



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Owyhee Field Office
20 First Ave West
Marsing, ID 83639
(208) 896-5912



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 Bureau of Land Management (BLM) during the permit renewal process for the Jim's Peak FFR Allotment; I appreciate your interest in grazing the allotment 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 Jim's Peak FFR Allotment. We undertook this effort to ensure that any renewed grazing permit(s) on this allotment will be consistent with the BLM's legal and land management obligations. As part of our evaluation process, rangeland health assessment, evaluation and a determination were completed; 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 Jim's Peak FFR Allotment. The process for completing the Morgan Group Allotments Livestock Grazing Permit Renewal Preliminary Environmental Assessment (hereinafter "Morgan Group EA") began with the mailing of a scoping letter on January 11, 2013. The letter encouraged comments and information to be received by February 25, 2013, for the Morgan Group allotments but did not set a closing date for the receipt of public comments. All comments are addressed in the Morgan Group EA, as are BLM Responses to comments considered during development of the Morgan Group EA. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. In addition, my staff met with you April 16, 2013 at Marsing, ID to develop an amended grazing proposal and allotment specific clarification of existing conditions. During this meeting, BLM discussed with you their 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 Jim's Peak FFR allotments) to you and all interested publics of record. Issuance of the RHAs and Determinations afforded you an opportunity to meet with my staff to discuss any additional grazing management changes, your application, and to provide input for completion of the Morgan Group EA. Additionally, a preliminary environmental assessment (without a FONSI) was issued to the public on October 18, 2013, for 15-day review and comment. Issuance of the preliminary EA afforded yet another opportunity for grazing permittees and interested publics to provide additional input on the Morgan Group EA and inform me in preparation of completing a proposed grazing decision. After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Jim's Peak FFR Allotment.

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 on the Jim's Peak FFR Allotment. Specifically, the BLM considered and analyzed in detail four alternatives for the Jim's Peak FFR Allotment. We also considered other alternatives that we did not analyze in detail. Our goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that natural resource conditions on the Jim's Peak FFR Allotment 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 now prepared to issue a proposed decision to renew your permit to graze livestock within the Jim's Peak FFR Allotment. After careful consideration, I have selected Alternative 4 as a proposed decision for the Jim's Peak FFR Allotment. Upon implementation of the decision, your permit(s) to graze livestock in the Jim's Peak FFR Allotment will be fully processed. See 43 CFR sub-part 4100.

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 Jim's Peak FFR Allotment;
- Outline my proposed decision to select Alternative 4 in Jim's Peak FFR Allotment;
- Explain my rationale for proposing this alternative.

