



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Vale District Office  
100 Oregon Street  
Vale, Oregon 97918



IN REPLY REFER TO:

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MAR 30 2010

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Owyhee Grazing Association  
Rand Collins  
1195 Corta Lane  
Jordan Valley, OR 97910

## **NOTICE OF THE FIELD MANAGER'S FINAL DECISION**

Dear Mr. Collins:

### **INTRODUCTION**

The Bureau of Land Management (BLM) issued revised grazing regulations in 1995, which set forth the process of establishing Standards for Rangeland Health (Title 43 Code of Federal Regulations [CFR] 4180.2). Oregon/Washington BLM Standards and Guides (S&Gs) for Rangeland Health were approved on August 12, 1997. The purpose for setting standards and identifying their indicators was to provide BLM with a rational basis for determining whether current management is meeting the Fundamentals of Rangeland Health as described under 43 CFR 4180.1.

BLM field offices in Oregon and Washington were subsequently directed to conduct assessments and then use that assessment information to craft range health evaluations in relation to the state standards. These evaluations were conducted using interdisciplinary teams (IDTs) with various resource specialists, representing the biological and physical science disciplines. The IDTs collected, reviewed and analyzed the available data for the purpose of completing range health evaluations.

### **BACKGROUND**

The Louse Canyon Geographic Management Area (LCGMA) was the first area in the Jordan Field Office to have an assessment and evaluation completed. The 2001 assessments found that 6 of 22 pastures were not meeting one or more riparian/water quality/aquatic habitat standards (Standards 2, 4 and 5) for rangeland health and that the failure to meet was directly attributable to livestock

grazing. BLM grazing regulations specify that the authorized officer shall take appropriate action as soon as practicable but not later than the start of the next grazing year upon determining, through assessment or monitoring by experienced professionals and IDTs, that a standard is not being achieved and that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standard. After the rangeland health determination was made for the LCGMA, the Jordan Field Manager implemented the interim grazing strategy, which has been in use since 2002 and has been upheld in the United States District Court, District of Oregon (ONDA/WWP v Taylor, 04-334-KJ).

BLM completed the LCGMA Standards of Rangeland Health Evaluation in the fall, 2002 and then released the LCGMA Environmental Assessment EA-OR-030-05-013 for public comment in the fall, 2004. Based upon numerous public comments, a Revised EA was released for comment in early 2005, and was subsequently the basis for issuance of proposed and final decisions implementing the Proposed Action. The final decisions, dated July 7, 2005, were administratively appealed to the Office of Hearings and Appeals (OHA) by Kimble Wilkinson Ranches and Oregon Natural Desert Association/Western Watersheds Project (ONDA/WWP). The Kimble Wilkinson Ranches appeal was dismissed by OHA. OHA denied a petition for stay that ONDA/WWP filed with its appeal, and ONDA subsequently appealed that ruling to IBLA. IBLA also did not rule in favor of ONDA/WWP on the request for stay, at which time ONDA/WWP withdrew their appeal from OHA and filed a complaint in the District Court of Oregon.

Primary points of the complaint included claims of violations of the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA), and most notably, BLM's failures to consider new information provided by ONDA, complete an update of BLM's wilderness inventory and analyze the effects of livestock grazing on wilderness characteristics. BLM asked the District Court to stay the proceedings, during which time BLM would complete an inventory update of wilderness characteristics and, if appropriate, subsequent NEPA analysis. BLM then completed its wilderness inventory update on 10/26/07 and prepared an addendum to the Revised EA (which was made available for public comment on May 1, 2008) which analyzed the effects of livestock grazing on the wilderness characteristics BLM found to be present in the LCGMA. After this additional NEPA process, BLM is now prepared to issue new grazing decisions related to livestock grazing in the LCGMA.

On November 11, 2009, BLM issued new Proposed Decisions to the permittees and received 3 protests of the proposed decisions. Per 43 CFR 4160.3, BLM considered the protest points and prepared a written response to each individual protest point. This Final Decision contains a few minor changes as a result of the protests received and to correct minor errors found in the Proposed Decisions, but no substantive changes have been made between the Proposed and Final Decision.

In 2010, BLM provided supplemental information to the 2005 Revised EA regarding climate change and greenhouse gas emissions. BLM concluded that the Proposed Action does not provide a significant contribution to global greenhouse gas levels. (See 2005 Revised EA Supplement at <http://www.blm.gov/or/districts/vale/plans/index.php>).

## FINAL DECISION

It is my Final Decision to implement the grazing schedules as described in this decision document. (There have been no substantive changes from those schedules described in the July 7, 2005 Final Decision. View 05 Decision at <http://www.blm.gov/or/districts/vale/plans/index.php>) It is also my decision to implement the following rangeland projects in the Louse Canyon Community Allotment, Ambrose Maher Allotment, and Anderson Allotment to assist in implementing the grazing changes and new grazing schedules contained in this decision, It is also my decision to impose new terms and conditions on your grazing permit as described in this decision.

### Louse Canyon Community Allotment

- West Little Owyhee River Gap Fences (Revised EA at 201): Construct 4 gap fences to limit livestock access to the West Little Owyhee River protect and improve riparian resources on side drainages to the river. These fences are identified on Map 16 of the Revised EA as the North Owyhee Gap, the Mid Anderson Gap, the South Anderson Gap and the South Anderson Gap 2 fences. These fences will be constructed as identified in the Revised EA (Revised EA at 201). These fences would be constructed within the Wild and Scenic River corridor or within WSA, These fences are consistent with the nonimpairment criteria of the Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of the West Little Owyhee Wild and Scenic River in the Upper West Little Owyhee WSA through the exclusion of livestock impacts to riparian areas within the river canyon.
- Rawhide 2 Enclosure Fence (Referred to as Four Springs in the Proposed Decision): Fence 3 undeveloped springs in the Lower Louse Canyon Pasture to protect the springs from livestock impacts. This fence will be constructed to exclude approximately 110 acres, differing from the Revised EA acreage of 200 acres. Field examination has revealed that 110 acres will provide necessary protection while reducing net construction of new fence. The enclosure will provide for significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health by eliminating livestock use in the riparian area around the springs and thus eliminating livestock impacts to riparian resources. The enclosure would not be constructed within WSA or a BLM-identified area with wilderness character.
- Lower Pole Creek Enclosure (Revised EA at 195): Construct 3 miles of fence to exclude 1.5 miles of riparian vegetation on Pole Creek from livestock impacts. This enclosure will allow significant progress toward Standards 2, 4 and 5 by allowing riparian recovery through the exclusion of livestock impacts. The enclosure would not be constructed within WSA or a BLM-identified area with wilderness character.
- Rawhide Spring Pipeline Extension (Revised EA at 195): A .75 mile extension from the existing Rawhide Pipeline would be constructed into the north end of the Pole Creek Seeding to offset livestock water loss from the Lower Pole Creek Enclosure. This pipeline

extension will ensure appropriate livestock distribution by providing a reliable water source in the northwest portion of the pasture. This pipeline would not be constructed in WSA or a BLM-identified area of wilderness character. This pipeline will help to allow significant progress toward Standards 2, 4 and 5 by providing offsite water and eliminating livestock impacts on Pole Creek.

