



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Owyhee Field Office
20 First Avenue West
Marsing, Idaho 83639

<http://www.blm.gov/id/st/en/Districts-Idaho/BDO/owyhee.html>



In Reply Refer To:
4160 ID130

November 26, 2013

REGISTERED MAIL

Terry Warn
P.O. Box 235
Jordan Valley OR 97910

Notice of Field Manager's Proposed Decision

Dear Mr. Warn:

Thank you for working with the BLM throughout this permit renewal process. I appreciate your interest in grazing your allotments in a sustainable fashion and am confident that this proposed decision achieves that objective.

The BLM recently evaluated current grazing practices and current conditions in the West Maher FFR Allotment. The BLM undertook this effort to ensure that any renewed grazing permit on this allotment is consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, rangeland health Assessments, Evaluations and Determinations were completed. This proposed decision incorporates those documents by reference and the information contained therein.

On January 11, 2013, the Owyhee Field 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 West Maher FFR allotment is one of 19 allotment groups in Group 5, 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 preliminary Morgan Group Allotments Livestock Grazing Permit Renewal Environmental Assessment (EA) EA # DOI-BLM-ID-B030-2013-0023-EA (hereinafter, "Morgan Group EA").

The scoping letter encouraged comments and information be received by February 25, 2013 for the Morgan Group of Allotments but did not set a closing date for the receipt of public comments. All comments are addressed in the Morgan Group EA, including BLM Responses to comments considered during development of the Morgan Group EA.

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

To assist us in addressing livestock impacts to public land resources, my office prepared and issued an EA in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for the West Maher FFR Allotment. We also considered other alternatives that we did not analyze in detail. 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 West Maher FFR 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). This proposed decision incorporates by reference the analysis contained in the EA.

I am now prepared to issue a decision to renew your permit to graze livestock within the West Maher FFR Allotment. Upon implementation of the decision, your permit to graze livestock in the West Maher FFR Allotment will be fully processed.

This proposed decision will:

- Describe current conditions and issues on the West Maher FFR Allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the West Maher FFR Allotment;
- Outline my proposed decision to select Alternative 4 for the West Maher FFR Allotment; and
- State my reasons for the proposed selection.