Background

Allotment Setting

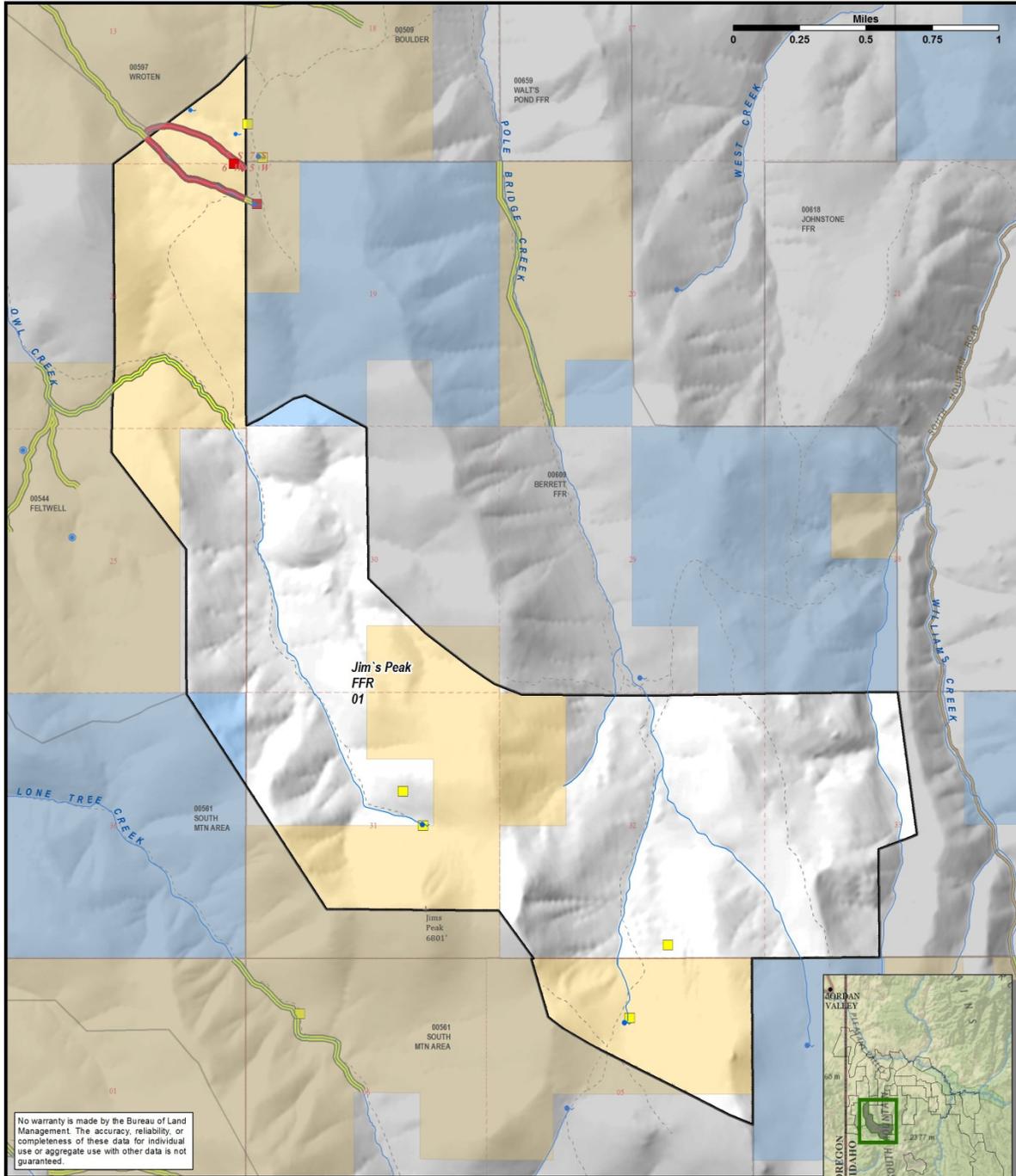
The Jim's Peak FFR Allotment is located approximately 12 miles southwest of Silver City (Map 1). Of the 2,595 acres in the allotment 1,042 acres are BLM managed land, 1,508 acres are private

land and 45 acres are State Lands. In the 1999 ORMP, the Jim's Peak FFR Allotment was placed in Selective Management Category "Maintain." Allotments in this category are administered with an objective to manage the public lands with minimal expenditure of appropriated funds and maintain current satisfactory resource conditions. These allotments must also meet or make progress in meeting the Idaho S&Gs. The ORMP identified 56 animal unit months (AUMs) of active preference for livestock grazing.

One existing grazing permit authorizes livestock grazing use of the Jim's Peak FFR Allotment with a current total permitted use of 56 AUMs, of which all are active use and none are suspended AUMs. Although the existing permit identifies a season of use between 12/1 and 12/31 recent actual use data, annually provided by the permittee, indicates that the allotment is typically used beginning in mid-June and extending to mid-September.



Map 1: Jim's Peak FFR (00576) Allotment



- | | | | | |
|-----------------------------|-----------|------------------------------|------------------|-------------------|
| Allotment Boundary | Reservoir | PFC Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC | Improved Road | BLM |
| Monitoring | Trough | FAR | Primitive Road | State |
| Nested Plot Frequency Trend | Exclosure | NF | | Private |
| RHA Point | | | | |



1:30,000

Current Grazing Authorization

You currently graze livestock on the Jim's Peak FFR Allotment 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

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00576 Jim's Peak FFR	55	Cattle	12/1	12/31	100	Active	56

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.

