combination Creek Allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.
2. **Riparian vegetation conditions:** Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.
3. **Fish and amphibian habitat conditions:** Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation

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<sup>12</sup>PGH habitat acreage totals include public lands, state lands, and private property.

<sup>13</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.6.3.

community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

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.
5. Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat and reproduction of individuals. While pertinent in some allotments analyzed in the Morgan Group EA, there are no known instances of Special Status Plants on public lands in the Bogus Creek FFR or Combination Creek Allotments.
6. Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
7. Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.
8. Socioeconomic impacts: Livestock grazing may affect local and regional socioeconomic activities generated by livestock production.
9. Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.
10. 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 CO<sub>2</sub> 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**

The range of alternatives developed include: Alternative 1 - No Action/Current Situation, Alternative 2 - Permittee's Application, Alternative 5 - No Grazing, as well as Alternative 4, which was developed to improve conditions on the allotment. These alternatives were developed in response to current conditions on the Bogus Creek FFR and Combination Creek Allotments, as well as based on the issues identified above to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments.

Overall, five alternatives were considered and analyzed in the Morgan Group EA, with Alternatives 1, 2, 4, and 5 considered in detail and analyzed for the Bogus Creek FFR and Combination Creek Allotments. I would like to thank you for submitting a grazing application and proposed grazing schedule that carefully considered and addressed resources issues on the allotments. See the Morgan Group EA Alternative 2 for the Bogus Creek FFR and Combination Creek Allotments.

The Morgan Group EA detailing these alternatives was made available for public review and comment for a 15-day period ending December 8, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments. These comments are incorporated into the Group 5 EA.

## Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the Morgan Group EA, as well as other information, it is my proposed decision to renew your grazing permit for ten years with modified terms and conditions consistent with the following:

Bogus Creek FFR Allotment- Alternative 4 as described in EA number DOI-BLM-ID-B030-2013-0023-EA.

Combination Creek Allotment - Alternative 4 as described in EA number DOI-BLM-ID-B030-2013-0023-EA:

Implementation of these alternatives, over the next 10 years, will allow the Bogus Creek FFR and Combination Creek Allotments to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed grazing permit(s) will be as follows:

**Table PROP 1.0 Morgan Properties LP DBA Morgan Ranches**

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00577 Bogus Creek FFR	24	Cattle	6/15	11/15	6	Active	24
00595 Combination Creek	103	Cattle	6/01	11/15	79	Active	354
<p>Other terms and conditions:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Turn-out is subject to the Boise District range readiness criteria.</li> <li>3. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.</li> <li>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.</li> </ol>							

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

***Livestock Management***

**Bogus Creek Allotment**

As a result of the above Alternative 4 actions, mandatory and other terms and conditions of the offered permit for grazing use in the Bogus Creek FFR allotment schedule would be defined as listed in Table PROP 1.1.

**Table PROP 1.1:** Alternative 4 grazing schedule for the Bogus Creek allotment

Pasture	Year 1	Year 2	Year 3
Pasture 1	6/15-10/15	10/1-11/15	Rest

**Combination Creek Allotment**

As a result of the above Alternative 4 actions, mandatory and other terms and conditions of the offered permit for grazing use in the Combination Creek allotment schedule would be defined as listed in Table PROP 1.2.

**Table PROP 1.2:** Alternative 4 grazing schedule for the Combination Creek allotment

Pasture	Year 1	Year 2	Year 3
Pasture 1	6/1-10/31	10/1-11/15	Rest

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

Morgan Properties LP DBA Morgan Ranches will be offered a grazing permit(s) for a term of 10 years for the Bogus Creek FFR and Combination Creek Allotments. Adoption of Alternative 4 will result in a reduction in AUMs from your current permit; however, the affected 56 active use AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2. Permitted use within allotments will be as follows (Table PROP 1.3):

**Table PROP 1.3:** Permitted Use

Allotment	Active Use	Suspension	Permitted Use
Bogus Creek FFR	24 AUMs	0 AUMs	24 AUMs
Combination Creek	354 AUMs	0 AUMs	354 AUMs

***Other Notes on the Proposed Decision***

Finally, it is my proposed decision not to authorize additional projects<sup>14</sup>. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this proposed decision. Implementation of this proposed decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement).