Background

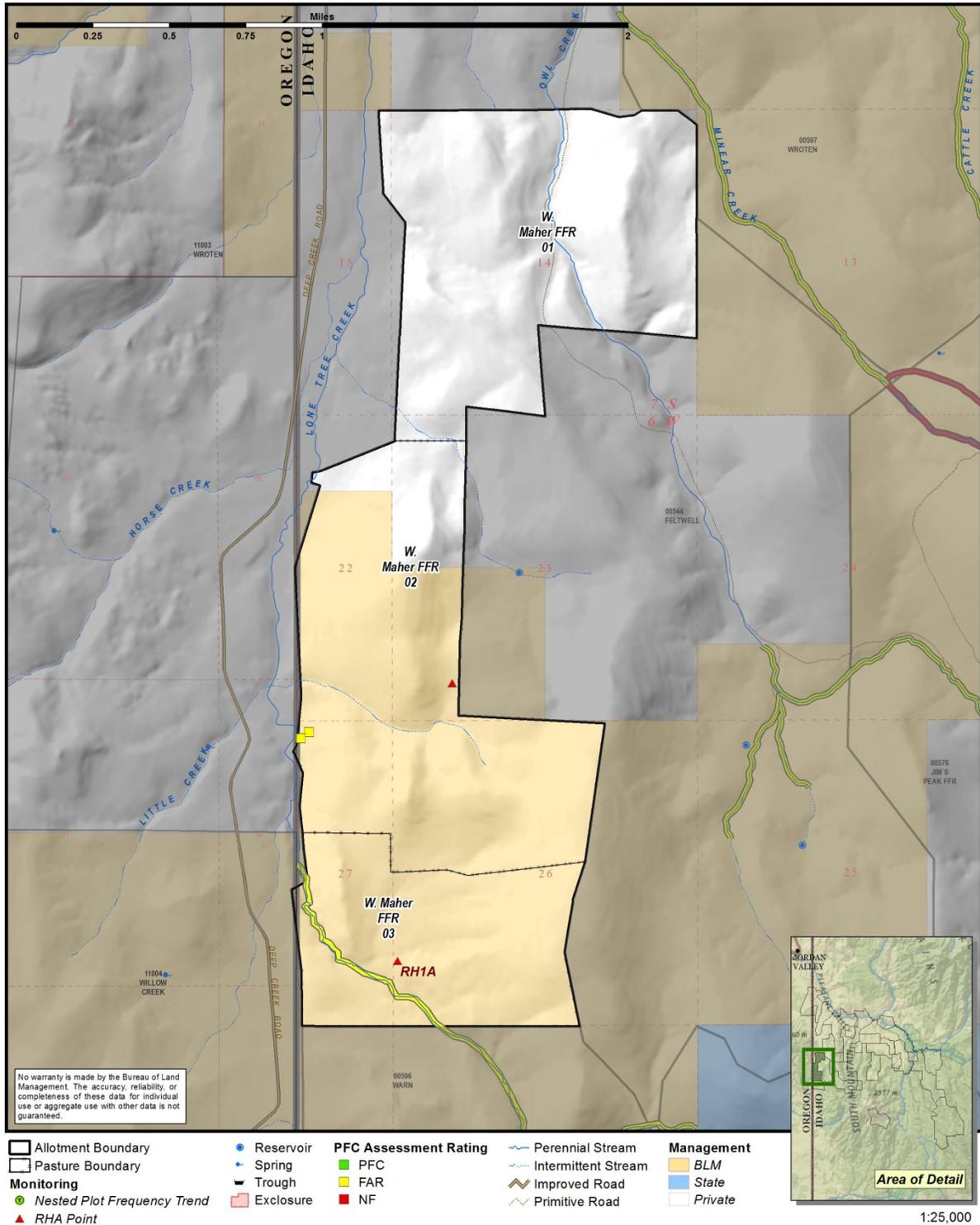
Allotment Setting

The West Maher FFR allotment is approximately 11 miles south of Jordan Valley, Oregon. It is located southwest of Silver City and northwest of South Mountain. The allotment is one management unit and is divided into three pastures. It consists of approximately 1,442 acres, of which 808 are BLM-administered public lands and 633 are privately owned lands. Pasture 1 of this allotment is comprised entirely of private lands and therefore was not assessed and will not be discussed in this decision. The West Maher FFR allotment was established prior to the South Mountain livestock adjudication. It originally consisted of 120 AUMs of permitted use at 100 percent public land. In 1987, the BLM issued a decision that retained the original permitted use and authorized livestock grazing at the permittees' discretion. The current permit authorizes 120 AUMs of active preference for livestock grazing with 118 cattle and a season of use from

December 1st through December 31st, however, flexibility is also authorized and so the number of livestock and season of use is at the permittees' discretion. As part of a 2000 U.S. District Court settlement agreement, riparian vegetation objective terms and conditions were applied to the permit (see Current Grazing Authorization section below) and will remain until the permit is fully processed.



Map 1: W. Maher FFR (00567) Allotment



Elevations within the West Maher FFR Allotment range between 4,742 feet to 5,861 feet.

The West Maher FFR Allotment is located on the Owyhee High Plateau. The majority of the soils in the allotment are shallow to moderately deep and well drained; texture ranges from clayey to loamy and vary in surface and subsurface rock fragments. These soils formed in residuum and alluvium derived predominantly from welded rhyolitic tuff. The associated ecological sites are primarily Loamy 13-16” precipitation zone with a mountain big sagebrush, bluebunch wheatgrass, and Idaho fescue plant community, and Shallow Claypan 12-16” precipitation zone with a low sagebrush, bluebunch wheatgrass, and Idaho fescue plant community.¹

Approximately .8 miles of Lone Tree Creek passes through pasture 3 on BLM administered lands in the southern portion of the West Maher FFR allotment. There are no springs identified on BLM lands. There are no known special-status plant or animal species known to occur on the West Maher FFR allotment.