As part of a 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 active 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
Jim's Peak FFR	56	54	-4%

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. In your case, average actual use was very similar to permitted use.

Guidelines for Livestock Grazing Management

The BLM's 2013 Determination for the Jim's Peak FFR Allotment identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

Guideline 1: Use grazing management practices and/or facilities to maintain or promote significant progress toward adequate amounts of ground cover (determined on an ecological site 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 10: Implement grazing management practices and/or facilities that provide for complying with the Idaho Water Quality Standards.

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.

Table LIV 1.0: Standards and Guidelines that are not being met under current BLM grazing management

Allotment	Standards Met	Standards Not Met, But Making Significant Progress	Standards Not Being Met	Standards Not Being Met and Current Livestock Grazing Significant Causal Factor	Standards Not Applicable	Guidelines
Jim's Peak FFR	None	None	4	1,2,3,7,8	5,6	1,3,4,5,7,8, 10, 11,12

Since the Jim's Peak FFR allotment is not meeting one or more of the Idaho S&Gs because of current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schedules to bring the authorized actions within the allotment into compliance with resource objectives.

Resource Conditions

The BLM completed updated land health assessments, evaluations and determinations for the Jim's Peak FFR Allotment in 2013. Those documents concluded that some of the resources on these allotments were not meeting the Idaho S&Gs.

The Jim's Peak FFR Allotment consists of a single pasture. Standards 1, 2, 3, 4, 7 and 8 of the applicable Standards for Rangeland Health are not being met in the Jim's Peak FFR Allotment, whereas Standards 5 and 6 are not applicable to resources present within the allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1, 2, 3, 7 and 8. Livestock management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 4, 5, 7, 8, 10, 11, and 12.

Soils-uplands¹

Current and historic livestock grazing management practices are significant causal factors for not meeting watershed Standard 1 in the Jim's Peak FFR Allotment. Accelerated erosional processes and water flow patterns have caused an increase in bare ground and pronounced pedestaling of plants; mechanical disturbance along trails is common and has reduced the protective vegetative and persistent cover component needed to provide soil stability and infiltration.

A shift from deep-rooted bunchgrasses to more shallow-rooted species is occurring and that, along with grazing during the active growing season, has resulted in less cover in the shrub interspaces. As a result, soil degradation is common, especially when associated with trampling on exposed soils. The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and historic livestock management are the primary contributing factors for not meeting Standard 1 and the ORMP soil management objectives of improving unsatisfactory watershed health/conditions for the Jim's Peak FFR Allotment.

Vegetation - uplands²

Rangeland Health Standard 4 is not met in the Jim's Peak FFR Allotment. Evidence of historic grazing impacts are present throughout the allotment with the reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions and a greater dominance by increaser species (e.g., Sandberg bluegrass and squirreltail). Historic grazing and invasive annuals are causal factors in not meeting Standard 4.

Qualitative rangeland health assessment (RHA) data indicate that Standard 4 is not met due to departure of functional-structural groups in the RHAs with more than expected shallow-rooted bunchgrass and invasive annuals, moderate departure ratings in litter and reproductive capabilities of perennial plants. This conclusion is supported by current ecological site descriptions and correlation to vegetation inventories.

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

Water Resources and Riparian/Wetland Areas³

¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1

² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1

Current and historic livestock grazing management practices are significant causal factors for not meeting Standards 2, 3 and 7 in the Jim's Peak FFR Allotment. Of the total 2.1 miles of intermittent, 1.2 miles of perennial and 1 spring (National Hydrograph Dataset (NHD)) on the allotment, approximately 0.9 mile of Minear Creek was most recently assessed non-functioning (NF) because the riparian area had lost extent⁴, plants had low vigor from excessive utilization, and stabilizing species were sparse. Approximately 0.6 mile of Owl Creek was functioning-at-risk (FAR) in 2000 because riparian vegetation lacked appropriate age distribution and was not controlling erosion, stabilizing streambanks or shading the channel, the riparian/wetland vegetation with deep strong binding roots was not sufficient to stabilize streambanks on portions of the segment, age class and structural diversity of riparian-wetland vegetation were not appropriate, and Canada thistle occurred on a small portion of the floodplain. Subsequent to the FAR rating, a Multiple Indicator Management (MIM) site was established on Owl Creek in 2011. The streambank alteration was 28 percent and exceeded the criteria established in the ORMP. However, both the stubble height and the woody use were within appropriate limits for healthy and sustainable riparian areas.

