



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**

Tom Gluch  
Box 257  
Jordan Valley, OR 97910

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

Dear Mr. Gluch:

This Proposed Decision identifies grazing use under your renewed livestock grazing permit on the Gluch Allotment. Thank you for working with the BLM through this permit renewal process, and for your interest in grazing the allotment in a sustainable fashion; I am confident that this proposed decision achieves that objective. As you know, the BLM evaluated current grazing practices and current conditions in the Gluch Allotment through early 2013. We undertook this effort to ensure that any renewed grazing permit on the allotment would be consistent with the BLM's legal and land management obligations. As part of the evaluation process, a rangeland health assessment/evaluation/determination 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 Gluch allotment is one of 19 allotments in 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 groups, including the Morgan Group Allotments Livestock Grazing Permit Renewal Preliminary Environmental Assessment (EA) EA # DOI-BLM-ID-B030-2013-0023-EA (hereinafter, "Morgan Group EA")<sup>1</sup>.

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

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

In addition, my staff and members from the NEPA Permit Renewal Team, met with you on April 19, 2013, to discuss the grazing permit renewal application we received on May 31, 2011, current allotment conditions, and to share information about your livestock operations within this allotment. During this meeting, we discussed with you our preliminary conclusions regarding rangeland health standards and guidelines and made grazing management recommendations associated with your grazing permit renewal application, which you updated at that time. After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Gluch Allotment.

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 Gluch Allotment) 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 Morgan Group EA. Additionally, a preliminary environmental assessment (without a Finding of No Significant Effect) was issued to the public on October 25, 2013, for a 15-day review and comment period. 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 this proposed grazing decision. We met with you on November 14, 2013, and you provided comments which we considered in preparation of the EA and this decision.

To assist us in our analysis of livestock impacts to public land resources, the BLM prepared and issued the Morgan Group EA which considered a number of options and approaches to improve and maintain resource conditions. Specifically, we considered and analyzed in detail five alternatives and considered several other alternatives not analyzed in detail. Our objective in developing alternatives was to consider options that were important to you (as the permittee), and to consider options that, if selected, would ensure that the Gluch Allotment's natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs. This proposed decision incorporates by reference the analysis contained in the EA.

In addition to issuing this decision in response to your application for permit renewal, I am addressing the southern boundary fence that you constructed on portions of public land in 2008 without authorization from the BLM. On July 2, 2009, the Owyhee Field Office Manager issued a Final Decision requiring you to remove the sections of the fence which were on public land and reconstruct the old fence in the same location. You and Michael Baltzor appealed that decision to the Office of Hearings and Appeals. On July 12, 2010, Administrative Law Judge James H. Heffernan granted a Joint Motion to Dismiss and approved a Parties' Joint Stipulations. This Order resulted in a withdrawal of the Final Decision by the BLM and a withdrawal of the appeal by you. Additionally, it remanded the matter back to the BLM, and through the joint motion, the BLM agreed to consider the newly constructed fence, removal of any old fence north of the southern boundary, and confirmation/clarification of the Gluch Allotment boundary as part of this permit renewal process.

I am now prepared to issue a proposed decision to issue you a permit to graze livestock within the Gluch allotment. This decision is the culmination of a comprehensive review of the relationship between resource conditions and livestock grazing practices on the Gluch Allotment, 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 allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Gluch Allotment;
- Outline my proposed decision to select Alternative 2;
- Explain why we are keeping the southern boundary fence in the current location; and
- Explain my reasons for proposing this decision.

