



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

**REGISTERED MAIL**

November 26, 2013

Morgan Properties LP DBA Morgan Ranches  
c/o David Rutan  
P.O. Box 277  
Jordan Valley OR 97910

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

Dear Mr. Rutan:

Thank you for your application for permit renewal on the Morgan Allotment. Thank you also for working with the BLM during this permit renewal process; I appreciate your interest in grazing the allotments in a sustainable fashion and am confident that this proposed decision achieves that objective.

As you know, the BLM recently evaluated grazing practices and conditions in the Morgan Allotment. We undertook this effort to ensure that any renewed grazing permit(s) on the allotment will be consistent with the BLM's legal and land management obligations. As part of our evaluation process, a Rangeland Health Assessment, Evaluation, and Determination were 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 Morgan Allotment is one of 19 allotment groups in the Morgan Group. The scoping 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 in environmental analyses 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"). The letter

encouraged comments and information to be received by February 25, 2013 for the Morgan Allotment but did not set a closing date for the receipt of public comments. All comments are addressed in the Morgan Group EA, including BLM responses to comments considered during development of the Morgan Group EA. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. In addition, two public meetings (Open Houses) were held on February 23, 2012, and June 13, 2013, in Marsing, Idaho.

After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Morgan Allotment.

To assist us in addressing the impacts of livestock grazing on public land resources, my office prepared an environmental assessment<sup>1</sup> (EA) in which we considered a number of options and approaches to maintain and improve resource conditions. Our goal in developing alternatives was to consider options important to you, the permittee, and to consider options that, if selected, would ensure that the Morgan Allotment natural resources conform to 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). Specifically, the BLM considered and analyzed in detail five alternatives for the Morgan Allotment. We also considered other alternatives that we did not analyze in detail. This proposed decision incorporates by reference the analysis contained in the Morgan Group EA.

I am prepared to issue a decision to renew your permit to graze livestock within the Morgan Allotment. This decision is the culmination of a comprehensive review of resource conditions and livestock management in accordance with the grazing regulations, Idaho S&Gs, NEPA, and the Owyhee Resource Management Plan.

This proposed decision will:

- Describe current conditions and issues on the Morgan Allotment;
- 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 Morgan Allotment;
- Outline my proposed decision to select Alternative 3 in Morgan Allotment; and
- Explain my rationale for proposing Alternative 3.

## Background

### *Allotment Setting*

The Morgan allotment lies approximately 20 miles west of Silver City, Idaho, in Owyhee County. The allotment lies in a sagebrush shrub steppe vegetation community type in the western foothills of the Owyhee Mountains. This four pasture allotment is primarily grazed by cattle mid-April through mid-June and by horses mid-April through mid-July annually. Of the approximate 5,462 acres which comprise the allotment, the Bureau of Land Management (BLM) administers 87%