## Rationale

### *Record of Performance*

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed Morgan Properties LP DBA Morgan Ranches records as a grazing permit holder for the Bogus Creek FFR and Combination Creek Allotments and have determined that you have a satisfactory record of performance and are qualified applicants for the purposes of a permit renewal.

### *Justification for the Proposed Decision*

Based on my review of Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA, the rangeland health assessment/evaluation, determinations and other documents in the project record, it is my proposed decision to select Alternative 4 for the Bogus Creek FFR and Combination Creek Allotments. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and because this selection will result in the Bogus Creek FFR and Combination Creek Allotments meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

### *Issues Addressed*

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Bogus Creek FFR and Combination Creek Allotments. I want you to know that I focused my attention on the allotment-specific issues as I weighed each alternative and made my decision. My selection of Alternative 4 for the Bogus Creek FFR and Combination Creek Allotments was in large part because of my understanding that these selections best addressed the specific issues, given the BLM's legal and land management obligations. I spent hours with members of my staff and the NEPA Permit Renewal Team to discuss pros and cons for each alternative. Ultimately, I had to choose the alternative that best protects the resource while

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<sup>14</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

considering your livestock operation, current resource conditions, and expectations from you as the permittee, and the BLM as the responsible office.<sup>15</sup>

***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 Bogus Creek FFR and Combination Creek 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.*

The sage-grouse is an indicator species for the sagebrush ecosystem, thus the attributes of suitable sage-grouse habitat provide an effective barometer for health of the sagebrush ecosystems that dominate the Bogus Creek FFR and Combination Creek Allotments. Sage-grouse habitat quality is inseparable from the vegetation community conditions discussed in Standard 4 (Native Plant

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<sup>15</sup> Your allotments are, as you know, members of one group of six groups of allotments forming the Owyhee 68 Allotments, which are the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments, and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, I am looking not just at your individual allotment, reviewing its RHA/Evaluation/Determination, selecting an alternative that will best address this allotment’s ecological conditions and BLM’s legal responsibilities (for the purposes of this decision), but looking at this allotment from a landscape perspective. Viewed this way, it is clear that there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments which have riparian areas, at least 47 are not meeting IS&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the ISG for upland vegetation ; in many cases, performance under Standard 8 tracks these results. In spite of the efforts of BLM and the ranching operators, resource conditions are not good. Some of these allotments have seen spring use year after year; some have had summer-long riparian use every year. As Field Manager for the Owyhees, I have a steward’s responsibility to further the health and resilience of this landscape.

Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern, but as land stewards must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM’s organizational capacity to manage this landscape: in a time of budget cutting, staff reductions and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish.

These compelling factors drive us to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipation of organizational ability, and does so on a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that if monitoring is required to make progress under a particular alternative (for example), and is not performed, the result may be decreasing ecological health for the allotment and, at the time of the next permit renewal, decreased grazing opportunity from public land for the operator. My responsibility and challenge here is to make decisions that lead to success which includes healthy, sustainable resource conditions and predictability for ranching operators.

Communities). Therefore, the following is a combined rationale for my alternative selections as they relate to the issues of sage-grouse habitat and upland vegetation and watershed conditions.

#### Bogus Creek FFR Allotment<sup>16</sup>

The Bogus Creek FFR Allotment consists of a single pasture. Standards 1, 4 and 8 are not being met in the Bogus Creek allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1 and 8 (riparian). Alternative 4 will lead the allotment towards meeting or making significant progress toward meeting Standard 1 and the relevant ORMP objectives. Alternative 4 would have the opportunity to move towards meeting Standards 4 and 8 including ORMP objectives, for the following reasons:

Alternative 4 would prescribe one in three years of spring deferment, one in three years after October grazing, and one in three years of rest with a maximum of 24 head of cattle and 24 AUMs. Years of deferment and rest and resulting in a reduction of 30 percent in AUMs over a ten-year permit as compared to current situation in the Bogus Creek FFR allotment would allow recovery to upland vegetation health and vigor. In addition, soils would benefit by reduced physical impacts to soils during the wettest and most susceptible seasons of use. Vegetation and watershed resources not meeting ORMP vegetation management would have the opportunity to improve unsatisfactory vegetation health and condition and improve soil and hydrologic function as compared to Alternatives 1 and 2.

