



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705-5339



In Reply Refer To:
4130 (ID110)
1101651/1102221

August 3, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED - 7011 2970 0002 6304 3898

Casa Del Norte, LP
C/O Mr. John McCallum
11204 N Bar 21 Drive
Glenns Ferry, Idaho 83623-5028

Notice of Field Manager's Final Decision
for the Hammett #1 and South Hammett #7 Allotments

Dear Mr. McCallum:

Thank you for your application to renew the grazing permit on the Hammett #1 (01033), North and Berry Ranch pastures (hereinafter Hammett #1) and Hammett #7, Blackhawk, Long Draw, and Westfork pastures (01039, hereinafter South Hammett #7¹) allotments. I appreciate your working with the Bureau of Land Management (BLM) during this permit renewal process and your interest in grazing the allotments in a sustainable fashion. I am confident this Final Decision achieves that objective.

The BLM remains dedicated to processing your grazing permit application(s) for the allotments. I issued my Proposed Decision to renew your grazing permit on May 27, 2014, which you received June 3, 2014. The Proposed Decision included terms and conditions to ensure that the allotments would be meeting or making significant progress toward meeting Idaho Standards for Rangeland Health (Standards), comply with Guidelines for Livestock Grazing Management (Guidelines), and conform to the Jarbidge Resource Management Plan (RMP) objectives, the current land use plan for the area. The BLM received protest letters regarding the Proposed Decision from Western Watersheds Project on June 7, 2014 and from Iron Horse Ranch, LLC

¹ Prior to this decision, the Hammett #7 Allotment was grazed by two permittees with distinct use areas. This decision and another decision will create two allotments (South Hammett #7 and West Hammett #7) based on the distinct use areas (Map 1). Subsequent Hammett #7 Allotment references in the Background section reflect terminology on current permits.

(aka Casa Del Norte, LP) on June 12, 2014. We held protest meetings in July and October 2014 and May 2015. All protest points submitted were considered and my responses to protest points are provided in the attached section titled Protest Responses.

The BLM recently evaluated current grazing practices and conditions on the allotments in preparation for renewing livestock grazing permits in the Bennett Mountain Management Area. We undertook this effort to ensure that any renewed grazing permit is consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, Rangeland Health Assessments and Evaluations were completed, and Determinations were signed May 27, 2014.

Public scoping for grazing permit renewals associated with the 12 Bennett Mountain North allotments (this permit affects two of those allotments) was initiated April 2, 2012. The scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with rangeland health standards and the Jarbidge RMP. Comments received during this process and meetings with you and other interested publics were used to develop the alternatives analyzed in the Bennett Mountain North Grazing Permit Renewal Environmental Assessment (EA) DOI-BLM-ID-B010-2011-0021-EA, published May 27, 2014.

Following public availability of my Proposed Decision and review of protest points, I am now prepared to issue my Final Decision to renew your permit to graze livestock in the Hammett #1 and South Hammett #7 allotments. After careful consideration, I have selected Alternative D for the Hammett #1 Allotment and Alternative C (without Adaptive Management) for the South Hammett #7 Allotment as the Final Decision for livestock management in these allotments. Upon implementation of this decision, your permit to graze livestock in the allotments will be fully processed using the revisions to the grazing regulations² promulgated in 1995, the Idaho Standards and Guidelines, adopted in 1997, and the Jarbidge RMP, dated March 23, 1987. My Final Decision incorporates by reference the analysis contained in the EA, supporting documents, and the Jarbidge RMP.

Because of the Hammett #1 Allotment's failure to meet multiple Standards and the need to protect important resources such as greater sage-grouse, I must ensure that significant progress will be made toward meeting Standards under the new permit. I am confident that implementation of my Final Decision will ensure significant progress on the allotments.

This Final Decision will:

- Briefly describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the applications for grazing permit renewal in the Hammett #1 and South Hammett #7 allotments;

² The 2005 43 CFR Part 4100 are the federal regulations that govern public land grazing administration.

- Outline my Final Decision to select Alternative D in the Hammett #1 Allotment and Alternative C (without Adaptive Management Monitoring Plan) in the South Hammett #7 Allotment; and
- State the rationale for making these selections.