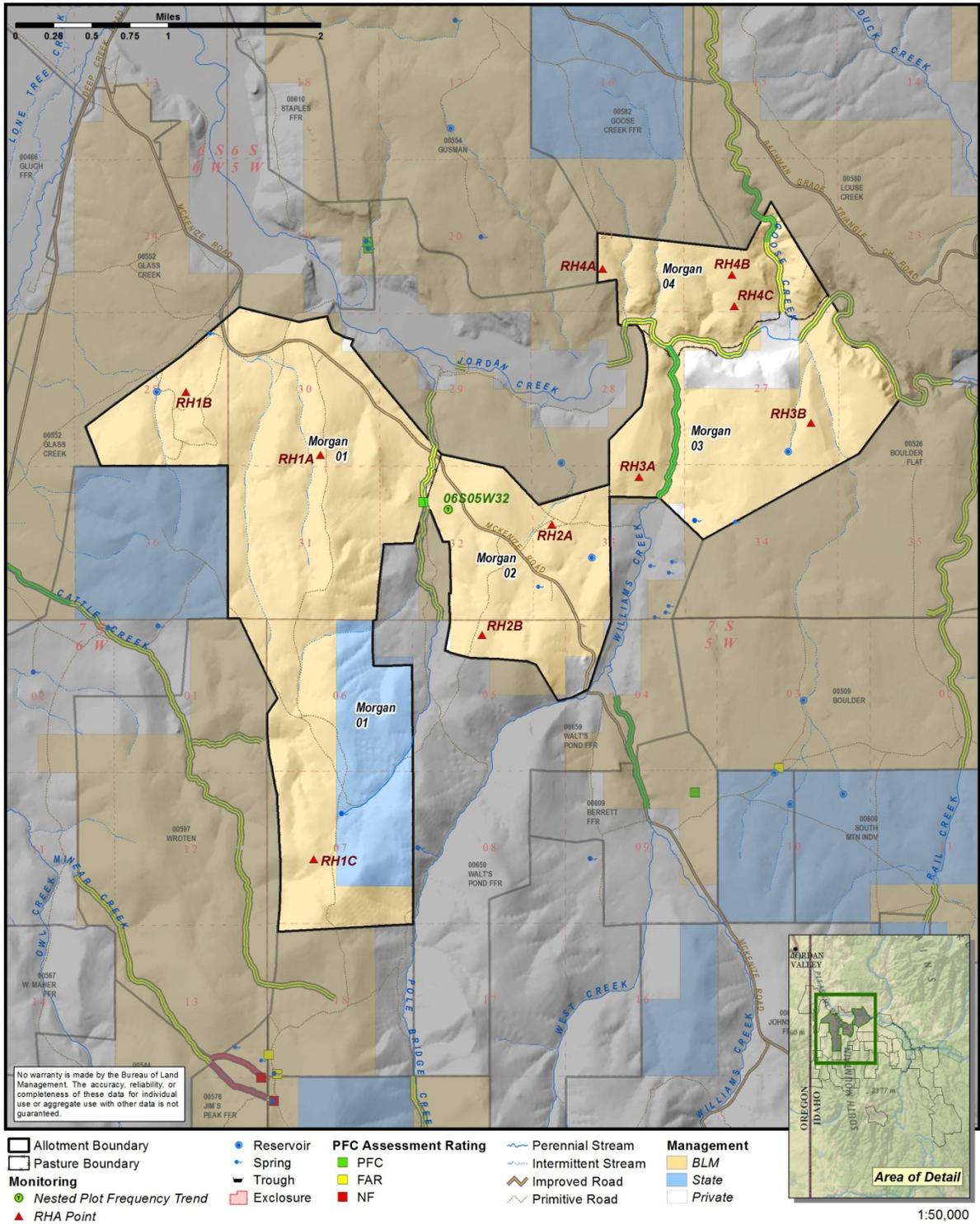
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<sup>1</sup> EA number DOI-BLM-ID-B030-2013-0023-EA analyzed 5 alternatives for livestock grazing management practices to fully process permits within the allotments.

(4,733 acres); there are 510 acres of state land and 218 acres of private land (see Map 1). In the ORMP, the Morgan 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 ORMP identified 446 AUMs of active preference for livestock grazing.



# Map 1: Morgan (00505) Allotment



Elevation within the Morgan Allotment ranges between 4,700 feet to 5,800 feet.

## Current Grazing Authorization

You currently graze livestock on the Morgan Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are:

Table 1 Morgan Properties LP

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00505 Morgan	60	Cattle	03/16	11/30	82	Active	421
00505 Morgan	8	Horses	04/01	07/15	82	Active	23

Other terms and conditions:

1. In accordance with section 1101 (A)(4), Section 1104 and Section 1106 of Division B, Title 1 of the Department of Defense and full-year continuing appropriations act, 2011 enacted by the United States Congress on April 14, 2011, this permit or lease is issued under the authority of Section 416, Public Law 111-88 and contains the same mandatory Terms and Conditions as the expired or transferred permit or lease. This permit or lease may be canceled, suspended, or modified, in whole or in part to meet the requirements of applicable laws and regulations.
2. A minimum 4 inch stubble height will be left on herbaceous vegetation within the riparian area along 2.2 miles of Jordan Creek and 1.5 miles of Williams Creek in allotment #00505 at the end of the growing season as identified in the fisheries objective of the Owyhee EIS.
3. Utilization in allotment #0505 is limited to 30% (biological limits) as per grazing decision dated May 15, 1985.
4. Turn-out is subject to the Boise District range readiness criteria.
5. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.
6. 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.
7. Changes to the scheduled use requires prior approval.
8. 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.
9. 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. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
11. 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.
12. 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.
13. 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.