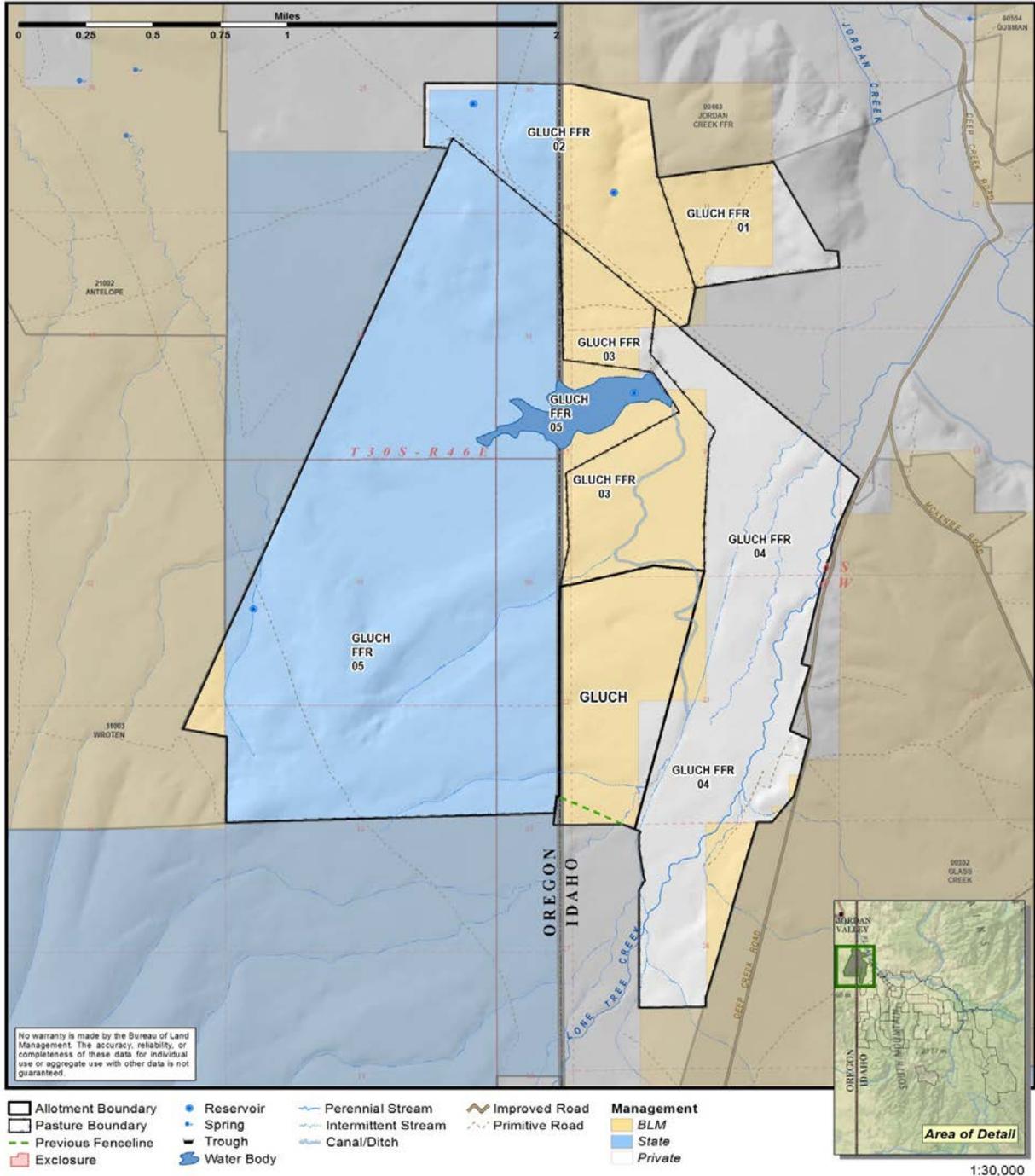
## **Background**

### ***Allotment Setting***

The Gluch Allotment is located approximately 6 miles south of Jordan Valley, Oregon, along the Idaho-Oregon state line, just south of the Pleasant Valley School, and is part of the South Mountain Core Area. The Gluch Allotment is one management unit and is not divided into pastures. The allotment consists of 270 acres, of which 251 acres are public lands managed by the BLM and 19 acres are privately owned; there are no state lands in this allotment. The map below outlines the Gluch Allotment and its location relative to the Gluch FFR Allotment, which is also permitted to you.