Background

Allotment Setting

Hammett #1 Allotment

The allotment is located 4 miles north of Hammett, Idaho and includes 21,873 acres of BLM-administered lands, 279 acres of private lands, and 1,520 acres of State lands in two pastures. Elevations range from 3,500 to 6,000 feet and topography is characterized by plateaus, canyons, side slopes, and toe slopes. Three ecological sites comprise 80% of the allotment and the remaining areas (rock outcrops and rubbleland) have no ecological site descriptions. Shallow Stony Loam 8-16" (43%) is characterized by low sagebrush with bluebunch wheatgrass. Loamy 12-16" (25%) is characterized by Wyoming big sagebrush, with Idaho fescue and bluebunch wheatgrass. South Slope Fractured 12-16" (12%) is characterized by mountain big sagebrush with bluebunch wheatgrass.

South Hammett #7 Allotment

The allotment is located south of State Highway 20, approximately 8 miles west of Hill City, Idaho and includes 849 acres of BLM-administered lands, 5,935 acres of private lands, and 1,379 acres of State lands in three pastures. Elevations range from 5,500 to 6,500 feet and topography is characterized by side slopes, toe slopes, and ridgelines. Loamy 12-16" is the primary ecological site, characterized by Wyoming big sagebrush, with Idaho fescue and bluebunch wheatgrass.

Current Grazing Authorization

Grazing permits issued to Iron Horse Ranch LLC (1101651) and Casa Del Norte LP (1102221)³ on March 1, 2007 authorized active use in the Hammett #1 and Hammett #7 allotments (Table 1). These permits included additional allotments which will be addressed in separate decisions. Those allotments, along with pertinent terms and conditions, will remain on the respective authorizations and are not affected by this Final Decision. This Final Decision will constitute a new grazing permit implementing the terms and conditions for the Hammett #1 and South Hammett #7 allotments.

³ Hereafter referred to as Casa Del Norte

Table 1. Mandatory terms and conditions for the Hammett #1 (North and Berry Ranch pastures; Iron Horse Ranch, LLC, authorization 1101651 and Casa Del Norte LP, authorization 1102221) and Hammett #7 Allotments, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs ^C
	Number	Kind	Begin	End			
01033 Hammett #1 ^A	609	Cattle	04/01	06/30	100	Active	1,822
	906	Cattle	10/01	11/30	100	Active	1,817
01039 Hammett #7 ^A	27	Cattle	07/01	11/30	100	Active	136
01033 Hammett #1 ^B	32	Cattle	04/10	07/09	100	Active	96

^A Authorization 1101651

^B Authorization 1102221

^C Animal Unit Months

Allotment Specific Terms and Conditions (Hammett #1 and Hammett #7 – 1101651)

1. A minimum of 4-inches of stubble height will be left on herbaceous (grasses & grasslike plants) vegetation within the riparian vegetation along 3.2 miles of Little Canyon Creek and 7 miles of the W.F. of King Hill Creek within the Hammett #1 Allotment (#1033), as identified in the 1987 Jarbidige RMP Riparian/Fisheries objectives for MUA-2 Upper Bennett Hills and MUA-2 Lower Bennett Hills.
2. Spring AUMs in the South Cold Springs Allotment may be used in the spring of fall as scheduled prior to the start of each growing season. Use of two South Colds Springs pastures in the spring will be alternated to provide deferment (April use period alternates each year between pastures).
3. Livestock numbers may be higher for a shorter period of time and differ annually in each allotment providing the permitted period of use and total AUMs have not been exceeded, and the annual use has been coordinated in advance and approved by BLM.
4. Exchange of Use AUMs may be credited on the annual license each year based on documented State Leases.
5. The Charter Mt Ranch Hammett #7 Allotment (#1039) pasture on the east side of the allotment is considered an FFR pasture to be managed at the discretion of the permittee providing the period of use and AUMs have not been exceeded and the use is not detrimental to the public lands.
6. Permittee shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.
7. Turn-out is subject to Boise District Range Readiness Criteria.
8. Your certified actual use report is due 15 days after authorized use.
9. Salt/Supplement shall not be placed within one-quarter (1/4) mile of springs, streams, meadows, aspen stands, playas or water developments.
10. Changes to the scheduled use require prior approval.
11. You are required to coordinate trailing activities with the BLM prior to initiation. A Trailing Permit or similar authorization may be required prior to crossing public lands.
12. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
13. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee. All maintenance of rangeland improvements within a Wilderness Study Area requires consultation with the Authorized Officer.

14. 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.