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| <p>14. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.</p> <p>15. Utilization may not exceed 50 percent of the current year's growth.</p> |
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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 annual use as seen in Tables 2 and 3, below. However, based on recent management actions over the last ten years, it is clear that in most years you have used the allotment with different cattle numbers compared to the numbers identified in the Mandatory Terms and Conditions (Tables 2 and 3 below).

Table 2 - Baseline Active AUMs on current permit as compared to Averaged Actual Use Active AUMs for the Morgan Allotment.

Allotment Name	Baseline Active AUMs	Averaged Reported Actual Use AUMs	Maximum Reported Actual Use AUMs	Percent Difference Active vs. Average Actual Use AUMs
Morgan	446	276	436	-38%

Table 3 - Baseline Cattle Season-of-Use as compared to Averaged Reported Cattle Season-of-Use for the Morgan Allotment.

Allotment Name	Baseline Cattle Season-of-Use	Averaged Reported Season-of-Use (Cattle)
Morgan	03/16 - 11/30	04/15 - 06/10

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.

***Resource Conditions***

The BLM completed a land health assessment, evaluation, and determination for the Morgan Allotment in 2013. These documents concluded that some of the resources on this allotment are

not meeting the Idaho S&Gs. Standard 2 (Riparian Areas and Wetlands) and Standard 3 (Stream Channel/Floodplain) of the Idaho Standards for Rangeland Health are being met. Standards 1 (Watersheds), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) are not being met in the Morgan allotment, whereas Standards 5 and 6 are not applicable to resources present within the allotment. Current livestock grazing management was identified as a significant causal factor in not meeting Standard 1 due to physical soil impacts and associated erosion created by livestock hoof action occurring annually during the spring season when soils are wet and more susceptible. Current livestock grazing management was not identified as a significant casual factor for not meeting Standards 4, 7, and 8. Standard 4 is not being met due to historic (past) livestock grazing and the presence of invasive annual vegetation. Standard 7 is not being met because segments of Jordan Creek are not meeting water quality standards due to flow alteration and mercury inputs. Standard 8 is not being met due to due to historic (past) grazing practices and the presence of invasive annual vegetation. Current livestock grazing management practices do not conform to the applicable Livestock Grazing Management Guidelines 1, 3, 4, and 8.

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

Current livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 in pasture 2; pastures 1 and 3 are not meeting due to past grazing impacts and the presence of invasive annual vegetation, and pasture 4 is meeting.

While ground cover trend in pasture 2 is slightly upward, a photo trend plot shows the gradual increase of invasive grasses and shallow-rooted bunchgrasses after a fire in 1999. While it can be assumed that the vegetation cover present in 2011 may provide some protection over the previously recorded conditions just two years after a fire, the remaining underlying degradation of soils recorded for all rangeland health sites in this pasture continues to be a problem.

Both historic and active accelerated erosional processes have resulted in abundant pedestaling of plants, water flow patterns, and commonly found physical soil impacts by livestock hoof action. Biological soil crusts are variable, ranging from being present to being greatly reduced or absent, especially in interspatial areas. Repeated spring and early summer season use by cattle and horses under wet conditions have caused mechanical damage to the soil surface and bare ground.

Pastures 1 and 3 show impacts from historic (past) grazing as erosion relics are in various states of stabilization. Gravel armor helps to retain soils and reduce erosion, especially where vegetation cover is lacking. This is due to altered plant community composition and distribution from a decrease in relative abundance of large, deep-rooted native perennial bunchgrasses, and an increase in invasive species. As a result, a shift in the plant community has led to accelerated erosion and impacts to upland watershed health, especially with no rest or deferred grazing in place.

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

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<sup>2</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.13.1.2.

<sup>3</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.13.1.1.

Rangeland Health Standard 4 is not met in all four pastures of the Morgan allotment. All pastures show evidence of historic (past) grazing impacts and are present throughout with reduced composition of deep-rooted native perennial bunchgrasses (e. g., bluebunch wheatgrass and Idaho fescue) compared to reference site conditions and a greater dominance of increaser species (e.g., Sandberg bluegrass and squirreltail) and invasive annuals; historic (past) livestock grazing, the Horse Creek Fire and the presence of invasive annual vegetation are causal factors in not meeting Standard 4. Known noxious weed occurrences found in this allotment include diffuse knapweed, leafy spurge, scotch thistle, and whitetop.