Overall, under Alternative 4, current upland and sage-grouse habitat conditions would show substantial improvement in composition and structure. Upland habitats would experience improved plant vigor and health and improved habitat composition and structure. Sagebrush steppe wildlife would benefit by the increased security and escape cover and forage elements that would be available. Columbia spotted frogs would benefit because of improved re-generation and establishment of herbaceous and woody plants and improved riparian function. Under this Alternative, current upland and riparian habitat conditions would improve and make significant progress toward meeting Standard 8 and ORMP objectives.

Overall, under Alternative 4, current upland and sagebrush steppe habitat conditions would improve because of improved composition and structure as plant vigor and health recovers. Sagebrush steppe wildlife will benefit by the increased security and escape cover and forage elements that would be available. Under this Alternative, current upland habitat conditions would improve and move this allotment toward meeting Standard 8 and ORMP objectives.

#### Combination Creek Allotment<sup>17</sup>

The Combination Creek Allotment consists of a single pasture. Standards 1 and 8 (riparian habitat) are not being met in the Combination Creek allotment, while Standards 4 and 8 (upland habitat) are being met. Current livestock grazing management practices are significant factors in not meeting Standards 8 (riparian). Alternative 4 provides the opportunity to move towards meeting Standards 1 and improve conditions of standards 4 and 8 including ORMP objectives, for the following reasons:

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<sup>16</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.4

<sup>17</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.7

Alternative 4 would prescribe June through November grazing and spring to summer grazing in year one, fall grazing in year two, and rest in year three of in a three-year grazing system (2 years deferment or rest during critical growing period) with a maximum of 103 head of cattle and 354 AUMs. Increased years of deferment and rest and reduction of 40 percent AUMs over the ten-year permit as compared to current situation in the Combination Creek allotment would allow improvement in upland vegetation communities currently meeting vegetation standards and ORMP objectives for vegetation health. Vegetation resources meeting ORMP vegetation management objectives in the Combination Creek allotment would have the opportunity to improve vegetation or maintain satisfactory vegetation health and condition compared to the current situation.

Alternative 4 would provide yearly deferment or rest from spring grazing that would reduce physical impacts to soils during the wettest and most susceptible period. Additional benefits from 2 out of 3 years of deferment or rest from critical growing season use and summer riparian grazing would provide native plant communities with an opportunity to improve and respond with increased soil cover, decreased bare ground, reduced susceptibility to accelerated erosion, and lessen concentrated use on upland soils that surround riparian areas. Subsequently, the reduced spring and critical-growth-period grazing would result in a reduction of livestock numbers and active AUMs that would benefit soils by limiting physical impacts from hoof action. As a whole, Alternative 4 would allow the greatest opportunity for making progress toward maintaining, meeting and improving soil and hydrologic function over the life of the permit compared to Alternatives 1 and 2.

Overall, under Alternative 4, current upland habitat conditions would be maintained and would show moderate improvement in community composition and structure. Sage-grouse would benefit because of increased composition and structure of the vegetation community and improved hiding and escape cover and habitat patch connectivity. In addition, the 40 percent reduction in AUMs would lessen forage consumption and retain a greater amount of vegetation structure that would allow upland habitat conditions to better withstand the effects of grazing in scheduled years of use and leave a greater amount of herbaceous structure during the nesting /early brood-rearing (April 1-June 30) and late brood-rearing periods (July 1-August 31). Upland conditions and sage-grouse habitat values will continue to meet Standard 8 and ORMP objectives.

***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.*

### Bogus Creek FFR Allotment

The Bogus Creek FFR allotment is currently (current situation/year-round) not meeting the standards associated with the riparian-wetland resources or amphibian habitat conditions. Under

Alternative 4, the allotment would be managed under a defined three-year grazing schedule that incorporates one year of riparian area constraint period deferment as well as one year of rest. Thus, the impacts associated with grazing during the summer would be eliminated those two years. Over the ten-year permit, the changes in season of use would result in a 30 percent reduction in active AUMS. Consequently, within the allotment, 3.3 miles of intermittent stream, and one spring would improve conditions by the reduced impacts associated with the summer and fall seasons of grazing alternately over the course of a three-year rotation. Therefore, the riparian-wetland standards and the ORMP objectives would be met under Alternative 4.