- Upper Pole Creek Exclosure (Revised EA at 195): Approximately 2 miles of fence would be constructed to in the Lower Louse Canyon Pasture to protect the riparian area from late season livestock use. This exclosure would result in significant progress toward meeting Standards 2, 4 and 5 by eliminating livestock grazing within the exclosure. This project will be constructed as identified in the Revised EA (Revised EA at 195) and is not located within WSA or an area with BLM-identified wilderness character.

#### Anderson Allotment

- Bull Flat/Spring Pasture Division Fence (Revised EA at 80): Approximately .5 miles of fence would be constructed along Toppin Creek to close existing gaps between the Bull Flat and Spring pastures. This fence would be constructed in WSA but the effects of the fence would be offset by allowing implementation of a rest-rotation grazing system in these two pastures which would afford rest to each pasture on an every other year basis, thereby improving rangeland vigor and health and providing for significant progress toward meeting Standards 2, 4 and 5.

No projects were proposed in the Ambrose Maher Allotment.

It is my decision to retain the following projects identified in the Revised EA and constructed prior to filing of the complaint in the District Court of Oregon. These projects are necessary to assist in implementation of grazing changes and the new grazing schedules.

#### Louse Canyon Community Allotment

- Louse Canyon Pasture Division Fence (Revised EA at 41): This fence was constructed in 2006 to split the Louse Canyon Pasture into two pastures: Lower Louse Canyon and Middle Louse Canyon pastures. This fence was originally proposed to be 8 miles long, but was reconfigured and constructed at 3.25 miles long. This fence is not located within existing WSA or areas with BLM-identified wilderness character. This division fence has isolated critical riparian areas into the Middle Louse Canyon Pasture and will allow for early season use of these riparian areas, will eliminate late season use, and substantially shorten the duration of use, while providing more flexibility for upland use in the Lower Louse Canyon Pasture. The division fence will not be utilized to increase utilization of upland forage beyond the utilization standard of 21 to 40% in Lower Louse Canyon Pasture, and will result in significant progress toward meeting Standards 2, 4 and 5 for Rangeland Health in Middle Louse Canyon Pasture by providing for a season of use which will allow most individual grasses to recover and produce seed in any given year.

- Cavieta Pipeline Extension (Revised EA at 42; an extension of Exchange Spring Pipeline): 1.25 miles of pipeline was constructed in 2006 and one trough was installed. This trough has not been charged/utilized as a condition of the Stipulated Agreement between BLM and ONDA/WWP, but is necessary for the long-term grazing strategy to provide off-site water, thereby improving livestock distribution to upland areas. This pipeline extension and trough will provide a critical water source in a previously under-watered area and will draw livestock away from other areas with reliable water which were previously impacted by livestock concentration. Redistribution of livestock use will allow other impacted riparian areas to make significant progress toward meeting Standards 2,4 and 5.
- Exchange and Coffeepot Springs Pipelines Revised EA at 42, 141): The pipelines and troughs were rehabilitated in 2006 and restoration work was completed to remedy erosion and damage caused by the original pipeline construction. Maintenance responsibility for the pipelines will be reassessed by BLM personnel, taking into account total maintenance responsibility and benefit relative to each permittee, and will be assigned as appropriate through an Assignment of Range Improvements. Assignments will be specific to individual permittees and will specify individual maintenance responsibilities. Maintenance will be enforced as a term and condition of grazing permits. Future meadow restoration, such as headcut armoring, seeding or exclusion fencing, may be implemented as necessary to ensure continued meadow function. Implementation of the new grazing schedule and full implementation of projects will further reduce livestock impacts to these meadows by reducing the duration of grazing, improving livestock distribution to better utilize upland forage resources by providing additional livestock water sources and maintenance of pipelines, and establishing a light utilization standard of 21 to 40%, with a long-term target of 30%. These actions will allow the meadows to make significant progress toward meeting Standards 2, 4 and 5. It was decided at the time of project implementation that protective fencing identified in the Revised EA would create more disturbance than benefit and would be located within WSA, and was not constructed.
- Spring Maintenance/Reconstruction/Abandonment (Revised EA at 76, 141): 14 springs were identified in the Louse Canyon Community Allotment which required maintenance or reconstruction. Field examination in 2006 resulted in only 8 springs being reconstructed (Bend Spring, Chato Spring, Indian Spring, Jack Creek Spring, Little Bog Spring, Lone Tree Spring, New Road Spring, and Pedroli Spring). A proposed exclosure at Bend Spring was not constructed because of its location in WSA and the potential for increasing livestock impacts between the trough and the proposed exclosure. Reconstruction generally involved headbox repair and trough relocation out of associated riparian areas. Three other springs were identified for simple maintenance (Coffeepot Spring, Three Week Spring, and Lime Spring) consisting of trough replacement or maintenance of overflow pipes. Two springs were excluded from reconstruction or maintenance due to lack of existing access roads (Horse Hill Spring, Monopoly Spring). Seven springs were abandoned and rehabilitated (Edge Spring, Unknown Springs 1 and 2, Spare Spring, Disaster, Disaster 2, and Unknown Spring 3 below Deer Creek Cow Camp). These spring maintenance/ reconstruction/ abandonment actions will ensure that water developments are in working order and strategically placed to help ensure that the grazing schedules set out in this Final Decision

are workable and can be implemented. Relocation of trough away from wetted riparian areas will allow these areas to make significant progress toward meeting Standards 2, 4 and 5.

- Low Water Crossings (Revised EA at 132, 142): Low water rocked crossings were installed in the New Road Spring and Three Week Spring drainages in 2006. In New Road Spring drainage, vehicle use and livestock utilization had produced large ruts, numerous crossings, and a migrating headcut through the wet meadow immediately below the main road crossing area. To alleviate these impacts, an on-gradient rocked water crossing was constructed. The crossing was placed on the headcut to stop its migration upstream. Construction on-gradient with large, angular rock at the base and fine, angular gravels in the interspaces allow high stream flows to pass over the structure and low stream flows to percolate through the structure. At Three Week Spring, the crossing interfered with and diverted stream flow. This was remedied by maintenance and elevating the road bed at the crossing.