# Map 1: Gluch (00553) and Gluch FFR (0466) Allotments



The allotment lies within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses where native vegetation communities are diverse. Limited precipitation with cold winters and dry summers constrains plant and animal communities. Elevations range from 4,540 to 4,560 feet, the terrain is flat to rolling, and most landform features are rhyolitic in origin and consist of valley bottomlands and rolling hills. The majority of the soils in the allotment are shallow to moderately deep and well drained. Soils are clayey to

loamy and vary in surface and subsurface rock fragments. These soils formed in residuum and alluvium derived predominantly from welded rhyolitic tuff. The associated ecological sites consist primarily of Loamy 11-13” with a basin big sagebrush and bluebunch wheatgrass plant community, and Shallow Claypan 12-16” with a low sagebrush, bluebunch wheatgrass, and Idaho fescue plant community.

In the ORMP, the Gluch Allotment was placed in the “*Maintain*” Selective Management Category. “Maintain” allotments are managed with minimal expenditure of appropriated funds and maintained for current satisfactory resource conditions. They must also meet or make progress toward meeting the Idaho Standards for Rangeland Health. The current grazing permit and the ORMP identified 50 Active Animal Unit Months (AUMs)<sup>2</sup> for livestock grazing.

***Current Grazing Authorization***

You currently graze livestock within the Gluch Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs
	Number	Kind	Begin	End			
00553 Gluch	50	Cattle	03/16	04/15	100	Active	50

Other Terms and Conditions:

1. Turnout is subject to Boise District Range Readiness Criteria.
2. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplement shall not be placed within one-quarter (1/4) mile of springs, streams, meadows, aspen stands, playas, or water developments.
4. Changes to the scheduled use require prior approval.
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. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
7. Rangeland improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signature or assignee. All maintenance of range improvements within a wilderness study area requires prior consultation with the authorized officer.
8. 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.
9. 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

<sup>2</sup> Animal unit month (AUM) means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of one month.

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.

10. Livestock grazing will be in accordance with your grazing schematic. Changes in scheduled pasture use dates will require prior authorization.
11. Utilization may not exceed 50% of the current year's growth.

As part of a U.S. District Court settlement agreement, the following terms and conditions were applied 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.

Based on actual use data over the last fifteen years, it is clear that you have used the allotment during the seasons identified in the Mandatory Terms and Conditions.

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

### ***Resource Conditions***

The BLM completed a Rangeland Health Assessment, Evaluation, and Determination for the Gluch Allotment in 2013, and were included in the Draft EA for your review. Evaluation and Determination documents concluded that the allotment was not meeting the following Idaho Standards for Rangeland Health: Standards 7 (Water Quality) and 8 (Special Status Upland Wildlife). Current livestock grazing management is not identified as a significant causal factor. Standards 1 (Watersheds) and 4 (Native Plant Communities) are being met. Standards 2, 3, 5, and 6 do not apply.

### ***Vegetation - uplands***

The BLM's 2013 Rangeland Health Evaluation and Determination showed that the allotment is meeting the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas and Standard 4 is being met. Although annual invasive plants are increasing 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. No noxious weeds are known to occur on this allotment

Qualitative rangeland health assessment data collected in 2006 indicate that Standard 4 is met with slight to moderate departure of annual invasive species. This supports the conclusion that the allotment is meeting the standard. Overall interpretations of trend data from 2004, 2009, and 2012, suggest that grass frequencies are primarily static and biotic conditions are maintained with a shift to shallow rooted bunchgrasses from historic livestock grazing; however, bluebunch wheatgrass remains at 65 percent occurrence on the trend site and Idaho fescue is increasing.<sup>3</sup>

### *Watersheds*

Watershed indicators show some departure from expected conditions for the ecological site, though none excessive enough to determine that Standard 1 was not met in the allotment. Erosion relics rated in the moderate range of departure but appear to be historic, as gravel, vegetative cover, biological soil crusts, and plant litter stabilize the soil surface. The ORMP management objective to improve unsatisfactory and maintain satisfactory watershed health/condition is also met, as indicators of bare ground, persistent cover, and canopy cover indicate a general improving ground cover trend.