Qualitative rangeland health assessment (RHA) data indicate that Standard 4 (Native Plant Communities) is not met. Current conditions are moderately to extremely departed from ecological reference site conditions. The RHA indicates current dominance of shallow-rooted bunchgrass and invasive annual grasses, compared to ecological reference site conditions which indicate dominance by deep-rooted species (bluebunch wheatgrass and Idaho fescue). This conclusion is supported by current ecological site descriptions and correlation to vegetation inventories.

Overall interpretations of trend data in pasture 2 suggest the continuing deterioration of biotic conditions due to the decrease of deep-rooted bunchgrasses and increasing invasive annual vegetation has compromised the biotic integrity of the community.

The Owyhee Resource Management Plan management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met within the allotment. The presence of vegetation communities dominated by shallow-rooted bunchgrasses with the expansion of annual invasive grasses mean that the vegetation management objective is not met.

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

Standards 2 and 3 are currently being met in pastures 1-4 of the Morgan allotment. Standard 2 and 3 are being met in pastures 1,3, and 4 because the reaches of Glass Gulch, Goose, and Jordan Creeks were most recently either rated in PFC or observations were made that the reach is in a confined canyon limiting livestock access. The riparian resource is not present in pasture2.

Standard 7 is not being met because segments of Jordan Creek are listed by the Idaho Department of Environmental Quality as water quality impaired {303(d)} due to flow alteration and mercury inputs. Livestock grazing is not the causal factor for not meeting Standard 7.

#### ***Special Status Plants***

No special status plants are known to occur on the Morgan Allotment; therefore this will not be discussed further for this allotment.

#### ***Wildlife/Wildlife Habitats and Special Status Animals<sup>5</sup>***

### **Upland Habitat**

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<sup>4</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.13.1.3.

<sup>5</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.13.1.4.

Pastures 1, 2, 3, and 4 in the Morgan allotment are managed as native plant communities and are determined to not be meeting Standard 4 due to historic (past) grazing practices and the presence of invasive annual vegetation. Pastures 1 and 2 are also experiencing the impacts of past fire. Evaluation under Standard 4 noted an increase in annual invasive grass species, showing a transition in the plant community composition from native bunchgrasses to more grazing-tolerant exotic species. This information is also consistent with the vegetation data for sage-grouse habitat assessments that showed the dominance of invasive annuals in these pastures and the marginal occurrence of large perennial grasses. Invasive annual grass species do not have the robust growth form or stature such as bluebunch wheatgrass and do not provide the plant community composition, structure, and function for sagebrush steppe dependent species and therefore these pastures are not meeting Standard 8 due to historic grazing practices and the presence of annual invasive species.

## **Upland Focal Species**

### *Sage-grouse*

This allotment lies within mapped preliminary priority habitat (PPH) habitat for sage-grouse, a BLM special status species and candidate species for listing under the Endangered Species Act as amended. There are two active leks documented within this allotment. This allotment provides seasonal breeding, upland summer, riparian, and winter habitat for sage-grouse. New sage-grouse habitat assessment information collected in 2012 is only available for pastures 1 and 2. The assessments showed unsuitable to marginal breeding and upland summer habitat conditions for sage-grouse. Common to all assessments is the reduced occurrence of native perennial grasses in the understory. Effective sage-grouse habitat requires an adequate combination of both overstory shrubs and understory grasses. Currently the perennial grasses are deficient in the understory to provide adequate nesting and security cover for sage-grouse. Because understory cover values are less than adequate, this allotment is not meeting Standard 8 for sage-grouse due to historic (past) livestock grazing practices, fire, and the presence of invasive annual vegetation.

## **Riparian Habitat**

### **Riparian Focal Species**

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

Columbia River redband trout and Columbia spotted frog are known to occur in streams within this allotment. Evaluation of Standard 7 identified streams not meeting IDEQ water quality parameters. Jordan Creek is not providing quality habitat for beneficial uses which includes cold-water aquatic species (e.g. Columbia redband trout, Columbia spotted frog). Because water quality standards are not being met, this allotment is failing to provide adequate aquatic habitat conditions for cold water species and is therefore is not meeting Standard 8 due to mercury pollutants and altered stream flow. However, livestock grazing practices were not identified as a casual factor.