Five springs that occur within the allotment were assessed in 2004 and 2011. Minear Spring was NF in 2004 because the lentic area was losing extent due to a lack of surface water to support riparian species. The area lacked species composition, age class, and the species present were not stabilizing the soils. Owl Creek Spring and Pole Bridge Spring were both FAR in 2004 because there was a lack of stabilizing species present and the flow patterns had been altered by livestock trailing and trampling. Two Unnamed Springs were assessed FAR in 2011 because both occur on relatively steep slopes where livestock trailing and trampling has altered the flow patterns and caused drying of the wetland soils. Both the woody and herbaceous riparian species had been heavily utilized and had low vigor.

Special Status Plants⁵

No special status plants are known to occur on public lands within the Jim's Peak FFR Allotment; therefore this will not be discussed further.

Wildlife/Wildlife Habitats and Special Status Animals⁶

Upland Habitat

The Jim's Peak FFR Allotment is managed as native plant community and is determined to be failing to meet Standard 4 due to past livestock grazing practices and annual invasive species. The downward trend in the plant community composition is favoring more grazing tolerant, shallow-rooted grass species. These species do not have the robust growth form or stature such as bluebunch wheatgrass and do not provide the plant composition, structure, and function for sagebrush steppe-dependent species. Due to the downward trend and shift in the plant community, BLM concluded that the allotment is not meeting Standard 8 due to historic livestock practices and annual invasive species.

⁴ The term extent is "referring to" the geographic size or acreage of the wetland area.

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.6.1

However, this determination is not consistent with the vegetation information recorded in sage-grouse assessments (see Focal Species discussion below) that rated this allotment as meeting Standard 8 for sage-grouse. This discrepancy is explained by the fact that the rangeland assessment information was collected on low sagebrush sites (Shallow Claypan) that represented a majority of the habitat type on public lands; while the sage-grouse assessments were collected on two non-representative Wyoming big sagebrush and mountain big sagebrush Loamy sites that comprised a smaller portion of the allotment. Despite the somewhat favorable information gleaned from the sage-grouse assessments for the specific habitat areas, the information did not warrant changing the determination on the allotment overall.

Riparian Habitat

Habitat for the Columbia redband trout and the Columbia spotted frog are not known to occur within this allotment. Evaluation of Standards 2, 3, and 7 identified approximately 0.9 mile of Minear Creek was most recently assessed NF) and 0.6 mile of Owl Creek was FAR and not meeting water quality parameters due to current grazing practices. Streams, springs, and wetlands that are lacking adequate riparian vegetation composition and distribution to provide the structure and function also do not provide habitat conditions for wildlife. Because Standards 2, 3, and 7 are not being met, this allotment is failing to provide adequate riparian conditions to support viable aquatic and terrestrial species populations and therefore is not meeting Standard 8 due to historic and current grazing practices.

Focal Species

Sage-grouse

The Jim’s Peak FFR Allotment lies within Preliminary Priority Habitat (PPH)/Preliminary General Habitat (PGH) for sage-grouse (Table WDLF-1). No active leks are known to occur within this allotment. This allotment provides seasonal breeding, upland summer, riparian, and winter habitat for sage-grouse. Sage-grouse habitat assessments showed the Wyoming and Mountain Big sagebrush inclusions of the allotment are providing suitable overstory/understory composition and structure for breeding, summer upland, and winter habitat conditions.