Current Grazing Authorization

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

Table CGA 1.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00567 W. Maher FFR	118	Cattle	12/01	12/31	100	Active	120

Other terms and conditions for the allotment:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment 0567 is at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. You are required to properly complete, sign, and date an actual grazing use report form (4130-5) for each allotment. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
4. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter ¼ mile away from any riparian area, spring, stream, meadow, aspen stand, playa, special status plant population, or water development.
5. Pursuant to 43 CFR 10.4(B) you 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), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the

¹ For more detailed discussion, please refer to the affected environment sections of EA number DOI-BLM-ID-B030-2013-0023-EA.

discovered remains or objects.

As a result of U.S. District Court Judge Winnill's February 29, 2000, Memorandum Decision and Order the following interim Terms and Conditions were applied to this grazing authorization:

- 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.

As you know, the current permit authorizes annual use of 120 AUMs of forage in the West Maher FFR Allotment and a season of use between December 1st and December 31st. Average actual use AUMs compared to the AUMs on your current permit are displayed in Table CGA2 below. Based on the actual use data available over the last eight years, it is clear that you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the grazing permit. The actual use data available over the last eight years shows most grazing use occurred during the month of April (with the exception of 2007-8 where grazing use occurred in December). No rest years were identified over this same time period.

Table CGA2

Allotment Name	Baseline Active AUMs	Average Actual Use	Percent Difference Active vs. Average Actual Use AUMs
West Maher	120	102	-15%

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

Resource Conditions

The BLM completed land health assessments for the West Maher FFR Allotment in 2006. Supplementing information was collected and the 2006 assessment was updated in 2013. Evaluation reports and determinations for both of these allotments were completed in 2013. Those documents concluded that some of the resources on the West Maher FFR Allotment were not meeting the Idaho S&Gs.

Overview

The BLM determined that the West Maher FFR Allotment was not meeting or making significant progress towards Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), Standard 4 (Native Plant Communities), Standard 7 (Water Quality), and Standard 8 (Threatened and Endangered Plants and Animals). Current livestock grazing management was identified as a significant causal factor for not meeting Standards 1, 2, 3, 7, and 8. The causal factors for not meeting Standard 4 were identified as historic (past) livestock grazing, presence of invasive annual vegetation, and altered fire regimes with subsequent juniper encroachment into sagebrush steppe. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities, Other Than Seedings) were determined to not be applicable to the West Maher FFR Allotment.

Current livestock grazing management was identified as a significant causal factor for not meeting Standard 1 (Watersheds) due to the physical soil disturbance, reduction in vegetation cover, and altered plant community composition that annual growing season use has caused. Conditions in pastures 2 and 3 are deteriorated by commonly observed loss of the soil surface horizon, active erosional features, extensive bare ground, and physical impacts from the increased number of livestock trails. These resource issues have reduced soil and hydrologic function over time. Current livestock grazing was identified as significant causal factors for not meeting both Standard 2 (Riparian Areas and Wetlands) and Standard 3 (Stream Channel/Floodplain) due to the presence of upland species in the riparian area, inadequate shrub regeneration, and lack of residual vegetation left in riparian areas of Lone Tree Creek following annual growing season (April) grazing use. The presence of upland species in the riparian areas is an indication that soil moisture levels are not sufficient to support riparian vegetation. A loss of shrubs and herbaceous vegetation over time has resulted in stream banks being unprotected and unable to dissipate energy during high flow events. Bare ground has opened riparian areas to potential noxious weed invasion. Current livestock grazing was identified as a significant causal factor for not meeting Standard 7 (Water Quality) because livestock have reduced the amount of riparian vegetation which shades Lone Tree Creek (especially shrubs) resulting in an increase in water temperatures. Livestock have contributed to an exceedance of the pollutant *E. coli* in Lone Tree Creek due to urine and feces inputs. Current livestock grazing management was identified as a significant causal factor for not meeting Standard 8 (Threatened and Endangered Plants and Animals) because annual grazing during the growing season has caused a decline in the amount and vigor of riparian vegetation necessary for wildlife habitat. Lone Tree Creek was rated as functioning-at-risk (FAR) due to a lack of adequate riparian vegetation necessary to stabilize stream channels and provide quality wildlife habitat. Because Standards 2, 3, and 7 are not being met, stream, spring, and wetland habitat conditions are not adequate to support viable terrestrial, avian, and aquatic species populations.