Despite the continued presence of deep-rooted bunchgrasses, an increase in invasive annuals is occurring so that the allotment is considered to be at risk, as biotic conditions are not improving. However, soil and hydrologic indicators show that watershed function is still maintained with proper nutrient and hydrologic cycling, and energy flow.<sup>4</sup>

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

Although the National Hydrologic Dataset (NHD) identifies a short reach of stream on BLM lands within the allotment, BLM did not identify the reach for assessment because it is an ephemeral draw that does not support flows or riparian vegetation and is not contributing to E.Coli movement. Therefore, it was determined that current livestock are not the causal factor for not meeting Standard 7. Standards 2 and 3 are not applicable for this allotment because there are no streams that the PFC protocol apply to.<sup>5</sup>

### *Special Status Plants*

No special status plants are known to occur on the Gluch Allotment.<sup>6</sup>

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<sup>3</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Sections 3.1.1, 3.3.10.1.1, and the RHA/Eval/Det.

<sup>4</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Sections 3.1.2, 3.3.10.1.2, and the RHA/Eval/Det.

<sup>5</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Sections 3.1.3, 3.3.10.1.3, and the RHA/Eval/Det.

<sup>6</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.1.4 and the RHA/Eval/Det.

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

Upland habitat conditions were found to be meeting Standard 4. Based on the available vegetation information used it was determined that uplands in this allotment are providing minimum composition, structure and forage values for most sagebrush steppe-dependent species.

This allotment falls within modeled preliminary priority habitat (PPH) for sage-grouse. Although no active leks are known to occur within it, the allotment provides nesting/early brood-rearing, late brood-rearing, and winter habitat elements for sage-grouse which is based on evaluation of existing ecological information. No sage-grouse habitat assessments have been collected in this allotment. Because no other vegetation information is available and Standard 4 is being met, it was concluded that the allotment is meeting Standard 8 for uplands.

Evaluation of Standard 7 found an unnamed ephemeral drainage within the Gluch Allotment that is not meeting Idaho water quality parameters because of elevated E. coli levels and is identified as not providing habitat quality for beneficial uses which includes cold-water aquatic species. Therefore, the BLM concluded that Standards 7 and 8 are not being met because IDEQ categorized this drainage as not meeting water quality standards. However, the conditions of the ephemeral drainage do not sustain sufficient flows to support riparian vegetation or aquatic species. Therefore, it was determined that current livestock are not the causal factor for not meeting Standard 8.<sup>7</sup>

### *Southern Boundary Fence and Gluch Allotment Boundary*

In 2008, you constructed the southern boundary fence without authorization from the BLM. On April 22, 2009, a cadastral survey was completed, identifying the boundary between the public lands in sections 22 and 23, and the private land located in sections 26 and 27, T. 6S, R. 6W, Boise Meridian, Idaho. The cadastral survey revealed that some sections of the fence were constructed entirely on public lands and some sections were generally coincident with the public/private boundary line.

### *Guidelines for Livestock Grazing Management*

In addition to a discussion of land health standards, the BLM's 2013 Determination for the Gluch Allotment found that all grazing management practices conformed to the BLM's Guidelines for Livestock Grazing Management for Idaho.

### *Issues<sup>8</sup>*

Based on the BLM's evaluation of the current grazing scheme, current conditions on the Gluch Allotment, 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 Gluch Allotment:

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<sup>7</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2011-0006-EA Sections 3.1.5, 3.3.10.1.4, and the RHA/Eval/Det.

<sup>8</sup> Issues identified in EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.6.3 that were not present within the Gluch Allotment are not discussed in this decision.

*Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; from this point on referred to as 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: 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 3: Noxious and invasive weeds - Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

*Issue 4: Socioeconomic impacts - Livestock grazing affects local and regional socioeconomic activities generated by livestock production.*

*Issue 5: Wildfire fuels - Livestock grazing has the potential to change vegetation that may affect wildfire.*

*Issue 6: 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.*

*Issue 7: What are the impacts of the fence constructed/removed by Tom Gluch and what is the reasonable location of the Gluch Allotment boundary?*

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

Based on the current condition of the Gluch Allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in the maintenance or some improved conditions on the allotment. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.<sup>9</sup> The BLM considered the following alternatives in detail:

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

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<sup>9</sup> For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2011-0006-EA Section 2.3.

The Draft EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 12, 2013. In addition to timely comments received from you, a number of government organizations and interest groups also provided comments.

### Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my proposed decision to renew your grazing permit for ten years consistent with Alternative 2. Implementation of Alternative 2 over the next 10 years will allow the Gluch Allotment to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP. Additionally, I conclude that it is in the BLM’s and your best interests to keep the southern fenceline in place to serve as the southern boundary of the Gluch Allotment.

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

Table PROP 1.0. Terms and Conditions.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00553 Gluch	50	Cattle	03/16	04/15	100	Active	50

Other Terms and Conditions:

1. Grazing use will be in accordance with the grazing schedule (Table PROP 1.1) identified in the final decision of the Owyhee Field Office Manager dated \_\_\_\_\_. Changes to the scheduled use require prior approval by the authorized officer.
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 exclosures 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. Utilization may not exceed 50 percent of the current year's growth.
  12. Cattle numbers may vary up to a maximum of 50 head.

Table PROP 1.1. Grazing Schedule.

Pasture	All Years
Pasture 1	03/16-04/15

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

You will be offered a grazing permit for a term of 10 years for the Gluch Allotment. Implementation of Alternative 3 will result in no reduction or increase in AUMs from your current permit. Permitted use within the Gluch Allotment will be as follows:

Active Use	Suspension	Permitted Use
50 AUMs	0	50 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 Gluch Allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

***Justification for the Proposed Decision***

Based on my review of EA number DOI-BLM-ID-B030-2013-0023-EA, the rangeland health assessment/evaluation, determination, and other documents in the grazing files, it is my decision to select Alternative 2. 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 Gluch Allotment 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 Gluch Allotment. Prior to making my decision, I considered each alternative in light of the specific issues raised within this allotment. I believe Alternative 2 best addresses those issues, given the BLM's legal and land management obligations.

*Issue 1: Habitat conditions for greater 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 2: 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.*

AND

*Issue 3: Noxious and invasive weeds - Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

Rangeland health Standard 4 is being met in the Gluch Allotment. Implementation of Alternative 2 will continue current conditions and to meet Standard 4 and ORMP objectives. A decreased grazing season as compared to Alternative 1 will allow slight improvement in upland vegetation communities currently meeting vegetation Standards and ORMP objectives for vegetation health and vigor by providing additional growing season rest following livestock removal. This critical growth period rest will provide the plants an opportunity to store root reserves and complete its growth cycle.

No noxious weeds are known to occur on this allotment, but annual invasive species are present. Although Alternatives 3, 4 and 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 2, livestock remains only one of a large 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.

Although grazing in the allotment every spring (but ending before the critical growing season begins) will not reduce physical impacts during the wettest period, it will provide opportunity to increase soil stability due to the ability of native plant communities to remain healthy, vigorous, and productive during active growth. The allotment is already meeting Standard 1 and ORMP objectives, therefore, the shorter grazing season will be beneficial and has the likelihood to make further progress toward maintaining and improving soil and hydrologic function with Alternative 2 as compared to the current condition, though not as rapid as Alternatives 3, 4, and 5.