## ***Guidelines for Livestock Grazing Management***

The BLM's 2013 Determination for the Morgan 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 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.*

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

<b>Allotment</b>	<b>Standards Met</b>	<b>Standards Not Met, But Making Significant Progress</b>	<b>Standards Not Being Met</b>	<b>Standards Not Being Met and Current Livestock Grazing Significant Causal Factor</b>	<b>Standards Not Applicable</b>	<b>Guidelines</b>
Morgan	2,3	None	4,7,8	1	5, 6	1, 3, 4, 8

Since the Morgan 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 allotment into compliance with resource objectives.

***Issues<sup>6</sup>***

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

1. **Habitat conditions for greater sage-grouse:** Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Some areas of the Morgan Group Allotments contain altered sagebrush community composition, structure, and function that affect sage-grouse and other sagebrush habitat-dependent species.
2. **Riparian vegetation conditions:** Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

<sup>6</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.6.3.

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.
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 CO<sub>2</sub> and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

### *Analysis of Alternative Actions*

The range of alternatives developed include: Alternative 1 - No Action/Current Condition, Alternative 2 - Permittee's Application, Alternative 5 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints. These alternatives were developed in response to current conditions on the Morgan Allotment and the issues identified above to ensure that any renewed grazing permit would result in the maintenance of good conditions and improvement of unsatisfactory conditions on the allotment. Overall, five alternatives were considered and analyzed in the Morgan Group EA, with Alternatives 1, 2, 3, 4, and 5 considered in detail and analyzed for the Morgan Allotment.

The following sections describe the general theme of each of the alternatives for the Morgan Allotment, for full details refer to the Morgan Group EA and Appendix D for permittees full proposals.

#### *Alternative 1 - No Action*

Alternative 1 would allow a continuation of your current management on the allotments. The Morgan Allotment would be authorized as described on your existing permit. Interim terms and conditions imposed by the U.S. District Court in the year 2000 are also included.

### *Alternative 2 - Permittee Applications<sup>7</sup>*

Alternative 2 would authorize livestock grazing consistent with your application. The management on the Morgan Allotment is based on 82 percent public land, and livestock numbers and active AUMs are from April 1 through July 15 annually not to exceed 23 AUMs or maximum 8 horses, and from March 16 through November 30 annually not to exceed 421 AUMs or maximum of 60 cattle.

### *Alternative 3 - Deferred Grazing<sup>8</sup>*

Alternative 3 would utilize deferment, built around the application of resource constraints where there were issues and/or where Standards were not being met. A three year rotation that incorporates one year of grazing deferment through the herbaceous vegetation active growing season for pastures 1-4 would become a permit Term and Condition.

### *Alternative 4 - Season Based<sup>9</sup>*

The grazing schedules for the Morgan Allotment would include deferment and/or rest under Alternative 4. Resource constraints were applied where there were issues and/or where Standards were not being met.

### *Alternative 5 - No Grazing*

This alternative would result in no grazing during a ten year period for the Morgan Allotment.

The Preliminary Morgan Group EA detailing these alternatives was made available for public review and comment for a 21-day period ending November 12, 2013. A number of BLM livestock grazing permittees, government entities and agencies, interest groups, and members of the public provided comments.

## **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:

Morgan Allotment – Alternative 3 as described in Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA.

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<sup>7</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 2 in Section 2.2.2. and Appendix D.

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

<sup>9</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 4 in Section 2.2.4.

Implementation of this alternative, over the next 10 years will allow the Morgan Allotment to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

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

Table PROP 1.0. Morgan Properties LP Mandatory Terms and Conditions

Allotment	Livestock		Grazing Period		% PL <sup>10</sup>	Type Use	AUMs
	Number	Kind	Begin	End			
00505 Morgan	60	Cattle	3/16	12/30	82	Active	436
00505 Morgan	8	Horses	3/16	12/30			

Other terms and conditions:

1. Cattle number may vary up to a maximum of 60 head and horses up to 8 head as long as the total active use AUMs per allotment are not exceeded annually.
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.

<sup>10</sup>PL is based on percentage of BLM lands in the Allotment.

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.