Table WDLF-1: Acres¹ and portions of PPH and PGH within the Jim’s Peak FFR allotment

Allotment/Pasture Name	Acres of PPH Sagebrush Habitat in Allotment ²	Acres of PPH Perennial Grassland in Allotment	Acres of PPH Juniper Encroachment in Allotment	Acres of PGH in Allotment	Portion of Allotment in PPH/PGH
Pasture 1	407 (16%)	0	1557 (60%)	632 (24%)	2595 (100%)

¹PPH/PGH habitat acreage totals include public lands, state lands, and private property.

²PPH sagebrush can also include small amounts of perennial grasslands, conifer encroachment, and non-habitat.

Issues⁷

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 the Jim's Peak FFR Allotment:

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 Jim's Peak FFR Allotment 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, water quality 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 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. (Not applicable to this allotment).
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 affects 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 CO₂ and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

Analysis of Alternative Actions

The range of alternatives for the Jim's Peak FFR Allotment developed included: Alternative 1 - No Action/Current Situation, Alternative 2 - Permittee's Application, Alternative 5 - No Grazing, as well as Alternatives 3 and 4, which were developed in order to improve conditions on the allotment. These alternatives were developed in response to current conditions on the Jim's Peak

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.5.

FFR Allotment and 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 Jim's Peak FFR Allotment.

The following sections describe the general theme of each of the alternatives for the Jim's Peak FFR Allotment, for full details refer to the Morgan Group EA # DOI-BLM-ID-B030-2013-0023-EA and Appendix D for permittees full proposals.

Alternative 1 - Current Situation

Alternative 1 would allow a continuation of your current management on the allotment and include the interim terms and conditions imposed by the U.S. District Court in February 29, 2000 are also included.

Alternative 2 - Permittee Applications

Alternative 2 would authorize livestock grazing consistent with your application. The management on the Jim's Peak FFR Allotment is based on 40 percent public land and the season of use is between June 15 and November 15, with every third year of deferment; as long as total 56 AUMs are not exceeded; cattle number may vary up to maximum 100 head.

Alternative 3⁸

Alternative 3 was not developed for the Jim's Peak FFR Allotment because Alternative 2 addressed resource constraints.

Alternative 4⁹

The grazing schedules for the Jim's Peak FFR Allotment would include deferment and/or rest under Alternative 4. The management on the Jim's Peak FFR Allotment is based on 40 percent public land and the season of use is between June 15 and November 15, with every third year of rest; as long as total 54 AUMs are not exceeded; cattle number may vary up to maximum 53 head.

Alternative 5- No Grazing

This alternative would result in no grazing during a ten year period for the Jim's Peak FFR Allotment.

The Morgan Group EA detailing these alternatives was made available for public review and comment for a 15-day period ending November 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. Timely comments that were received are summarized and

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 3 in Section 2.2.3.

⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 2 in Section 2.2.4.

responses are provided as an Appendix L to the completed Morgan Group EA available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html

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:

Jim’s Peak FFR Allotment– Alternative 4 as described in EA number DOI-BLM-ID-B030-2013-0023-EA.

Implementation of this alternative over the next 10 years will move the Jim’s Peak FFR Allotment towards meeting Standards or making significant progress toward meeting the Standards. This decision will also allow the allotment to move 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 Mandatory Terms and Conditions

Allotment	Livestock		Grazing Period		% PL ¹⁰	Type Use	AUMs
	Number	Kind	Begin	End			
00576 Jim’s Peak FFR	53	Cattle	6/15	11/15	40	Active	54
<p>Other terms and conditions:</p> <ol style="list-style-type: none"> 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. Turn-out is subject to the Boise District range readiness criteria. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use. 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. 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. 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. 							

¹⁰ PL is based on percentage of BLM lands in the Allotment.

7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Utilization may not exceed 50 percent of the current year's growth.