Currently, this allotment is providing adequate upland and sage-grouse habitat conditions. The grazing season will occur during the beginning of the nesting/early brood-rearing period (April

1-June 30) for sage-grouse every year. Grazing in the early spring prior to the critical growth period will provide ample opportunity for perennial grasses to grow and mature into the summer after livestock have been removed. However, prior to the nesting/early brood-rearing period, over-winter residual herbaceous structure will not be as abundant in the early spring prior to the critical growth period and will have reduced cover elements and make sage-grouse more vulnerable to detection and predation by terrestrial and avian predators. Although regrowth will eventually occur in the critical growth period and early in the nesting/early brood-rearing period, security and hiding cover will be reduced in the beginning making nesting habitat conditions less effective during the initial stages of this period. But, after livestock have been removed (April 15) and as the season progresses, recovered habitat composition and structure will improve nesting/early brood-rearing and late brood-rearing (July 1-August 31) habitat conditions into the summer months for sage-grouse.

Current conditions will be maintained and improvement will occur. Early nesting/early brood-rearing habitat will be limited initially because of reduced over-winter residual cover, early spring grazing, and lack of herbaceous growth prior to the critical growth period that will reduce the availability and effectiveness of adequate nesting and hiding cover. But because livestock will be removed prior to the critical growth period and early in the nesting/early brood-rearing period, habitat conditions are expected to recover as the season progresses into summer. Under this strategy, improvement to sage-grouse habitat may occur because of the shortened season compared to Alternative 1, however, current conditions will be maintained and continue to meet Standard 8.<sup>10</sup>

*Issue 4: 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 the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 2 for the Gluch Allotment in large part because the selection accomplishes those latter goals, while maintaining the current level of AUMs. 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.

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

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<sup>10</sup> For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0023-EA Sections 3.3.10.2.2.1, 3.3.10.2.2.2, and 3.3.10.2.2.3.

selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.<sup>11</sup>

*Issue 5: 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 2 for the Gluch Allotment will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on this allotment 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 this allotment, 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 may lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.<sup>12</sup>

*Issue 6: 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 2 for the Gluch Allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also

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<sup>11</sup> For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.2.9.3.

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

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.

*Issue 7: What are the impacts of the fence constructed/removed by Tom Gluch and what is the reasonable location of the Gluch Allotment boundary?*

Vegetation removal was evident along the new fence construction. However, impacts due to fence construction and removal were localized and are expected to recover in five to ten years, and some recovery is expected to have occurred by now. A thorough cultural inventory was conducted by a BLM archaeologist and no eligible sites were found.

Construction of this fence on public land should have been approved by the BLM. Nonetheless, it is placed in the most reasonable location for administration and management of the Gluch Allotment. I considered removal of this fence, but ultimately, this would lead to additional vegetation and soil impacts. Therefore, I will not require removal of this fence. The description of the allotment depicted in Map 1 of this decision outlines the official boundary of the Gluch Allotment. This proposed decision is in compliance with Administrative Law Judge James H. Heffernan's Order which granted a Joint Motion to Dismiss and approved a Parties' Joint Stipulations on July 12, 2010. The Stipulations directed the BLM to resolve the matter during this permit renewal process.

### ***Additional Rationale***

The BLM attempted to develop grazing management that responds to your allotment's specific resource needs, geography, and size. These considerations were made to address all concerns and requirements mandated to the BLM. Each allotment has different ecology and management capability due to the size and location/topography that result in various issues and priorities. All attempts to coordinate grazing throughout the entire allotment were made by me and my staff with you and the interested public. I recognize the difficulty of not only providing the mandated needs for the resources, but also 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 Alternatives 1, 3, 4, and 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 as you proposed. In selecting Alternative 2 for the Gluch Allotment rather than Alternatives 1, 3, 4, or 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on you, and (3) your past performance under previous permits.

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

A FONSI was signed on November 20, 2013, concluding that the proposed decision to implement Alternative 2 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0023-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 2 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 Gluch Allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This 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

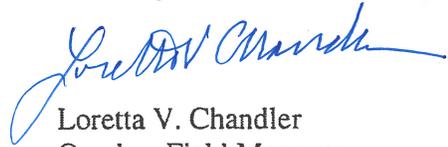
(4) Whether the public interest favors granting the stay.

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

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 Moutain 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