Currently this allotment is not providing adequate riparian habitat and aquatic habitat conditions. Under Alternative 4 riparian and aquatic habitats would benefit considerably from the 100 percent rest from grazing 1 out of 3 years and the increased regeneration and establishment of herbaceous and woody vegetation. As riparian habitat conditions improve, aquatic habitat conditions would improve as well as bank stability improves, erosion is reduced and sediment delivery minimized. Columbia spotted frogs would further benefit because of the absence of livestock activity in aquatic habitats during the breeding/egg mass laying period (May 1–June 30) thus increasing survival of eggs and larvae in the spring.

Overall, under Alternative 4, Columbia spotted frogs would benefit because of improved regeneration and establishment of herbaceous and woody plants and improved riparian function. The reduced access of livestock to streams, wetlands, and springs would reduce trampling in aquatic habitats in the spring during the breeding/egg laying period. Under this Alternative, current riparian habitat conditions would improve and make significant progress toward meeting Standard 8 and ORMP objectives.

#### Combination Creek Allotment

The Combination Creek allotment is not meeting the standards associated with the riparian-wetland resources and fish and amphibian habitat under current management. Under Alternative 4 the Combination Creek allotment would be available to grazing during the summer and fall for one year, and during the fall only for one year, and rested for the third year of a three-year rotation. Consequently, within the allotment, 7.1 miles of perennial, and 5.3 mile of intermittent stream would improve by the decreased impacts associated with the summer and fall seasons of grazing. Recent actual use identifies that the allotment has been used annually during the summer and fall months, resulting in failure to meet riparian and riparian habitat standards.

The allotment would be managed under a defined three-year schedule with one year of riparian area constraint period deferment as well as one year of rest incorporated; thus, over the course of the 10-year permit, grazing in the allotment would be deferred or rested for six of the 10 years. Thus, the impacts associated with grazing during the summer would be eliminated two years. Additionally, the changes in season of use would result in a 40 percent reduction in the active AUMs over the 10-year permit. Therefore, the allotment would meet the riparian-wetland standards and attain the ORMP objectives under this alternative.

Currently the allotment is not providing adequate riparian habitat conditions for Columbia redband trout. Under Alternative 4, riparian function would improve due to the modified annual spring grazing cycle that would significantly improve the establishment of herbaceous and woody plants that would dissipate energy of high flows, trap sediments, harden streambanks, provide

shade to streams, and deliver woody debris. Columbia redband trout would benefit by the improved riparian function because of the decreased erosion and sediment loading, enhanced shade and woody debris delivery, greater channel structure and flow regulation. Spring grazing would occur during the spawning period (March 15–June 15) 1 out of 3 years. Incorporating 2 out of 3 years of grazing deferment/rest during the spawning period would reduce livestock access to streams, wetland, and would further benefit Columbia redband trout habitat and egg and fry survival.

Overall, under Alternative 4, Columbia redband trout would benefit by Alternative 4 because of improved riparian function and reduced livestock access to aquatic habitats and would significantly progress riparian habitat conditions toward meeting Standard 8 and ORMP objectives.

***Issue 5: Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat and reproduction of individuals.***

#### Bogus Creek FFR/ Combination Creek Allotments

No special status plant species are known to exist on the public lands in these allotments; therefore, Issue 5 will not be addressed.

***Issue 6: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.***

#### Bogus Creek FFR and Combination Creek Allotments

No noxious and invasive weeds are known exist on public land on the Bogus Creek FFR and Combination Creek allotments. My selection of Alternative 4 for the Bogus Creek FFR and Combination Creek allotments will, because the alternative was designed to improve rangeland health conditions, maintain or improve riparian and vegetative communities. Acknowledging that any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, a deferment during spring/summer use in the alternative selected will result in proportionally less soil surface disturbance and fewer animals to carry seed to, from and within the allotment in fur, on hooves, and in their digestive system. As compared to current situation, the risk of invasive species spreading is lower under Alternative 4 as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Alternative 4 will promote native perennial species and therefore reduce the competition of invasive species establishment.