Livestock Management

As a result of the above Alternative 4 actions, mandatory and other terms and conditions of the offered permit for grazing use in the Jim’s Peak FFR Allotment schedule would be defined as listed in Table PROP-1.1 and the applicable Boise District terms and conditions and other terms and conditions as follows:

Table PROP 1.1: Alternative 4 grazing schedule for the Jim’s Peak FFR Allotment

Allotment	Year 1	Year 2	Year 3
Jim’s Peak FFR Allot.	6/15-10/15	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 Jim’s Peak FFR Allotment. Adoption of Alternative 4 in the Jim’s Peak FFR Allotment, will result in a reduction in AUMs from your current permit; however, the affected 2 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 1.2):

Table PROP 1.2: Permitted Use

Allotment	Active Use	Suspension	Permitted Use
Jim’s Peak FFR	54 AUMs	0 AUMs	54 AUMs

Other Notes on the Proposed Decision

Finally, it is my proposed decision not to authorize additional projects¹¹. 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

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4.

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 Jim's Peak FFR Allotment and have determined that both 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, specialist reports and other documents in the project record, it is my proposed decision to select Alternative 4 for the Jim's Peak FFR Allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and will result in the Jim's Peak FFR Allotment 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 Jim's Peak FFR Allotment. 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 Jim's Peak FFR Allotment was in large part because this selection 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 considering your livestock operation, current resource conditions, and expectations from you as the permittee, and the BLM as the responsible office.¹²

¹² 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

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 Jim’s Peak FFR Allotment 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 Jump allotments. Sage-grouse habitat quality is inseparable from the vegetation community conditions discussed in Standard 4 (Native Plant 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.

Jim’s Peak FFR Allotment¹³

The Jim’s Peak FFR Allotment consists of a single pasture. Standards 1, 4 and 8 for Rangeland Health are not being met in the Jim’s Peak FFR Allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1 and 8.

Alternative 4 prescribes June through November grazing for one of three years, and deferment or rest during the critical growth period for the remaining 2 years in a three-year grazing rotation with

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 Standards for riparian/water issues due to current livestock management; of approximately 73 allotments total, 43 are not meeting the Standards 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 we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM’s organizational capacity to manage this landscape: in a time of budget cutting, staff reductions and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors 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. We must do 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 on 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.

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.6.4

a maximum of 53 head of cattle and 54 AUMs. The increased years of deferment and rest, resulting in a 33 percent reduction in active AUMs over a ten-year permit, would allow vegetation health and vigor to improve under the Standards and ORMP objectives (based on average actual use and as compared to Alternatives 1 and 2). Vegetation resources not meeting ORMP vegetation objectives would have the opportunity to improve as compared to Alternatives 1 and 2.

Alternative 4 provides yearly deferment and rest from soils critical period that would reduce physical impacts to soils during the wettest and most susceptible period. Additional benefits are provided from 2 out of 3 years of deferment or rest from critical growing season use and summer riparian grazing. This offers native plant communities an opportunity to improve and respond with increased soil cover, decreased bare ground, reduced susceptibility to accelerated erosion, and would lessen concentrated summer use on upland soils that surround riparian areas.

Upland habitats and sage-grouse would benefit by the 2 out of 3 years deferred or rested from grazing out of the critical growth period (May 1 through June 30) and sage-grouse nesting/early brood-rearing period (April 1 through June 30). This grazing schedule would allow perennial grasses to grow through the critical growth period and mature in the summer. Plant vigor and health would be improved and along with habitat composition and structure. Improvements in composition and structure will provide increased security and escape cover that will further reduce sage-grouse vulnerability to detection and predation.

Overall, upland habitat conditions will considerably improve under Alternative 4 because of the incorporation of deferment/rest and the accompanying reduction of AUMs. Reduced critical growing season grazing will allow the vegetation to recover and sage-grouse will benefit because of the increased cover and forage elements provided during the nesting/early brood-rearing period. As well, terrestrial and aquatic wildlife will benefit because of improved riparian function and reduced access of livestock to stream, wetland, and spring habitats. This will improve riparian vegetation diversity, distribution and structure and decrease bank trampling, reduce erosion and reduce sediment loading. Under this grazing management strategy will make significant progress toward meeting 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.

Under Alternative 4 the Jim's Peak FFR Allotment would be grazed during the summer and fall for one year, and during the fall only for one year, and rested the third year of a three year rotation. Consequently, within the allotment, 1.2 mile of perennial, 2.1 miles of intermittent stream, and one spring would be affected by the impacts associated with the summer and fall seasons of grazing alternating among the years. Recent actual use reported identifies that the allotment has primarily been used during the summer and early fall months annually, and Standards are not being met.