Allotment Specific Terms and Conditions (Hammett #1– 1102221)

1. Turn-out is subject to Boise District Range Readiness Criteria.
2. Your certified Actual Use Report is due 15 days after authorized use. Salt and/or supplement shall not be placed within one-quarter (¼) mile of springs, streams, meadows, aspen stands, playas or water developments.
3. Changes to the scheduled use require prior approval.
4. You are required to coordinate trailing activities with the BLM prior to initiation. A Trailing Permit or similar authorization may be required prior to crossing public lands. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
5. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvements permits in which you are a signator or assignee. All maintenance of rangeland improvements within a Wilderness Study Area requires prior consultation with the Authorized Officer.
6. 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 accordance with Boise District Policy.
7. 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 4040.1(B) (1) and shall result in action by the Authorized Officer under 43 CFR 4140.1 and 4160.1-2.
8. The land use plan allowable use level for riparian and upland vegetation is 50% of the current year's growth. Livestock should be removed from the use area, pasture, or allotment when this utilization has been reached.

Resource Conditions (Standards)

Hammett #1

Rangeland health assessment and monitoring data collected between 1988 and 2014 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were not meeting all applicable Standards, specifically Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel and Floodplains), Standard 4 (Native Plant Communities), Standard 7 (Water Quality)⁴, and Standard 8 (Threatened and Endangered Plants and Animals). Livestock grazing was identified as a significant factor for not meeting applicable Standards. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities, other than Seedings) did not apply to the allotment. The following provides a summary of

⁴ The Determination was based on streams identified in the Idaho Department of Environmental Quality 2010 Integrated Report. The same streams were identified in the 2012 report, the most current report, and there were no changes in water quality status between the two reports.

conditions. Please see the Hammett #1 Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – Nine of 12 watershed health indicators (e.g., water flow patterns, pedestals/terraces, bare ground, soil surface loss or degradation, and plant community composition) had Moderate or greater departures from site potential⁵ (EA Section 3.1.1). Native plant communities, especially those dominated by low-stature perennial grasses or exotic annuals, did not provide appropriate structure, function, and cover to ensure proper nutrient cycling, hydrologic cycling, and energy flow. Overall, long-term trends were upward for persistent vegetation cover and static to downward for bare ground cover.

Riparian Areas, Wetlands, Stream Channels, and Water Quality – Vegetation and hydrologic conditions were rated in functioning-at-risk (FAR) condition for most segments accessible to livestock (4.4 miles of West Fork King Hill, Little Canyon, and Deer creeks) and proper functioning condition (PFC) for segments that were not accessible to livestock (21.1 miles of six streams including portions of the aforementioned; EA Section 3.5.1). Segments rated in FAR condition were characterized by high frequencies of disturbance tolerant species including upland vegetation, stream channel instability, wide and shallow channels, and excessive fine sediments. Segments rated in PFC were characterized by dominance of potential natural vegetation; $\geq 80\%$ vegetated and stable streambanks; stream morphology appropriate to hydrology, landform and substrate; and appropriate sediment levels.

One spring was rated PFC, five springs were rated FAR, and three springs were non-functioning (NF; EA Section 3.5.1). The PFC spring was characterized by deep-rooted riparian species including willows, sedges, and rushes and minimal trampling. FAR condition springs exhibited limited obligate hydric vegetation, encroachment of upland and/or disturbance plant species, moderate to heavy trampling levels, bare soils, and hummocking. NF condition springs were characterized by grazing-resistant wetland species, exotic species, and heavy to severe utilization, trampling, and hummocking.

Upland Vegetation, Special Status Plants – Seven of nine biotic integrity indicators had Moderate or greater departures from site potential at 25 of the 35 assessments conducted. Occurrence of large- and mid-stature perennial grasses was less than expected, typically being replaced by low-stature perennial grasses and exotic annual grasses (EA Section 3.2.1). The remaining indicators typically rated with a Moderate or greater departure from site potential were the result of pedestalled and dying Sandberg bluegrass, shrub decadence, and excess litter due to high densities of exotic annual grasses. Only one assessment site occurred in a previously burned area. The southern part of the allotment burned by the 2011 Blair Fire is characterized by exotic annual grasses, native perennial grasses and forbs, and sparse sagebrush cover.

⁵ Attributes of rangeland health (Soil/Site Stability, Hydrologic Function, and Integrity of the Biotic Community) are rated based on their departure from ecological site description/ecological reference areas (site potential). Ratings include None to Slight, Slight to Moderate, Moderate, Moderate to Extreme, and Extreme. BLM Technical Reference 1734-6, *Interpreting Indicators for Rangeland Health*, defines normal range of variability as the deviation of characteristics of biotic communities and their environment that can be expected given natural variability in climate and disturbance regimes. Ratings in the Moderate, Moderate to Extreme, and Extreme are considered outside the normal range of variability.