No projects were reconstructed or maintained in the Ambrose Maher or Anderson Allotments.

**Refer to Attachment A for mitigating measures associated with implementation of these rangeland developments. These measures will be followed during and after project implementation, as appropriate.**

I have determined that this Final Decision and the changes to livestock grazing and associated rangeland projects, will result in significant progress toward fulfillment of Standard 2, 4, and 5 that were not met in the LCGMA and for which BLM found existing grazing management practices or levels of grazing use on public lands to be significant factors in failing to achieve the standards. This determination is based on BLM's finding that, under this Final Decision, riparian pastures will receive early season grazing use or riparian areas will be protected through exclusion. Exclusion or early season grazing use has been shown to allow riparian vegetation to provide adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils (BLM TR 1737-14, 1997). Further, the changes in grazing contained in this Final Decision will improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge, and streambank stability.

Riparian pastures will receive light utilization (21 to 40% utilization, with a long-term target of 30%) which will provide adequate residual vegetation to support proper riparian function and provide for improved plant vigor. Abandonment of 7 springs from use for livestock water will allow those springs to return to a naturally functioning condition without the spring source being diverted for livestock water use. Overall reductions in grazing duration throughout the planning area by approximately 50% in pastures with identified riparian concerns will allow upland vegetation to maintain or improve plant vigor, allow for seed production and dispersal, and maintain healthy, productive, and diverse populations of native plant species which are resistant to invasive species establishment and development of a repetitive fire cycle.

Conservative utilization standards for native upland pastures will ensure that they continue to meet the Standards for Rangeland Health by providing for adequate residual vegetation, which will serve

to support infiltration, maintain soil moisture storage, and stabilize soils. Native pastures, without riparian concerns, that are in a rest-rotation grazing system will have a maximum allowable utilization limit of 50%, but will receive complete rest every other year, thereby ensuring plant vigor and health. Native pastures without riparian concerns which receive use yearly will have a maximum allowable utilization limit in the light category (21 – 40%), which will allow plants to maintain vigor and health. Limited fencing and pipeline development (in the context of the large planning area) and project design features aimed at reducing/minimizing impacts to wildlife will provide for continued health of wildlife habitats and populations in the area, while providing livestock management tools to improve livestock distribution and alleviate livestock pressure on existing riparian resources.

To the extent possible, fencing and pipeline construction has been reduced in linear extent throughout the planning area and, with the exception of riparian enclosures, those projects yet to be constructed have been redesigned to be constructed within existing areas of disturbance, thereby minimizing or eliminating disturbance within intact sagebrush habitat and areas with BLM-identified wilderness character. Together, all these actions will allow the area to make significant progress toward meeting the Standards for Rangeland Health because it will result in measurable improvement to riparian resources which were identified as not meeting Standards 2, 4, and 5, with due recognition of the effects of climatic extremes, fire, and other unforeseen naturally occurring events or disturbances.

The Owyhee Grazing Association traditionally used a loose grazing rotation, but pasture dates were not defined and discrete pasture management is lacking. Livestock will naturally move up in elevation when temperatures increase at lower elevation and grass plants mature and dry out, or will remain on critical riparian areas. These same climatic factors will cause livestock to over-utilize riparian vegetation late in the season as riparian vegetation remains green and more palatable later into the season. (BLM TR 1737-20, 2006) Late-season riparian use has been demonstrated to be detrimental to riparian health and recovery (BLM TR 1737-14, 1997). This historical grazing management required limited livestock management action on the part of the livestock permittee and required little development or maintenance of range improvements and resulted in livestock impacts to riparian habitats which have resulted in the current failure to meet Standards 2, 4 and 5. This Final Decision addresses the resource concerns and changes livestock management practices to result in significant progress toward fulfillment of Standards 2, 4 and 5, as well as continued achievement of Standards 1 and 3, on the Anderson, Ambrose Maher and Louse Canyon Community Allotments and within the LCGMA.

I have determined that implementation of the proposed grazing management strategy for the Owyhee Grazing Association will result in a meaningful and positive significant change to grazing management practices and will have a resultant and positive effect on rangeland health. Livestock will no longer be allowed to “naturally” drift upward in elevation as temperature and grass growth determines livestock movement. Pastures will be used at designated times which will ensure rangeland vegetation vigor and health (SEORMP Appendix R, 2002). Riparian areas found to not be meeting Standards 2, 4 and 5 will receive protection from livestock or will be grazed in a manner consistent with recognized grazing practices that improve riparian health and which will result in significant progress toward meeting Standards 2, 4 and 5 (BLM Technical Reference 1737-14, 1997).

It is expected that livestock grazing in the Louse Canyon Community Allotment, Anderson Allotment, and Ambrose Maher Allotment under the schedule and rotation identified in this Final Decision, and outlined below, will not be fully achievable until all of the rangeland improvement projects are constructed and the preferred alternative moves closer to full implementation. Until these projects are constructed, which allow for the protection of riparian areas that were not meeting Standards for Rangeland Health, your annual grazing authorization will be in accordance with the interim grazing strategy (LCGMA Standards of Rangeland Health Evaluation, Table 7, 2002, see Attachment B) and as reflected in your turnout statements from 2002 to present. In the interim, you must still manage your livestock to meet the utilization limits stated in this decision and meet other terms and conditions of your permit. Once all of the previously mentioned rangeland improvement projects have been constructed, your standard authorized grazing use will be as follows:

- **Ambrose Maher Allotment** – 50 head 2/12 – 5/15, annually; 812 head, 10/1 – 10/13, annually. Maximum allowable utilization level is in the light category of 21 to 40%. This allotment would be used early season with approximately 50 bulls. The entire herd would return in late season for a short time. Grazing would avoid the critical growing period, and grasses and forbs would complete their physiological cycles and set and disperse seed each year. No changes in grazing use would occur in this allotment, and rangeland vegetation would continue to maintain its current health and vigor. Ambrose Maher Allotment contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **North Pasture** – 766 head, 2/15 – 3/25, annually. Maximum allowable utilization level is in the light category of 21 to 40%. Overall use in the Anderson Allotment is shortened by approximately 40 days. Early season use will allow livestock to utilize standing forage from the previous year's growing season. Use would occur prior to the critical growing period while rangeland vegetation is quiescent, and rangeland vegetation would continue to maintain its current health and vigor. North Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Spring and Bull Flat Pastures** – 766 head, 3/26 – 5/02, every other year; 766 head, 5/3 – 5/15, every other year; 815 head, 5/16 – 6/6, every other year. Maximum allowable utilization level is 50%. These pastures will be used in a deferred rotation system, so that each pasture receives early use every other year. Bulls from the Ambrose Maher pasture are added to the herd on 5/16. By using a deferred rotation system, each pasture would receive deferment from grazing during the critical growing period every other year. This will ensure range health and productivity. Forage plants would complete growth without interruption of the carbohydrate storage cycle and the physiological needs of the plants would be met. Upper Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Middle Louse Canyon Pasture** – 812 head, 6/7 – 7/15, annually. Maximum allowable utilization level is in the light category 21 to 40%, with a long-term target of 30%. The duration of grazing in this pasture will be reduced from approximately 200 days to 45 days. The removal date for livestock still allows time for rangeland vegetation recovery and seed production on many individual plants. Upland trend for this pasture has remained constant,

so a shortened grazing period and 40% utilization can be expected to move trend into an upward status. Division of the Lower and Middle Louse Canyon pastures will allow more consistent livestock utilization across these pastures by preventing over-utilization of riparian resources in the Lower Louse Canyon Pasture and limiting the duration of use in both pastures, thereby providing for proper utilization levels and season-of-use in both pastures. Middle Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.

- **Lower Louse Canyon Pasture** – 812 head, 7/16 – 8/31, annually. Grazing use will occur after the critical growing season and the period of use is substantially reduced from approximately 200 to 45 days duration as this pasture was originally part of the Middle Louse Canyon Pasture. Maximum allowable utilization level is in the light category of 21 to 40%. Grasses and forbs would complete their carbohydrate storage cycles, set and disperse seed, and rangeland vegetation would maintain or currently authorized. Critical riparian resources will be protected by the Chipmunk Spring and Rawhide 2 exclosure, and will allow significant progress toward meeting Standards 2, 4 and 5, which were found not to be met in this pasture, with livestock use being a significant causal factor. Lower Louse Canyon Pasture contains designated WSA but will be grazed in a manner and degree less than that permitted in 1976.
- **Pole Creek Seeding** – 812 head, 9/1 – 9/30, annually. Maximum allowable utilization level is 60%. Use will occur well after the critical growing period for forage plants. This use period would allow grassed and forbs to complete the carbohydrate storage cycle and set and disperse seed each year. Rangeland vegetation would improve in health and vigor.

Grazing seasons of use and maximum AUMs authorized by allotment have been identified in the SEORMP ROD (Louse Canyon Community at E-172, Campbell at E-206, Ambrose Maher at E-176, Star Valley Community at E-177; view ROD at <http://www.blm.gov/or/districts/vale/plans/valermmp.php>) and shall not be exceeded. The Little Owyhee Allotment is public land in Nevada which is unfenced and used in conjunction with the South Tent Creek pasture of the Star Valley Allotment. The Quinn River Allotment is public land in Nevada which is unfenced and used in conjunction with the Upper Louse Canyon pasture of the Louse Canyon Community Allotment. Pastures without riparian concerns (meeting Standards 2, 4 and 5) may be used in accordance with the dates identified in the SEORMP (Revised EA at 50). Seasons of use for pastures not meeting Standards 2, 4 and 5 shall be in accordance with the terms and conditions of the permit.

**In the event that the maximum allowable utilization is reached in any pasture prior to the identified end date, livestock must be moved to the next available pasture or removed from the allotment entirely.**

**In addition to the Mandatory Terms and Conditions of your grazing permit (common to all BLM grazing permits), the following Other Terms and Conditions will apply to your grazing permit:**

For the following native rangeland pastures with riparian management concerns, annual late season sedge/rush regrowth requirements shall become a term and condition for your grazing permit;

Campbell Allotment: (1) Horse Hill South (2) Horse Hill North

Louse Canyon Community Allotment: (1) Upper Louse Canyon (2) Middle Louse Canyon (3) Lower Louse Canyon and (4) Southwest Tent Creek.

A term and condition of your permit will be that at least 4 to 6 inches of sedge/rush plant growth is present at perennial wetted areas by the end of each growing season. Regrowth will be expected to capture spring runoff and sediments which promote bank building, water storage, riparian obligate plant health and proper functioning riparian conditions. Regrowth measurements will be gathered by BLM in late October or thereabouts. This particular term and condition is not a “trigger” point that will signal when to move your livestock off of wet meadow habitats during the grazing season. Instead, it is a requirement wherein conformance will be determined on the basis of monitoring data gathered well after livestock grazing use has ended; either July 15<sup>th</sup> or August 1<sup>st</sup> in accordance with your permit. This is in accordance with the analysis of the Revised EA.

1. The maximum allowable incidence of use limit (utilization) on woody riparian species such as willow and aspen shall not exceed 30% as determined by the Cole browse methodology. This term and condition shall be determined annually by BLM and it shall be a livestock move “trigger” signaling it is time to move your livestock into the next scheduled use pasture.
2. For native rangeland pastures with rest/rotation grazing systems, maximum allowable “landscape appearance” utilization levels are increased from “light” (21%-40%) as originally proposed in the Evaluation for all native pastures, to “moderate”(41% to 60%) and you are required to meet an average upland utilization target of no more than 50%. The pastures this requirement applies to are:

Campbell Allotment: (1) Peacock (2) Twin Springs North (3) Twin Springs Middle and (4) Twin Springs South Pastures.

This maximum 50% utilization level is the same amount that has been authorized in the past.

For the following 6 native rangeland pastures, it is necessary to improve riparian conditions and maintain the health of key upland forage grass health;

Campbell Allotment - (1) Horse Hill South (2) Horse Hill North

Louse Canyon Community Allotment - (1) Upper Louse Canyon (2) Middle Louse Canyon (3) Lower Louse Canyon and (4) Southwest Tent Creek

Because of upland maintenance and riparian improvement needs, it is required that your livestock not exceed an average “landscape appearance” upland utilization level of 30%. This term and condition of your permit falls within the maximum allowable “light” utilization category of 21%-40% and it shall apply to the identified pastures regardless of the grazing system. This requirement will be applied after EA OR-030-04-13 Alternative III fence development is fully completed.