The Jim's Peak FFR allotment is not meeting the Standards associated with the riparian-wetland resources under current management. Under Alternative 4, the allotment would be managed with a defined three year 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 riparian area's vulnerable time (July-September) will be eliminated for two of three years. Additionally, the changes in season of use would result in a 33 percent reduction in active AUMs over the 10 year permit. Therefore, within the stream and spring riparian areas, the hydric vegetation and deep-rooted species will increase in abundance and vigor, streambanks will stabilize, erosion will be minimized, floodplains will expand, and the general function will improve.

Currently the allotment is not providing adequate riparian habitat conditions. Under Alternative 4, as riparian function improves, terrestrial and aquatic wildlife will benefit by the reduced access of livestock to stream, wetland, and spring habitats and increased abundance and availability of cover and forage as conditions improve.

Overall, riparian habitat conditions will improve significantly under Alternative 4 because of the incorporation of deferment/rest and the resulting reduction of AUMs. Terrestrial and aquatic wildlife will benefit because of improved riparian function and reduced access of livestock to stream, wetland, and spring habitats. This will improve riparian vegetation diversity, distribution and structure and decrease bank trampling, reduce erosion and reduce sediment loading. The Jim's Peak FFR Allotment will, under Alternative 4, make significant progress 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.

No special status plant species are known to exist on the public lands in this allotment; 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.

No noxious weeds designated by the State of Idaho are known exist on public land in this allotment. My selection of Alternative 4 for the Feltwell Allotment 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 reduction in active use and deferment or rest 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 Alternatives 1 and 2, 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. Alternatives 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.*

Because no livestock trailing routes are known exist on public land in the Jim's Peak FFR Allotment, Issue 7 is not applicable.

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

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, in addition to reducing economic opportunities from ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. We 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.

Issue 9: Wildfire fuels: *Livestock grazing has the potential to change vegetation that may affect wildfire.*¹⁴

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 Jim's Peak FFR Allotment will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on these allotments at a pasture-wide scale. In addition, the levels of livestock grazing and the season of

¹⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4 Alternatives considered and dismissed.

yearly use necessary to reduce fine fuels before the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks will not support that improvement.

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the 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.¹⁵

***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.*

Climate change is another factor I considered in building my decision around Alternative 2 for the Jim's Peak FFR Allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together—albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternatives 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 these alternatives will provide resistance and resilience to additional stressors, including climate change.

Additional Rationale

I did consider selecting Alternative 5 (No Grazing) for this allotment given the number of standards not being met; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 4 for the Jim's Peak FFR allotment 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. By implementing this alternative, the resource issues identified will be addressed. The suspension of

¹⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4.

grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.¹⁶

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_renewal_3.html

Conclusion

In conclusion, it is my decision to select Alternative 4 for the Jim's Peak FFR Allotment because livestock management practices under this alternative best meets the ORMP objectives allotment-wide and the Idaho S&Gs. Alternative 1 fails to implement livestock management practices on the Jim's Peak FFR Allotment that would meet the objectives and Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality) and Standard 8 (Threatened and Endangered Animals). Alternative 2 would only minimally meet standards. Alternative 5 removes economic activity 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 the alternatives leads me to believe elimination of livestock grazing from the Jim's Peak FFR Allotment is unnecessary at this point.

Authority

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

¹⁶ 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. Among other regulations, my decision is issued under the following:

- 4100.0-8 Land use plans; The ORMP designates the Jim's Peak FFR allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This 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:

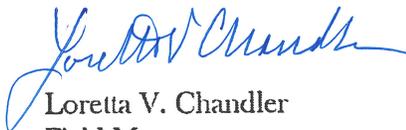
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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
Field Manager
Owyhee Field Office

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 th Floor	San Francisco	CA	94104	42
Office of Species Conservation	Cally	Younger	304 N. 8 th 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