Vegetation - uplands²

Standard 4 (Native Plant Communities) is met in pasture 2 and but not met in pasture 3 of the West Maher FFR Allotment. Current livestock grazing management is not the causal factor in not

² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA, Section 3.3.18.1.1 and Appendices E and F.

meeting this standard in pasture 3. Evidence of historic (past) grazing impacts are present throughout the allotment with reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) compared to reference site conditions. Juniper encroachment into sagebrush steppe due to altered fire regimes is occurring. However, the presence of annual invasive plants was found to be the primary causal factor for not meeting Standard 4 in pasture 3.

Watersheds/Soils³

Current livestock grazing management practices are significant causal factors for not meeting Standard 1 (Watersheds) in pastures 2 and 3 of the West Maher Allotment. Conditions in pastures 2 and 3 are deteriorated by commonly observed loss of the soil surface horizon, active erosional features, extensive bare ground, and physical impacts from high numbers of livestock trails. In the broader basin of pasture 3, the trails have resulted in churned soils, while pasture 2 mostly reflects disturbances from compaction and soil loss along extensive networks of side hill trails.

The reduction in soil and hydrologic function is associated with the removal of vegetation and an altered plant community composition and distribution due to a decrease in large, deep-rooted native perennial bunchgrasses. As a result, historic and active accelerated erosional processes have increased pedestaling of plants that, along with accelerated physical damage from hoof action and mechanical damage to soils by livestock, have also affected the biological soil crust component, especially in the interspatial areas. The network of trails has increased bare soil exposure and affects soil stability, especially on steeper slopes.

Water Resources and Riparian/Wetland Areas⁴

Current livestock grazing management practices are significant causal factors for not meeting Standards 2 and 3 in pasture 3 of the West Maher allotment. Approximately 0.8 mile of Lone Tree Creek has twice been assessed Functioning-at-Risk (FAR), primarily based on vegetation concerns; there was inadequate woody regeneration and the understory of herbaceous vegetation was partially composed of upland species. Hydric vegetation along streambanks is also inadequate to protect streambanks and dissipate energy, which increases the risk of losing riparian habitat to erosion during periods of high flow. A Modified Multiple Indicators Monitoring (MMIM) site established on Lone Tree Creek identified short-term indicators that are not meeting standards: mean stubble height of 4.3 inches, 21 percent woody species use, and 46 percent bank alteration. Current livestock grazing management practices are significant causal factors for not meeting Standard 2. Yearly residual vegetation left following grazing has not been sufficient to maintain or improve riparian-wetland function, and the recent grazing schedule has not allowed for rest years and vegetation recovery.

Current livestock grazing was identified as a significant causal factor for not meeting Standard 7 (Water Quality) because livestock have reduced the amount of riparian vegetation shading Lone Tree Creek (especially shrubs) resulting in higher water temperatures. Reaches of Lone Tree

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Sections 3.3.18.1.2.

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.18.1.3 and Appendix G.