3. Adjustments in livestock numbers or any other changes from your normal grazing schedule shall be approved in advance by the authorized officer.
4. You are required to provide BLM with a completed actual use record within 15 days of the close of the grazing season.
5. In accordance with ONDA v. Palma (Owyhee Wild and Scenic Rivers) civil no. 98-97-RE, regarding order of modified injunction, the areas of designated concern are closed to livestock grazing<sup>1</sup>.
6. Trailing through any area of concern is restricted to three (3) hours per herd of livestock.
7. Permittees shall maintain all assigned range improvements. This has been, or will be, specified in signed cooperative agreements.
8. Salt or supplements shall be placed at least ½ mile away from water sources on public land.
9. Livestock salting and mineral supplement stations shall be approved by the Authorized Officer and placed at least 0.6 miles from leks to avoid drawing livestock disturbance into centers of sage-grouse breeding activity (C.A. Hagen 2005:76<sup>2</sup>).
10. Livestock trailing onto public land during turnout and among pastures between March 1st and April 30<sup>th</sup> shall be routed in a manner that avoids direct overlap between livestock and sage-grouse breeding activities (C.A. Hagen 2005:75).
11. BLM or ODFW approved wildlife escape ramps shall be installed in new and existing livestock water tanks to minimize entrapment and drowning of sage-grouse and other species (C.A. Hagen 2005:76).

The Louse Canyon Community Allotment is used by several livestock permittees, including Kimble Wilkinson Ranch, Nouque Ranch and Owyhee Grazing Association. As such, one or more permittees may use pastures in common and may have similar or different grazing dates. However, permittees will be held responsible for control and movement of their livestock and may be subject

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<sup>1</sup> 3,981 acres of land have been excluded from livestock use, except for 3 hours of trailing use per livestock herd, on the West Little Owyhee River.

<sup>2</sup> All C. A. Hagen references refer to the 2005 Oregon conservation strategy for sage-grouse habitats and populations.

to unauthorized use actions under 43 CFR 4150, 4160 and 4170, in the event that they exhibit an inability or unwillingness to provide proper control of their livestock. Likewise, failure by any permittee to regularly and properly maintain their assigned range improvements may result in a reduction or elimination of grazing use in any or all pastures affected by the lack of maintenance. Upon implementation of all proposed projects, project maintenance on a whole will be assessed but the BLM and assigned (or reassigned) through an Assignment of Range Improvements on a fair and equitable basis, based on location and benefit to individual affected permittees.

No projects proposed to implement the new grazing system for the Owyhee Grazing Association will occur within existing WSA or in areas with BLM-identified wilderness character, with the exception of the West Little Owyhee River Gap Fences. These fences are consistent with the nonimpairment criteria of the Interim Management Policy and Guidelines for Lands under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The West Little Owyhee gap fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of the West Little Owyhee Wild and Scenic River in the Upper West Little Owyhee WSA through increased protection from unauthorized livestock use and livestock impacts in the river's riparian areas.

Only projects consistent with the proposed grazing management strategy will be implemented and all projects have been reviewed and modified to minimize impacts and disturbance to the environment.

BLM monitoring data shall be used to determine if authorized grazing use in LCGMA results in attainment of the riparian and upland management objectives analyzed in Revised EA.

OR-030-04-13. BLM shall evaluate grazing system performance over short and long-term time frames as described below.

### **Short-term Performance Evaluations**

1. The proposed grazing system adopted in this decision shall undergo an annual (short term) performance evaluation by BLM's ID Team to determine if riparian management objectives for LCGMA are being met.
2. Upon reaching the maximum allowable woody riparian or key upland forage grass utilization limits, livestock would be moved to the next pasture identified in the pasture rotation. If the maximum allowable utilization limit is reached in the last pasture scheduled for use prior to the end of the identified use period, livestock would be removed from BLM public lands within the allotment. This annual monitoring requirement may result in shortened use periods for some or all pastures in years of decreased forage production, such as drought.
3. Potential grazing use adjustments may be necessary because of failure to meet (1) riparian herbaceous re-growth requirements after the growing season (2) key forage grass utilization

limits during the grazing season or (3) woody riparian utilization limits during the grazing season. BLM shall consider further adjustments to the Proposed Action before the beginning of the next grazing season in accordance with 43 CFR 4180 and the principles as outlined in the SEORMP ROD:16.

4. Failure to meet your terms and conditions may necessitate future actions such as: (1) re-routing livestock trailing (2) further adjustments to the duration or intensity of livestock grazing use and/or (3) other potential remedies that may not be foreseeable at this time.

### **Long-term Performance Evaluation**

1. Prior to expiration of this new term grazing permit, a long-term evaluation of your grazing system performance and its and effects on upland, riparian and wetland areas will be conducted. This evaluation will be completed by a BLM Interdisciplinary Team (ID Team). Monitoring methods employed shall be in accordance with approved BLM protocols such as those identified in Appendix W of the SEORMP ROD.
2. Long-term proper riparian functioning condition (PFC) determinations will be made on the basis of riparian monitoring data from this time forward. A reassessment of PFC conditions will not be used as basis for evaluating long-term grazing system performance and impacts to riparian areas.
3. Where improvement of riparian condition is needed, upward trend indicators demonstrating that the grazing system is working properly will include items such as: (1) increases in the overall amount of herbaceous ground cover (2) increases in the amount of herbaceous plants indicative of later ecological conditions and (3) decreases in the amount of active stream-bank erosion.
4. Where site potential allows for woody riparian vegetation, the following indicators will be used to assess upward trend: (1) increases in the total number of key woody plants (2) evidence of woody plant reproduction that is not being completely suppressed by the effects of livestock grazing use and/or (3) increases in overall canopy volume (height and width) of key woody plants.
5. Where maintenance or improvement of key upland forage grasses such as bluebunch wheatgrass and Idaho fescue is required, BLM will determine trend on the basis of: (1) line intercept studies and (2) three meter by three meter photo plot studies. Both study types will be located where grazing use is occurring and at a reasonable distance from livestock water.

### **RATIONALE**

The actions defined in this Final Decision allow BLM to strike a balance between natural values and commodity uses in a manner consistent with the principles of “multiple use” as defined by the Federal Land Management and Policy Act (FLPMA) of 1976. Specific resource objectives are

identified in the Southeast Oregon Resource Management Plan and Record of Decision (SEORMP ROD). Where appropriate, these ROD objectives are repeated through the impact analysis section of the revised EA and addendum along with indications of how these objectives would be met. For the Proposed Action, these ROD objectives, as well as more specific objectives identified in the GMA Evaluation, would be achieved through a variety of management actions, mitigation measures, projects, and land treatments without creating any significant impacts. Specifically, the actions defined in the Final Decision meet the ROD objectives for: rangeland vegetation; water resources and riparian/wetland areas; fish and aquatic habitat; wildlife and wildlife habitat; special status animal species; rangeland/grazing use; visual resources; areas of critical environmental concern; and wild a scenic rivers (ROD pages 28 – 111). Importantly, the Proposed Action adopted in the Final Decision will result in significant progress toward fulfillment of Standards 2, 4 and 5, as well as continued achievement of Standards 1 and 3, on the Ambrose Maher Allotment, the Anderson Allotment, the Louse Canyon Community Allotment, and within the LCGMA.