***Livestock Management***

As a result of the above Alternative 3 actions, mandatory and other terms and conditions of the offered permit for grazing use in the Morgan allotment schedule would be defined as listed in Table PROP-1.1:

**Table PROP-1.1:** Alternative 3 grazing schedule for both cattle and horses in the Morgan Allotment

Pasture	Year 1	Year 2	Year 3
Pasture 1	3/16-6/15	10/1-12/30	3/16-6/15
Pasture 2	10/1-11/15	6/1-7/16	6/1-7/15
Pasture 3	4/20-6/15	4/20-6/15	10/1-11/26
Pasture 4	4/20-5/22	4/20-5/22	10/1-11/2

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

Morgan Properties LP will be offered a grazing permit(s) for a term of 10 years for the Morgan Allotment. Implementation of Alternative 3 will result in a reduction of 10 Active Use AUMs from your current permit; however, elimination of the 10 Active Use AUMs will not result in a conversion to suspension AUMs, as this is not a temporary reduction (see, e.g., 43 CFR § 4100.0-5, Definitions), but a reduction under 43 CFR § 4110.3-2 (b), and as discussed in section 2.1.1 of the EA. In addition, a grazing schedule will become part of the permit Terms and Conditions. Permitted use within the Morgan allotment will be as follows (Table PROP-1.2):

Table PROP 1.2: Permitted Use

Allotment	Active Use	Suspension	Permitted Use
Morgan	436 AUMs	0 AUMs	436 AUMs

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

Finally, it is my proposed decision not to authorize additional projects<sup>11</sup>. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are

<sup>11</sup>For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

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 records as a grazing permit holder for the Morgan Allotment and have determined that you have a satisfactory record of performance and are qualified applicants for the purposes of a permit renewal.

### *Justification for the Proposed Decision*

Based on my review of Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA, the rangeland health assessment, evaluation, and determination for the Morgan Allotment and other documents in the project record, it is my proposed decision to select Alternative 3 for the Morgan 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 Morgan 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 Morgan 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 3 for the Morgan Allotment was in large part because of my understanding that 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.<sup>12</sup>

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<sup>12</sup>Your allotment is, as you know, members of one group of six groups of allotments forming the Owyhee 68 Allotments, which are the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments, and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, I am looking not just at your individual allotment, reviewing its RHA/Evaluation/Determination, selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), but looking at this allotment from a landscape perspective. Viewed this way, it is clear that there are problems common to the Owyhee 68 allotments.

*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 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 a BLM special status species and a candidate for listing under the Endangered Species Act as amended. This bird 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 Morgan Allotment. 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, upland vegetation, and watershed conditions.

Alternative 3 would prescribe grazing for cattle and horses March through December in a three-year rotation; providing one in three years of deferment during the critical growing season in a three-year grazing rotation across all four pastures with a maximum of 60 head of cattle and 8 head of horses, totaling 436 Active AUMs. The inclusion of one year of spring use deferment out of a three year rotation, resulting in a reduction of 7 percent active AUMs from the current ten-year permit, would allow for some recovery of the health and vigor of vegetation communities. Vegetation resources not meeting ORMP vegetation objectives would have the opportunity to improve unsatisfactory vegetation health and condition on all areas compared to Alternatives 1 and 2. Rangeland Health Standard 4 is not being met in all four pastures of the Morgan allotment. All pastures show evidence of historic grazing impacts throughout with the reduced composition of

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

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

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

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) and invasive annuals; historic grazing, Horse Creek Fire, and invasive annuals are causal factors in not meeting Standard 4. Annual species do not have the robust growth form or stature such as bluebunch wheatgrass and do not provide the plant community composition, structure, and function for sagebrush steppe dependent species and therefore these pastures are not meeting Standard 8 due to historic grazing practices and the increase of annual invasive species.

Current livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 in pasture 2; pastures 1 and 3 are not meeting the Standard due to past grazing impacts and invasive annuals, and pasture 4 is meeting the Standard. Alternative 3 would provide a minimum of 1 out of 3 years of spring and critical growing season use deferment in all pastures. This would reduce physical impacts during the wet spring and provide opportunity to increase soil stability due to the ability of native plant communities to remain healthy, vigorous, and productive during active growth. As a whole, progress toward maintaining, meeting, and improving soil and hydrologic function proposed with Alternative 3 are expected to be better compared with Alternatives 1 and 2, though not as rapid as Alternatives 4 and 5.