Creek are on Idaho Department of Environmental Quality's 303(d) list of impaired streams and water quality parameters are not being met for the watershed's beneficial uses. The list of beneficial uses includes water quality standards for cold-water aquatic life. Livestock have contributed to an exceedance of the pollutant *E. coli* in Lone Tree Creek due to urine and feces inputs.

Wildlife/Wildlife Habitats and Special Status Animals⁵

Pasture 3 of the allotment is not meeting Standard 2 (Riparian Areas and Wetlands) or Standard 3 (Stream Channel/Floodplain) due to current livestock grazing management. The reach of Lone Tree Creek within the allotment has been rated FAR due to a lack of woody regeneration and insufficient herbaceous vegetation left following spring grazing use. Water quality on Lone Tree Creek is not meeting Standard 7 due to current livestock management. Livestock shrub browsing has reduced stream channel shade leading to an increase in water temperature. Livestock loafing in and around the creek has led to inputs of urine and feces increasing the levels of *E. coli* to a level that does not support other beneficial uses. Columbia spotted frog and redband trout are not documented to occur within this allotment, however other species including sage-grouse, big game, migratory birds, raptors, amphibians, and reptiles rely on riparian habitat. Because Standards 2, 3, and 7 are not being met, stream, spring, and wetland habitat conditions are not adequate to support viable terrestrial, avian, and aquatic species populations.

The West Maher allotment is considered preliminary priority habitat for sage-grouse, however no leks have been documented. This allotment provides potential seasonal breeding, upland summer, and winter habitat for sage-grouse. Breeding habitat conditions for sage-grouse in pasture 3 in the West Maher FFR allotment are marginal. Breeding habitat assessments showed that the occurrence of perennial grass and height are favorable but that the canopy cover, height, and physical shape of the sagebrush overstory does not interface with the herbaceous understory adequately and reduces required nesting, hiding, and escape cover values. Because of the less-than-desirable breeding habitat conditions created by the sagebrush overstory, this allotment is providing less-than-adequate (marginal) nesting and early brood-rearing habitat conditions for sage-grouse and therefore is not meeting Standard 8 due to historic (past) grazing management and the presence of invasive annual vegetation.

Guidelines for Livestock Grazing Management

The BLM's 2013 Determination for the West Maher 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

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0014-EA Section 3.1.5, Section 3.3.18.1.4 and Appendix G.

ecological site basis) to support infiltration, maintain soil moisture storage, and stabilize soils.

Guideline 3: Use grazing management practices and/or facilities to maintain or promote soil conditions that support water infiltration, plant vigor, and permeability rates and minimize soil compaction appropriate to site potential.

Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate cover appropriate to site potential.

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

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

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.

Since the West Maher 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 schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues⁶

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:⁷

1. **Habitat conditions for greater sage-grouse:** Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group Allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.
2. **Riparian vegetation conditions:** Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.
3. **Fish and amphibian habitat conditions:** Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering 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 CO₂ and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

Analysis of Alternative Actions

Based on the current condition of the West Maher FFR Allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered in detail and analyzed in the EA for the West Maher FFR Allotment. The range of alternatives developed

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

⁷ Issues identified in EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.6.3 that were not present within West Maher FFR Allotment are not discussed in this decision.

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. The following sections describe the theme of each of the alternatives and the allotment-specific authorizations and actions under each alternative.

The Preliminary EA detailing the above 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 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:

Alternative 4 as described in the Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA.

Implementation of this alternative over the next 10 years will allow the West Maher FFR 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, at least to the extent livestock grazing is and will have an impact on the resources.

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

Table PROP 1.0*.

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs ⁸
	Number	Kind	Begin	End			
1101462 W. Maher FFR	100	Cattle	04/01	10/30	61	Active	102

*Standard Terms and Conditions applicable to all BLM grazing permits and leases in the Boise District are not reiterated here, but apply to the above permit - See Section 2.1.2 in EA number DOI-BLM-ID-B030-2013-0023-EA.