The Final Decision to implement a variety of projects and to implement a new grazing system for the Owyhee Grazing Association provides more restrained grazing use in the Louse Canyon Community Allotment, Anderson and Ambrose Maher Allotments, and will require additional inputs from the Owyhee Grazing Association to manage their livestock grazing use. Specifically, the Final Decision will require additional and more frequent pasture moves to achieve successful implementation of the grazing system. Likewise, construction of additional range projects and a greater reliance upon existing range projects will likely increase the maintenance responsibilities of the permittee. However, the BLM does not believe that these changes will be so onerous as to make the permittee's livestock grazing operation economically unsustainable. Sustainable livestock operations in LCGMA will continue to provide economic support and sustainability to local communities, such as Mc Dermitt, NV and Jordan Valley, OR.

The proposed management changes for riparian and upland rangeland vegetation provide for sustainable grazing use, while resulting in significant progress toward meeting Standards 2, 4 and 5 through appropriate timing and duration of livestock grazing, in conformance with 43 CFR 4180.2(c). The most significant changes are the elimination or changes to timing and duration of livestock use in wetted riparian areas. The duration of livestock use on upland rangeland vegetation is significantly reduced and timing of use has been adjusted to best meet the biological and physical requirements of upland rangeland vegetation. These changes are achieved both through implementation of proposed range improvements and development of a new grazing system which favors maintenance or improvement of rangeland health.

While some other alternatives in the Revised EA may have provided for lesser levels of livestock grazing, the Proposed Action meets all other resource objectives while providing for continuing livestock operations. This determination is based on BLM's finding that, riparian pastures will receive early season grazing use or riparian areas will be protected through exclusion. Exclusion or early season grazing use have been shown to allow riparian vegetation to provide adequate amounts of ground cover to support infiltration, maintain soil moisture storage, and stabilize soils (BLM TR 1737-14, 1997).

Further, the changes in grazing contained in this Final Decision will improve or restore riparian-wetland functions of energy dissipation, sediment capture, groundwater recharge, and streambank stability. Riparian pastures will receive light utilization (21 to 40% utilization, with a long-term target of 30%) which will provide adequate residual vegetation for proper riparian function. Abandonment of 7 springs from use for livestock water will allow those springs to return to a naturally functioning condition without the spring source being diverted for livestock water use.

For upland health (which is currently being met under Standards 1 and 3) overall reductions in grazing duration throughout the planning area by approximately 50% in pastures with riparian concerns will allow upland vegetation to maintain or improve plant vigor, allow for seed production and dispersal, and maintain healthy, productive, and diverse populations of native plant species which are resistant to invasive species establishment and development of a repetitive fire cycle. Conservative utilization standards for native upland pastures will ensure that they continue to meet the Standards for Rangeland Health by providing for adequate residual vegetation, which will serve to support infiltration, maintain soil moisture storage, and stabilize soils.

Native pastures, without riparian concerns, that are in a rest-rotation grazing system will have a maximum allowable utilization limit of 50%, but will receive complete rest every other year, thereby ensuring plant vigor and health. Native pastures without riparian concerns which receive use yearly will have a maximum allowable utilization limit in the light category (21 – 40%), which will allow plants to maintain vigor and health.

Limited fencing and pipeline development and project design features aimed at reducing/minimizing impacts to wildlife (in the context of the large planning area) will provide for continued health of wildlife habitats and populations in the area, while providing livestock management tools to improve livestock distribution and alleviate livestock pressure on existing riparian resources. To the extent possible, fencing and pipeline construction has been reduced in linear extent throughout the planning area and, with the exception of riparian exclosures, those projects yet to be constructed have been redesigned to be constructed within existing areas of disturbance, thereby minimizing or eliminating disturbance within intact sagebrush habitat and areas with BLM-identified wilderness character. Together, all these actions will allow the area to make significant progress toward meeting the Standards for Rangeland Health because it will result in measurable improvement to riparian resources which were identified as not meeting Standards 2, 4, and 5, with due recognition of the effects of climatic extremes, fire, and other unforeseen naturally occurring events or disturbances.

With proposed projects and grazing systems identified for the LCGMA, slightly more than 94% of all remaining big sagebrush would remain as complex shrubland habitat capable of supporting sage-grouse and other sagebrush-dependent species, well below the 85% threshold identified in the SEORMP and the Revised EA. Livestock turn out and trailing in the planning area would be substantially similar to that which has occurred in LCGMA for decades and the sage-grouse population is, nevertheless, on a stable to upward trend over the last decade. Livestock trailing onto public land during turnout and trailing between pastures March 1 and April 30 would be routed in a manner that avoids direct overlap of livestock and sage-grouse breeding activities (Revised EA at 217). Although BLM has indicated that, to meet resource objectives, more days of trailing would

occur under the proposed action compared to historical grazing practices or the interim grazing strategy, the amount of habitat impacted by trailing would not be expected to increase appreciably due to active avoidance of sage-grouse leks and localized nature of impacts associated with established trailing routes.

Impacts as described in the Proposed Action of the Revised EA would generally be consistent with most of the desired wildlife habitat conditions for sage-grouse and communities of terrestrial wildlife described in the SEORMP (see SEORMP, Chapter 2, page 68 – 69 and Appendix F, F-3 Grazing Use Considerations for Upland Habitats). Compared to current management, woody and herbaceous plant community composition, distribution, and structure on streams would be expected to gradually improve wildlife habitat conditions over the long term where summer and fall grazing use previously occurred on an annual basis. Improvements would include increased cover, bank shading, and perching and nesting habitat. Herbaceous cover and forage values in perennial wet meadows would be expected to gradually improve for small animals, such as land birds, and large mammals, such as pronghorn. In riparian area exclosures, habitat recovery would be advanced as rapidly as site capability would allow.

The lack of new proposed projects in existing WSAs, with the exception of the West Little Owyhee Gap Fences, will serve to continue to protect their associated wilderness character. These fences are consistent with the nonimpairment criteria of the Interim Management Policy and Guidelines for Lands under Wilderness Review (BLM Handbook-8550-1) in that the fences could be easily removed if wilderness designation were to occur. The fences will be located in small side drainages, will be substantially unnoticeable, and will serve to enhance the supplemental value of high scenic value associated with the Owyhee river canyon in the Owyhee River Canyon WSA through the exclusion of livestock impacts to riparian areas within the river canyon.