Long-term trend monitoring indicated an overall static to downward trend in vegetation community conditions (EA Section 3.2.1). Shrub frequency trends were static at levels typical for the ecological sites. Tall-stature perennial bunchgrasses (bluebunch wheatgrass) had significant downward trends at three of eight locations, extirpation in one location, near extirpation in two, and a non-significant downward trend at two others. Mid-stature perennial bunchgrass trends varied by species and location (e.g., static to upward for needlegrasses [static at five sites, upward at two sites], Idaho fescue [static at two sites, upward at one site], and oatgrass [static at one site, upward at one site]; static [one site] to downward [two sites] for oniongrass). Low-stature bunchgrasses (Sandberg bluegrass) had static [seven sites] to upward [one site] trends. Frequencies of perennial grass species were less than expected at the majority of sites. Exotic annual grasses had static to upward trends. Annual livestock use during the critical growing period was identified as the primary cause for the shift in species composition. No trend sites were directly affected by wildfire. Noxious weeds were not known to occur.

Slickspot peppergrass habitat (422 acres) and a mourning milkvetch element occurrence were characterized by increased exotic annual grasses and reduced shrub cover (EA Section 3.3.1). Annual spring livestock use resulted in increased exotic annual grasses. The 2011 Blair Fire exacerbated exotic annual grass problems and eliminated shrub cover in 15% of the area.

Wildlife, Special Status Animals – Greater sage-grouse habitat conditions, which in the EA analyses and this Final Decision also serve as an indicator of habitat suitability for shrubsteppe dependent species (including special status and migratory species such as ferruginous hawk, sage sparrow, pygmy rabbit, and longnose snake), were not meeting Standard 8 (EA Section 3.6.1). The majority (81%) of the allotment is Preliminary Priority Habitat (PPH) for sage-grouse and a minor amount (2%) is Preliminary General Habitat (PGH)⁶. The area burned in 2011 is not considered sage-grouse habitat. Based on 2010 and 2014 data, up to four active leks occur within 1.2 and 4.2 miles of the allotment. In PPH and PGH, sagebrush cover is generally suitable for nesting, summer, and winter habitat. However, tall- and mid-stature grasses are reduced, especially in shrub interspaces, at lower elevations and concentrated use areas, and, therefore, provide marginal horizontal herbaceous nesting cover. Forb diversity and abundance is reduced from what is expected and provides marginal cover and forage in nesting and brood-rearing habitat. FAR and NF springs (89% of springs) provide unsuitable habitat dominated by invasive annual grasses and weedy annual forbs which provide poor quality forage and cover. Fences (a potential sage-grouse mortality factor due to collision risk) are not present in the North Pasture (except along the north and west boundaries) and surround the Berry Ranch Pasture. An electric transmission line parallels the allotment's southern boundary.

The allotment's other special status species (e.g., mountain quail, willow flycatcher, spotted bat, and redband trout) are primarily associated with riparian and wetland habitats. Stream segments inaccessible to livestock (21.1 miles of PFC streams) provided suitable habitat for redband trout and riparian dependent species, characterized by adequate stream shading, vertical structural diversity, and a diverse mix of native grasses, forbs, shrubs, and trees (EA Sections 3.5.1 and

⁶ Based on lek attendance, connectivity, seasonal habitat and other data, PPH are areas that have been identified as having the highest conservation value (breeding, nesting, brood-rearing habitat) to maintaining greater sage-grouse populations. PGH are areas outside of breeding habitat that support important seasonal (winter, summer, fall habitat, migration corridors) or year-round sage-grouse habitat.

3.6.1). Stream segments accessible to livestock (4.4 miles of FAR streams) provided marginal habitat for redband trout and riparian dependent species, characterized by reduced stream shading and instream structure, heavily hedged shrubs, and disturbed understories dominated by exotic or upland vegetation.

Upland and riparian habitats provide marginal to suitable habitat for small mammals and raptor prey species (EA Section 3.6.1). Bitterbrush, an important mule deer winter forage, exhibited heavy use and inadequate age-class diversity.