Other Terms and Conditions for the West Maher FFR Allotments

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____.
Livestock grazing will be in accordance with your allotment grazing schedule(s).
Changes to the scheduled use require prior approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.

⁸ The sum of the AUMs from the permit schedule may not equal the Active Use AUMs due to individual line calculations and rounding in the AUM calculation.

4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated wilderness requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Utilization may not exceed 50 percent of the current year's growth.

As noted in Other Term and Condition # 1 for the West Maher FFR Allotment, the grazing schedule for this allotment must be followed (identified below):

Table PROP 1.1: W. Maher FFR Allotment Grazing Schedule

Pasture	Year 1	Year 2	Year 3
Pasture 2	4/1-6/30	10/1-10/30	Rest
Pasture 3	10/1-10/30	Rest	4/1-6/30

Notes on the Terms and Conditions

You will be offered a grazing permit for a term of 10 years with 102 Active AUMs in the West Maher FFR Allotment. Implementation of Alternative 4 for the West Maher FFR Allotment will result in a reduction in AUMs from your current permit (from 120 to 102) and the season-of use

will change to accommodate the new grazing schedule outline in Table PROP 1.1 above. The affected reduction in Active AUMs will not be transferred to suspension, 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.

Permitted use within the W. Maher FFR Allotment will be as follows:

Allotment	Active Use	Suspended Use	Permitted Use
West Maher FFR	102 AUMs	0 AUMs	102 AUMs

Other Notes on the Proposed Decision

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

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the West Maher FFR Allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

Justification for the Proposed Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0023-EA, the rangeland health assessment, evaluation, determination, specialist reports, and other documents in the grazing files, it is my proposed decision to select Alternative 4 for the West Maher 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 West Maher 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 West Maher FFR Allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 4 for

the West Maher FFR Allotment was in large part because of my understanding that this selection best addressed those 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 alternative feasibility.⁹

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.

AND

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

Under Alternative 4, the West Maher FFR Allotment permit will include 102 Active AUMs (reduced by 18 AUMs from the existing permit) and will have a maximum season of use from April 1st through October 30th. A 2-pasture, 3-year grazing schedule with deferred spring use one

⁹ Your allotments are, as you know, members of a group of six allotments forming the Owyhee 68 Allotments, which large group is the subject of a permit renewal process which must be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments, and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, I am looking not just at your individual allotment, reviewing its RHA/Evaluation/Determination, selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), but looking at this allotment from a landscape perspective. Viewed this way, it is clear that there are problems common to the Owyhee 68 allotments.

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

Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern, but as land stewards must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonable expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipation of organizational ability, and that does this 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

year out of three and rest one year out of three for each pasture will become a term and condition of the permit.

Conditions in pastures 2 and 3 have deteriorated as evidenced by commonly observed loss of the soil surface horizon, active erosional features, extensive bare ground, and physical impacts from increased amounts of trails. In pasture 3, the trails have resulted in churned soils, while pasture 2 mostly reflects disturbances from compaction and soil loss along extensive networks of side hill trails. Alternative 4 would provide 2 out of 3 years of deferment or rest from spring grazing for all pastures. This schedule would reduce physical impacts to soils during the wettest and most susceptible period (spring). 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 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. Subsequently, the reduced spring and critical-growth-period grazing and adjustment in stocking rates from 6.7 acres/AUM to 7.9 acres/AUM would result in a reduction of livestock numbers and active AUMs and would benefit soils by limiting physical impacts from hoof action. As a whole, Alternative 4 would allow the greatest opportunity for making progress toward maintaining, meeting, and improving soil and hydrologic function over the life of the permit compared to Alternatives 1, 2, and 3, though not as rapidly as Alternative 5.