Mitigation measures for projects proposed within areas with BLM-identified wilderness character will also serve to protect the identified wilderness character, primarily through placement in existing areas of disturbance, avoidance, and reduction in total proposed projects. Proposed changes to livestock grazing should improve wilderness character through improved timing and duration of livestock use in both WSA and areas with BLM-identified wilderness character. The proposed grazing systems will continue to exclude livestock grazing use in the identified areas of concern on the West Little Owyhee and the Owyhee Wild and Scenic River segments (ONDA v. Palma, Civil No. 98-97-RE).

Specific mitigation in placement of proposed projects will ensure that areas with BLM-identified wilderness character will not be adversely affected and BLM has concluded that the Proposed Action will not diminish the size or cause the entire BLM inventory unit to no longer meet the criteria for wilderness character. Likewise, BLM believes that nothing in the Proposed Action will preclude areas that do not possess BLM-identified wilderness character from potentially achieving wilderness character in the future.

The presence of several important and sensitive resource values, such as intact sagebrush habitat, riparian habitat, WSA, Wild and Scenic River (WSR), and land with BLM-identified wilderness character as described in the revised EA and Addendum, required that BLM make a well-reasoned

and justified decision to support the management actions considered. All management directives and regulatory requirements relative to riparian management, Greater sage-grouse management, and WSAs were all involved and carefully considered in the crafting of this Final Decision. The Final Decision has been shaped with involvement from BLM grazing permittees, ONDA, WWP, and BLM range, wildlife, and hydrology staff.

This Final Decision has considered both the beneficial and adverse impacts of rangeland management actions involving fence construction, water development, and timing and duration of livestock grazing. The proposed changes in timing and duration of livestock grazing have been proven to provide for riparian recovery in other grazing systems, (SEORMP Appendix R), and the limited fencing and water developments will also serve to improve livestock distribution upon implementation. On the whole, and when fully implemented, the Proposed Action will result in progress toward achievement of potential for wetted riparian vegetation in the short term (1-3 years) and anticipated recovery of potential in the long term (5-10 years), dependent upon climatic conditions such as rainfall and temperature. The improvement will occur as a result of either eliminating livestock use within wetted riparian areas or eliminating late season livestock use within wetted riparian areas. The proposed changes to livestock use in wetted riparian areas will allow for recovery and/or development of appropriate riparian vegetation and improved hydrologic functions. BLM believes that this improvement in riparian condition will result in significant progress toward fulfilling Standards 2, 4, and 5 of the Oregon/Washington Rangeland Health Standards and will also thus meet BLM's obligations under 43 CFR 4180.2(c).

These ecological benefits will, in turn, contribute to improved conditions that will benefit areas with BLM-identified wilderness character within the LCGMA. These improvements will benefit wilderness character in the same time frames as described for wetted riparian vegetation. Upland vegetation will continue to meet Standards for Rangeland Health under implementation of the Proposed Action, through improved pasture rotations and utilization standards, which will provide for healthy, resilient native vegetation with a natural resistance to wildfire and invasive annual species. As illustrated in the response to comments to the EA Addendum, the Proposed Action provides varying reductions in grazing duration in all vegetation types within areas with BLM-identified wilderness character in the LCGMA, and provides similar reductions in grazing duration within existing WSAs, with the exception of the Anderson Allotment in the Owyhee Canyon WSA. However, the 7 day increase in grazing use within this allotment still provides for a forage allocation below active permitted use and at a level that would be ecologically sustainable because of the proposed early season of use. The 7 day extension of grazing duration does not represent a grazing level in excess of the manner and amount of grazing which occurred in 1976.

## **AUTHORITY**

This authority for this Final Decision is contained in Title 43 of the Code of Federal Regulations (CFR), subpart 4180.2 which states in part:

*43 CFR 4180.2(c)(1) If a standards assessment indicates to the authorized officer that the rangeland is failing to achieve standards or that management practices do not conform to the guidelines, then the authorized officer will use monitoring data to identify the significant factors that contribute to failing to achieve the standards or to conform to the guidelines. If*

*the authorized officer determines through standards assessment and monitoring that existing grazing management practices or levels of grazing use on the public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section, the authorized officer will, in compliance with applicable laws and with consultation requirements of this part, formulate, propose, and analyze appropriate action to address the failure to meet standards or to conform to the guidelines.*

*43 CFR 4180.2(c)(3) The authorized officer will take appropriate action as defined in this paragraph by the deadline established in paragraphs (c)(1) and (c)(2) of this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction, and development of water.*

As contained within 43 CFR 4180.2(c) (3), this Final Decision is in conformance with all other applicable subparts of 43 CFR 4100. Furthermore, this Final Decision is in conformance with the Taylor Grazing Act of 1934, as amended, the Federal Land Policy and Management Act of 1976, as amended, the Public Rangelands Improvement Act of 1978, and all public land orders, Executive orders, and agreements which authorize the Secretary to administer livestock grazing on lands specified under the Taylor Grazing Act or other authority as specified.

## **RIGHT OF APPEAL**

Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. A period of 30 days from your receipt of the final decision is provided for filing an appeal and petition for stay of the decision pending final determination on appeal, as provided in 43 CFR § 4.470 and 43 CFR § 4160.4.

Any appeal should state clearly and concisely as to why the final decision is in error. All grounds of error not stated shall be considered waived and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Jordan Resource Area  
Vale District Bureau of Land Management  
100 Oregon Street  
Vale, Oregon 97918

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in

accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filed with the appeal. In accordance with 43 CFR § 4.21 (b) (1), a petition for a stay must show sufficient justification based on the following:

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

Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the authorized officer, the appellant must also serve copies on:

- 1) All other person(s) named in the address heading of this decision; and
- 2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c):

Office of the Solicitor  
US Department of the Interior  
Pacific NW Region  
805 SW Broadway, Suite 600  
Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

Sincerely,



Carolyn R. Freeborn  
Field Manager  
Jordan Resource Area

## **Attachment A - Mitigating measures associated with implementation of rangeland developments**

Within the Louse Canyon Geographic Management Area, rangeland improvement projects will be constructed and grazing management conducted in accordance with the following mitigating measures which were identified in Revised EA OR-030-04-13.