South Hammett #7

Rangeland health assessment and monitoring data collected between 1990 and 2014 were used to assess allotment conditions. The 2014 Assessment, Evaluation, and Determination documents for the Hammett #7 Allotment covered what will become the South Hammett #7 and West Hammett #7 allotments. The following discussion summarizes conditions in the South Hammett #7 Allotment. A 2014 Determination concluded that BLM-administered lands were meeting Standard 4. Standards 1, 2, and 8 were not being met; however, significant progress was being made toward meeting Standard 1. Livestock grazing was considered a significant factor for not meeting Standards 2 and 8. Standards 5, 6, and 7 did not apply to the allotment. The following provides a summary of conditions. Please see the Hammett #7 Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – With the exception of a gully, all indicators of watershed health were rated None to Slight or Slight to Moderate departures from site potential. An active gully documented in 2004 was becoming stabilized with vegetation in 2014. Native plant communities are providing appropriate structure, function, and cover to ensure proper nutrient cycling, hydrologic cycling, and energy flow (EA Section 3.1.1).

Riparian Areas, Wetlands, Stream Channels, and Water Quality – The two springs were rated FAR (EA Section 3.5.1). Both were characterized by trampling, soil compaction, and reduced obligate hydric vegetation.

Upland Vegetation, Special Status Plants – All indicators of biotic integrity were rated none to slight or slight to normal departures from site potential. Native plant diversity and abundance was as expected and invasive annuals occurred in localized disturbed areas (EA Section 3.2.1). Long-term trend monitoring indicated an overall static trend in vegetation community conditions. Trend was static for tall-stature perennial grasses, variable for mid- and low-stature grasses, static for mountain big sagebrush, and downward for low sagebrush. No special status plants occur in the allotment.

Wildlife, Special Status Animals – Intact native plant communities (e.g., shrubs, tall- and mid-stature perennial grasses, and a variety of forbs) provide suitable habitat for a variety of wildlife species, especially sage-grouse and other shrub-steppe dependent species (EA Section 3.6.1). The entire allotment occurs in PPH; however, because of elevation (and associated snow), it provides primarily summer habitat. Sagebrush canopy cover, height, and shape are suitable for nesting and foraging habitat. Tall- and mid-stature perennial grasses and forbs were diverse and

common, providing suitable cover and forage. The allotment is not meeting Standard 8 because two FAR springs provide unsuitable late summer habitat for sage-grouse.

Guidelines for Livestock Grazing Management

Hammett #1

The BLM's 2014 Determination found that grazing did not conform to the following guidelines:

Guideline 1- Use grazing management practices and/or facilities to maintain or promote significant progress toward adequate amounts of ground cover (determined on an ecological site basis) to support infiltration, maintain soil moisture storage, and stabilize soils.

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 vegetative 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 6 – The development of springs, seeps, or other projects affecting water and associated resources shall be designed to protect the ecological functions, wildlife habitat, and significant cultural and historical, archeological, and paleontological values associated with the water source.

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, the 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 9 – Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desired species relative to soil type, climate, and landform.

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.

South Hammett #7

The currently permitted use did not conform to Guidelines 4, 5, and 6.

Hammett #1 Allotment Actual Use Summary

The current permits authorize annual active use of 3,775 AUMs of forage and use periods between April 1 and June 30 and October 1 and November 30 for the Hammett #1 Allotment. However, based on actual use reports submitted over the 17-year period between 1997 and 2013, fewer AUMs were used in most years than authorized. Specifically, actual use averaged 1,767 AUMs per year (49% of permitted use), with a high of 3,639 AUMs and a low of 735 AUMs (the latter possibly partially reflecting a reduction to 2,948 AUMs in response to the 2011 Blair Fire). The majority of use occurred during the spring (an average of 1,189 AUMs or 67% of total annual use). Actual use reports show that grazing over the past 17 years consistently stayed within the scheduled season of use. Actual use is important when considering the renewal of a grazing permit because it was actual use and not permitted use levels that resulted in current conditions on the allotment.

Issues

Based on the BLM's evaluation of current grazing management, current conditions on the allotments, public response to scoping, and the BLM's requirement to meet or make significant progress toward meeting Idaho Standards and Guidelines, and to move the allotments toward meeting Jarbidge RMP management objectives, the BLM identified the following resource issues associated with the grazing permit renewal:

- Watersheds: How can livestock grazing be modified to improve watershed function?
- Vegetation and Special Status Plants: How can native perennial grasses and forbs be maintained or increase?
- Fuels Management: Is the issuance of temporary non-renewable use (TNR) an appropriate method to manage fuels in the area?
- Greater Sage-grouse: What is the BLM considering sage-grouse habitat and will BLM implement protection measures for it?
- Migratory Birds: How will BLM ensure that habitat conditions will support migratory birds?
- Wildlife: What management actions will be taken to minimize forage competition and fencing impacts, especially in mule deer winter range?
- Riparian/Wetland Areas/Fisheries: What management actions, especially those that don't require fencing, can be implemented to improve habitat conditions?
- Water Quality: What management changes will be made to ensure water quality standards will be met?
- Cultural Resources: What steps will be taken to avoid or minimize impacts to cultural resources?
- Livestock Management/Social and Economics: How will proposed alternatives balance the need for meeting Standards with operational and economic needs?
- Wilderness Study Area (WSA) Values: How will proposed alternatives maintain WSA values? (Although not identified as a general issue for the Bennett Mountain North allotments, this issue does apply to the Hammett #1 and South Hammett #7 allotments.)