Currently this allotment is not providing adequate sage-grouse habitat conditions. The sage-grouse assessment, evaluation, and determination for the West Maher Allotment found historic (past) grazing effects and the presence of invasive annual vegetation to be the causal factors for not meeting Standard 8 – upland habitat for Threatened and Endangered Animals because of the dominance of invasive annuals noted by rangeland trend information. Sage-grouse breeding habitat assessments show the occurrence of perennial grass and height to be favorable but canopy cover, height, and physical shape of the sagebrush overstory does not interface with the herbaceous understory adequately and thus reduces required nesting and hiding cover values. Under Alternative 4, sage-grouse habitat conditions would benefit by the reduction in AUMs and the absence of grazing 2 out of 3 years during the critical growth period (May 1-June 30) and sage-grouse nesting/early brood-rearing period (April 1-June 30) and late brood-rearing period (July 1-August 31). Deferment/rest would end the repeated spring grazing cycle to allow herbaceous plants the opportunity to grow during the critical growth season every two out of three years. This would improve herbaceous plant vigor, composition, and structure; however the canopy cover, height, and structure of existing sagebrush would not change. Sage-grouse would benefit by the increased understory security and escape cover that more vigorous herbaceous vegetation would provide during the nesting/early brood-rearing period and would decrease vulnerability to detection and predation by terrestrial and avian predators. It would also provide for additional resistance and resilience against disturbance and changing conditions including competing invasive annual vegetation. These additional protective measures would be provided under Alternative 4 by more frequently implementing actions that limit grazing use during seasons when impacts to perennial herbaceous vegetation and sage-grouse are the greatest. Under Alternative 4, sage-grouse habitat conditions would improve and make 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 West Maher FFR Allotment permit will include 102 Active AUMs (reduced by 18 AUMs from the existing permit) and will have a maximum season of use from April 1st through October 30th. A 2 pasture, 3 year grazing schedule with deferred spring use one year out of three and rest one year out of three for each pasture will become a term and condition of the permit.

Currently this allotment is not providing adequate riparian habitat conditions for viable terrestrial, avian, and aquatic species populations. Under Alternative 4, riparian habitats will benefit by the reduction in AUMs and the incorporation of deferment/rest 2 out of 3 years and are expected to show significant improvement. This strategy will significantly reduce grazing pressure on riparian plants during the critical growth season (July 1-August 31). Combined deferment and rest will allow plants to grow through a minimum of two critical growing periods. This will result in improved plant vigor and health and improved habitat composition and structure. Terrestrial, avian, and aquatic wildlife will benefit because of improved regeneration and establishment of herbaceous and woody plants and improved riparian function. The reduced access of livestock to streams, riparian areas, and wetlands will reduce access to and trampling of aquatic systems. The level of the bacterial pollutant *E. coli* in Lone Tree Creek would be reduced and water quality much improved, benefiting the watershed's beneficial uses including cold water species aquatic habitat. Under this Alternative, current riparian habitat conditions would improve the fastest compared to Alternative 1 through 3 and make significant progress toward meeting Standard 8 and ORMP objectives.

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

There are no documented occurrences of noxious weeds in the West Maher FFR Allotment although bulbous bluegrass and cheatgrass are known to be present and undocumented noxious weed occurrences are likely. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the decrease in grazing frequency during the growing-season will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives. As compared to Alternatives 1, 2 and 3 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. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

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

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

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA could impact regional socio-economic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4 for the West Maher FFR Allotment in large part because this selection accomplishes those latter goals.

Consideration of Alternatives 1, 2, and 3 for the West Maher FFR Allotment disclosed that these alternatives would not allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them despite the lesser economic impacts that they may have. Most importantly, I appreciate your willingness to provide an alternative (Alternative 2) that considers resource concerns/issues, regardless of the impacts it would have on your operation. I spent hours with my staff and seriously considered your alternative. Ultimately, I determined that the resource issues on the West Maher FFR Allotment would not be improved and our minimum requirements would not be met. Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based in unsustainable grazing practices that do not meet rangeland health standards would result in less reliable amounts of forage over the long-term, in addition to reducing economic opportunities derived from healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have minimized reductions in grazing use levels where current levels are compatible with meeting rangeland health standards and ORMP objectives and where not compatible, have attempted to select alternatives designed to meet resource needs. In cases of unique or particularly acute resource needs, such as the West Maher FFR Allotment with high-value sage-grouse habitat and riparian resources, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.