### **Assumptions common to the alternatives**

#### **Rangeland Vegetation**

1. Appendix S of the SEORMP ROD (Standard Implementation Features and Procedures for Rangeland Improvements) will be adhered to.

### **Special Status Plant Species**

2. Special status plant surveys will be conducted prior to all surface disturbing activities and project installations. Project location adjustments necessary to avoid site specific adverse impacts to special status plants will be accommodated.

#### **Water Resources and Riparian/Wetlands and Aquatic Species and Habitats**

3. Attainment, protection, or maintenance of water quality standards, Proper Functioning Condition, and Riparian Management Objectives (RMO's) would be required in all Riparian Conservation Areas (RCA's). Based on current information for the LCGMA, approximately 200 miles of streams have RCA's. Surface area of RCA's average between 5 to 10 acres per stream mile, which results in about 1000-2000 acres of RCA's on public land in LCGMA.
4. Project development in riparian/wetland areas will follow SEORMP ROD Appendix O (Best Management Practices) criteria to minimize disturbance and maximize potential for project success. Adequate buffer distances will be implemented to protect riparian areas and stream channels from potential erosional impacts of land treatments and construction of fences.

#### **Wildlife and Wildlife Habitat and Special Status Animal Species**

5. BLM will continue to monitor habitat conditions in LCGMA, and ODFW will continue to monitor sage-grouse population status. Existing rangeland vegetation monitoring will be supplemented with appropriate additional studies in accordance with SEORMP ROD Monitoring Appendix W to document success or failure in meeting LCGMA resource objectives.
6. The activity plan level wildlife habitat objective for LCGMA and the SEORMP ROD 70% threshold for grassland habitat in Jordan Resource Area (page *x* Record of Decision) will significantly limit the amount, type, and location of further fragmentation from BLM initiated land treatments. Less than 5% (26,000 acres) of the Wyoming, mountain, and Basin big sagebrush habitats may appear as grasslands under the LCGMA terrestrial wildlife objective.
7. BLM has obligated funds to survey for presence of pygmy rabbits<sup>1</sup> before land treatment is initiated in Starvation Brush Control pasture. The survey will be completed by qualified contractors. Based on the information gathered BLM will then either avoid adverse impacts to pygmy rabbit habitat by adjusting the treatment boundary of the proposed project or proceed on the basis of field data that show pygmy rabbits

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<sup>1</sup> According to the results of a pygmy rabbit survey conducted by Hamer and Associates (11/2005), no pygmy rabbit burrows were discovered within the area treated by BLM within Starvation Brush Control pasture.

do not occupy the proposed treatment area.

8. Land treatment will be completed at least two miles from existing leks<sup>2</sup> so that most potential adverse nesting habitat impacts may be avoided in accordance with OR/WA BLM and WAFWA management guidelines.
9. New livestock management fences will be located at least .6 miles from leks according to BLM (2000:12).
10. All new livestock water sources will be located more than .6 miles from leks to avoid potential livestock disturbances to sage-grouse breeding activity during the strutting season consistent with C.A. Hagen (2005:76).
11. Livestock management fences will be constructed in a way that (1) allows for freedom of movement for bighorn sheep, mule deer, and pronghorn and (2) minimizes potential for injury or mortality. In accordance with BLM Manual Handbook H-1741-1, interior allotment fences will conform to the following material and spacing requirements; top strand – barbed wire - no higher than 38”, second strand – barbed wire at 26”, bottom strand – smooth wire at 16”.
12. New fencing will be flagged temporarily to help diminish incidence of wildlife and fence collisions.

### **Rangeland/Grazing Use Management**

13. Appendix S of the SEORMP ROD (Standard Implementation Features and Procedures for Rangeland Improvements) will be adhered to.

### **Wilderness Study Areas**

14. Impacts to WSA's will be mitigated to the extent possible by adherence to the BLM Wilderness Interim Management Policy. Careful selection of construction materials and methods (such as installation of easy panels and use of all green metal fence posts) and judicious placement intended to maximize vegetative and topographic screening will be practiced.

### **Cultural Resources**

15. Cultural resource surveys will be conducted prior to all surface disturbing activities and project installations. Project location adjustments necessary to avoid site specific adverse impacts to cultural resources will be accommodated.

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<sup>2</sup> The 2006 Starvation Brush Control pasture brush mowing project resulted in 777 acres of mown Wyoming big sagebrush rangeland. It was conducted during winter (outside of the nesting and breeding season) and in an irregular mosaic pattern according to the Oregon Greater sage-grouse conservation assessment and strategy (C.A. Hagen 2005:81). The treatment was conducted more than three miles from the closest sage-grouse lek which is in section 7 of Township 38 South Range 45 East.

## Attachment B

### Interim Grazing Management Use Dates (Beginning 2002)

| <b>Anderson (Allot. # 01401)</b>               |                                   |
|--|-----------------------------------|
| North  | 03/01 – 03/31                     |
| Bull Flat                                      | 04/01 – 07/31                     |
| Spring   | 04/01 – 07/31                     |
| <b>Campbell (Allot. # 11306)</b>               |                                   |
| Peacock  | Rest<br>03/01 – 05/31             |
| Twin Springs                                   | 03/01 – 05/31<br>Rest             |
| Sacramento Hill                                | 03/15 – 5/31                      |
| Horse Hill                                     | 04/01 – 07/15                     |
| Starvation BC                                  | 07/16 – 09/30                     |
| Starvation Seeding                             | 07/16 – 09/30                     |
| Larribeau                                      | Trailing (9/1 - 10/31)            |
| <b>Louse Canyon Community (Allot. # 01307)</b> |                                   |
| Drummond Basin                                 | 03/01 – 5/15                      |
| Steer Canyon Seeding                           | 05/16 – 05/31                     |
| Lower Louse Canyon                             | 04/15 – 07/15                     |
| Upper Louse Canyon*                            | 03/16 -08/01                      |
| Pole Creek Seeding                             | 07/16 – 09/31                     |
| Steer Canyon Seeding                           | 07/16 – 09/31                     |
| <b>Star Valley Community (Allot. # 01402)</b>  |                                   |
| Tristate                                       | 03/01 - 05/31                     |
| North Stoney Corral                            | 06/01 – 09/05                     |
| North Tent Creek                               | 03/01 – 05/31<br>Every other year |
| South Tent Creek**                             | 06/01 – 07/15<br>09/05 – 09/20    |
| <b>Ambrose Maher (Allot. # 01102)</b>          |                                   |
| Ambrose Maher                                  | 02/12 - 05/30<br>10/15 - 10/21    |

\*Includes Quinn River Allotment.

\*\*Includes Little Owyhee Allotment