Currently upland and sage-grouse habitat conditions are not being adequately provided in this allotment. Upland and sage-grouse habitat conditions would benefit by deferring grazing 1 out of 3 years. Deferment would modify the current repeated spring grazing cycle and allow plants to grow at least one year during the critical growth season. This would improve plant vigor and health and improve upland habitat composition and structure. Although the effects of the 7 percent reduction in AUMs over 10 years would be difficult to detect, sage-grouse would primarily benefit by the grazing deferment and the increased security and escape cover and forage provided during the nesting/early brood-rearing (April 1–June 30). However, the deferment schedule would provide additional cover and forage elements and reduce the vulnerability of nesting hens and chicks to detection and predation by terrestrial and avian predators. The presence of invasive annual grasses and the increased risk of wildfire these annual grasses create will slow (and in some heavily infested areas of the allotment inhibit) the progress made toward meeting Standard 4 and Standard 8, however the recovery of the health and vigor of native vegetation communities that a deferred grazing rotation will provide assures progress towards meeting Standard 8.

*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.*

The Morgan Allotment is currently meeting Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain), however Standard 7 (Water Quality) is not being met in pasture 3

and 4 due to flow alteration and mercury inputs into Jordan Creek. Standard 7 is not applicable in pastures 1 and 2 because the streams have not yet been assessed by IDEQ. Flow alteration and mercury inputs into Jordan Creek will continue to inhibit the ability to meet Standard 7 for the Morgan Allotment regardless of which alternative is implemented. Livestock grazing was not considered a causal factor in determining the allotment is not meeting Standard 7.<sup>13</sup>

*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 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.*

Diffuse knapweed, leafy spurge, scotch thistle, and whitetop are known exist on public land on the Morgan Allotment. My selection of Alternative 3 for the Morgan Allotment will, because the alternative was designed to improve rangeland health conditions, maintain or improve riparian and vegetation communities. Acknowledging that any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, a deferment in the alternative selected will result in proportionally less soil surface disturbance occurring when soils are wet and more susceptible to erosion and subsequent areas of bare ground where weed seeds can germinate and establish. As compared to Alternatives 1 and 2 the risk of invasive species spreading is lower under Alternative 3 as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Alternatives 3 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.*

Approximately 5 ½ miles of livestock trail exists in the Morgan Allotment. Effects from livestock trailing/crossing will include minor trampling and up to 10 percent utilization. Due to the short duration of trailing, grazing effects from cattle trailing are expected to be minimal. Direct grazing from sheep trailing would occur where sheep are trailed off existing roadbeds. However, because both sheep and cattle trailing will occur on such a small proportion of the landscape and for a limited duration, effects from trailing are expected to be insignificant. A slight increase in the spread of weeds could occur, but the short distance and duration will limit the amount and possibility. Additionally, if noxious weeds are detected in the future, easy access would be available for treatment. Range readiness determinations are essential and will reduce mechanical damage to

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<sup>13</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.13.2.1.1, 3.3.13.2.1.2, Section 3.3.13.2.1.3, 3.3.13.2.1.4 and Appendix E.

soils when soils are saturated early in the spring during the peak spring melt events. The duration of trailing activities to be authorized will require active trailing in most cases. Management actions as described above, will allow upland plant communities, soils, watersheds, weeds, and riparian areas to meet or make significant progress toward meeting Idaho Rangeland Health Standards and ORMP objectives.

*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.

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

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

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<sup>14</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3 - Alternatives considered but not analyzed in detail.

The selected alternatives retain 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.<sup>15</sup>

*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 3 for the Morgan 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; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotments. In selecting Alternative 3 for the Morgan Allotment rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternative, (2) the impact of implementation of Alternative 5 on the your operation and on regional economic activity, and (3) your past performance under previous permit. 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 grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.<sup>16</sup>

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<sup>15</sup> For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3 - Alternatives considered but not analyzed in detail.

<sup>16</sup> A tremendous amount of thought and effort went into developing grazing management systems that are responsive to your allotment 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

## Finding of No Significant Impact

A finding of no significant impact (FONSI) was signed on November 20, 2013, and concluded that the proposed decision to implement Alternative 3 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0023-EA is available on the web at:

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

## Conclusion

In conclusion, it is my decision to select Alternative 3 for the Morgan Allotment because livestock management practices under this alternative best met the ORMP objectives allotment-wide and the Idaho S&Gs. Alternatives 1 and 2 fail to implement livestock management practices on the Morgan Allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standard 1 (Watersheds). Alternative 5 has the potential to remove significant 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 Morgan 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 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 Morgan 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;

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I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

- 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 § 4.170.

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

<b>Company</b>	<b>Name</b>		<b>Address</b>	<b>City</b>	<b>ST</b>	<b>ZIP</b>	<b>#</b>
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