Issue 9: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.¹⁰

During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3 (Alternative 8).

targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 4 for the West Maher 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 yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected 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.

Issue 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.¹¹

Climate change is another factor I considered in building my decision around Alternative 4 for the West Maher 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 alternative of Alternative 4 for West Maher FFR Allotment combines 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

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3 (Alternative 9).

protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

Additional Rationale

A tremendous amount of thought and effort went into developing a grazing management system 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 mandates 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.

While I considered selecting Alternative 5 (No Grazing) for this allotment, based on all the information used in developing my decision, and the condition of these allotments, I believe that the BLM can meet resource objectives and still allow grazing on these allotments. In selecting Alternative 4 for the West Maher 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 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 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.

Finding of No Significant Impact

A finding of no significant impact (FONSI) was signed on November 20th 2013, and 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 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

Conclusion

In conclusion, it is my decision to select Alternative 4 for the West Maher FFR Allotment over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where standards were not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock

management practices on the West Maher FFR Allotment that would meet the objectives and standards. Specifically, neither alternative would implement actions that would meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality), and 8 (Threatened and Endangered Animals). Alternative 3 would allow for progress towards meeting Standards 2,3,7, and 8 however progress would not be made as rapidly as either Alternative 4 or 5. It is my decision to implement Alternative 4 as a means of making substantial progress towards meeting Standards over the life of the permit. This Alternative reduces the active use AUMs from 120 to 102 and includes a two-pasture deferred grazing schedule where one year out a three-year rotation each pasture is rested from grazing use and one year out of the three-year rotation each pasture is subject to deferred use until after the critical growing season. 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 alternative, lead me to believe elimination of livestock grazing from West Maher 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 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 West Maher FFR Allotment as available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

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

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West

Marsing, Idaho 83639

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

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

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

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

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

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

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

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

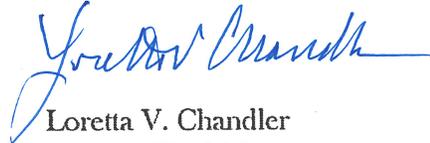
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler
Owyhee Field Manager

Copies sent to:

- See attached Group 5 Mail List

Group 5 Proposed Decision Mail List

Company	Name		Address	City	ST	ZIP	#
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709	1
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604	2
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918	3
Idaho Dept. of Agriculture	John	Biar	PO Box 790	Boise	ID	83707	4
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701	5
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642	6
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604	7
	Senator: Mike	Crapo	251 East Front Street STE 205	Boise	ID	83702	8
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 38	Murphy	ID	83650	9
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701	10
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701	11
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	12
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676	131
Resource Advisory Council	Chair: Gene	Gray	2393 Watts Lane	Payette	ID	83661	415
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	16
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	17
Idaho Wild Sheep Foundation	President: Jim	Jeffress	PO BOX 8224	Boise	ID	82707	18
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	19
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	20
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	21
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	22
	Lloyd	Knight	PO Box 47	Hammett	ID	83627	23
	Congressman: Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	24
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	25
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	26
Idaho Wild Sheep Foundation	Herb	Meyr	570 E 16th N.	Mountain Home	ID	83647	27
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	28
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	29
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	30

Company	Name		Address	City	ST	ZIP	#
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650	31
	Senator: James E.	Risch	350 N 9th Street STE 302	Boise	ID	83702	32
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701	33
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	34
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	35
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	36
	Congressman: Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	37
Shoshone-Bannock Tribes	Tribal Chair: Nathan	Small	PO Box 306	Ft. Hall	ID	83203	38
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	39
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	40
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	41
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20 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