***Issue 7: Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.***

#### Bogus Creek FFR and Combination Creek Allotments

No known trailing routes exist on the public lands in these allotments; therefore, Issue 7 will not be addressed.

***Issue 8: Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.***

#### Bogus Creek FFR and Combination Creek Allotments

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 will result in less reliable amounts of forage over the long-term. Additionally, unsustainable grazing reduces economic opportunities from ecosystem services and alternate socio-economic resources that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats, such as recreation.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. We've worked hard to develop a socio-economic analysis that would, as accurately as possible, provide the best information about socio-economic impacts expected from the different alternatives, and I have utilized this information in making my proposed decision.

I have minimized reductions in grazing use levels on allotments where current levels are compatible with meeting rangeland health standards and ORMP objectives and where not compatible, have attempted to select alternatives designed to meet resource needs. High value resources include Columbia spotted frog and Colombia redband trout.

I have also considered Idaho Department of State Lands commitment and the revenue that could be lost on their land, should they make changes to their permit. In the end, the goal with an allotment with multiple owners is not just to improve BLM lands but to improve on all lands within the allotment. I believe we can accomplish this goal by working together under this decision (proposed).

*Issue 9: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.*<sup>18</sup>

#### Bogus Creek FFR and Combination Creek Allotments

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 will be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks will 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 4 for the Bogus Creek FFR and Combination Creek allotments will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types, and more specifically, within seedings of grazing tolerant introduced and/or 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

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<sup>18</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3. Alternatives considered and dismissed.

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 will not support that improvement.

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

*Issue 10: Climate Change: Livestock grazing is inter-related to the effects of annual grass invasion and wildfire frequency which are expected to worsen as a result of climate change.<sup>19</sup>*

#### Bogus Creek FFR and Combination Creek Allotments

Climate change is another factor I considered in building my decision around Alternative 4 for the Bogus Creek FFR and Combination Creek 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. High value resources include Columbia spotted frog and Colombia redband trout.

#### *Additional Rationale*

I did consider selecting Alternative 5 (No Grazing) for these allotments; 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 4 for the Bogus Creek FFR and Combination Creek 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 the your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use. High value resources include Columbia spotted frog and Colombia redband trout. By implementing Alternative 4, the resource

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<sup>19</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3. Alternatives considered and dismissed.

issues identified will be addressed. The suspension of grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.<sup>20</sup>

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

A finding of no significant impact (FONSI) was signed on November 20, 2013, that concluded that the proposed decision to implement Alternative 4 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the ten significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0023-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 4 for the Bogus Creek FFR and Combination Creek Allotments because livestock management practices under this alternative best meet the ORMP objectives allotment-wide and the Idaho S&Gs. The current situation fails to implement livestock management practices on the Bogus Creek FFR and Combination Creek Allotments that would meet the objectives and standards. Alternative 1 fails to implement actions that would meet Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), and Standard 8 (Threatened and Endangered Animals). Alternative 5 removes the economic activity of one large livestock operation from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of Alternative 4, leads me to believe elimination of livestock grazing from the Bogus Creek FFR and Combination Creek Allotments is unnecessary at this point.

### **Authority**

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through

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<sup>20</sup> A tremendous amount of thought and effort went into developing grazing management systems that are responsive to your allotments' specific resource needs, geography, and size. We attempted to address all resource and operational concerns and the resource and stewardship requirements mandated to the BLM. We recognize that 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 informed by the interested public with these features in mind. I recognize the difficulty of not only responding to BLM's (mandated) needs to protect the resources, but recognize as well the needs and capability that you, the permittees, have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska. My decision is issued under the following specific regulations:

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

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

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

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

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

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

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

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

stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

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

Boise Field Solicitor's Office  
University Plaza  
960 Broadway Ave., Suite 400  
Boise, Idaho 83706

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

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

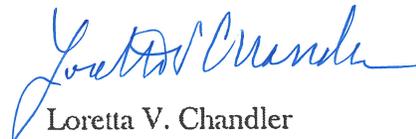
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler  
Owyhee Field Manager

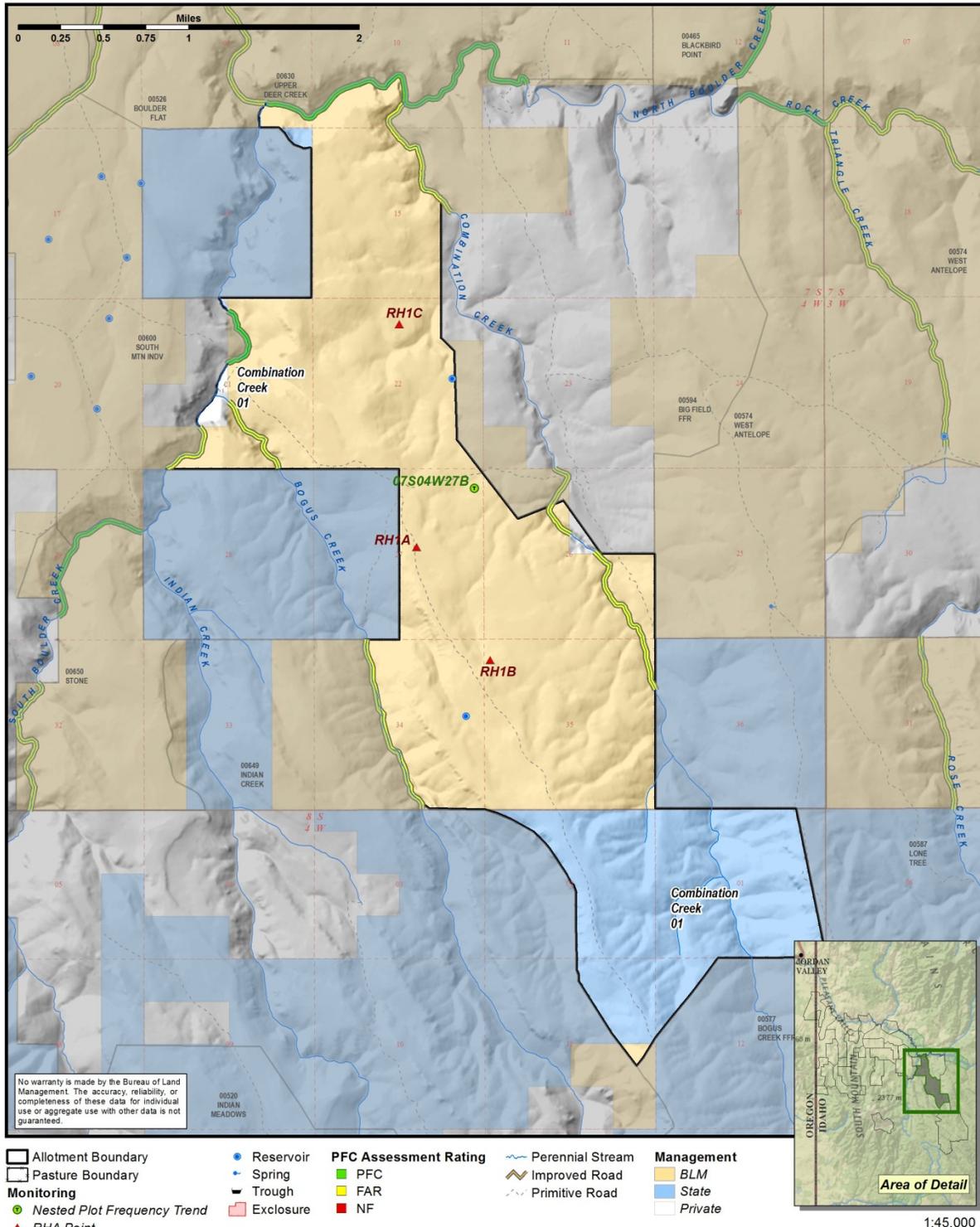
Copies sent to:

- See attached Group 5 Mail List





# Map 2: Combination Creek (00595) Allotment



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