Analysis of Alternative Actions

Based on the current conditions in the allotments and the issues identified above, the BLM considered alternative livestock management schemes that would ensure that any renewed grazing permit would maintain or improve satisfactory conditions (where they exist), and/or

allow the allotments to meet or make significant progress toward meeting Standards where unsatisfactory conditions exist. Temporary non-renewable (TNR) use was considered, but not analyzed in detail because suitable conditions for TNR do not exist in the allotments (EA Section 2.2.1)⁷. The following four alternatives were considered in detail (see EA Section 2.3 for more detailed descriptions):

Alternative A – No Grazing: Livestock grazing would not be permitted for a 10-year period.

Alternative B – Continue Current Use:

Hammett #1 – Cattle use (3,735 AUMs of active use) would be permitted during the spring (609 head, April 1 to June 30, 1,822 AUMs; 27 head, April 10 to July 9, 96 AUMs) and fall (906 head, October 1 to November 30, 1,817 AUMs) in two pastures (As Permitted). Four inch stubble height requirements would apply to Little Canyon and West Fork King Hill creeks. Livestock numbers could vary providing use periods and AUMs were not exceeded. An Adjusted Management version implementing a voluntary reduction (based on average actual use between 2007 and 2011) and a rotation system using herding was also analyzed. Spring use (averaging 1,041 AUMs) occurred in either the east or west portion of the allotment and fall use (averaging 891 AUMs) occurred throughout the allotment.

South Hammett #7 - Cattle use (137 AUMs) would be permitted during the summer and fall (27 head, July 1 to November 30) in three pastures. Livestock numbers could vary providing use periods and AUMs were not exceeded.

Alternative C – Permittee Applications⁸:

Hammett #1 – Cattle use (2,100 AUMs of active use) would be permitted during the spring (531 head, May 1 to July 1, 1,050 AUMs) and fall (531 head, September 30 to November 30, 1,050 AUMs). A two-pasture spring-fall rotation system would be implemented with 4.8 miles of new fencing and three spring developments would be maintained. The remaining 1,635 AUMs would be placed in suspended use. Livestock numbers could vary up to 750 head providing use periods and AUMs were not exceeded. If resource objectives (as described in Appendix 7 of the EA) were not being met after five years, then Alternative D would be implemented.

South Hammett #7 - Cattle use (137 AUMs) would be permitted during the late spring through fall (23 head, June 1 to November 30). Livestock numbers could vary up to 750 head providing use periods and AUMs were not exceeded. Annual use in the Blackhawk Pasture would be deferred until after seed-ripe in two of every three years. One developed spring would be maintained. If resource objectives (as described in Appendix 7 of the EA) were not being met after five years, then Alternative D would be implemented.

⁷ The permittee could apply for TNR in the allotments; however, the BLM would need to evaluate the request in accordance with the NEPA.

⁸ The permittee did not initially apply to incorporate Alternative D as part of the application process for Alternative C. The BLM expressed to the permittee uncertainty that Alternative C alone could make significant progress toward meeting Standards. Based on consultation, cooperation, and coordination between the permittee and BLM staff prior to completion of the EA, potential implementation of Alternative D was added to Alternative C in the EA to provide assurance that significant progress would be made toward meeting Standards.

Alternative D – BLM Proposal:

Hammett #1 – Cattle use (1,574 AUMs of active use) would be permitted during the spring (796 head, May 1 to July 1) or fall (796 head, September 30 to November 30) during years one and two. The allotment would be rested in year 3. Three spring developments would be maintained and associated wetlands excluded with temporary electric fencing. The remaining 2,161 AUMs would be placed in suspended use.

South Hammett #7 - Cattle use (137 AUMs) would be during summer and fall (33 head, August 15 to November 30, 117 AUMs in the Blackhawk Pasture; 4 head, July 1 to November 30, 20 AUMs in the Long Draw and West Fork pastures). Livestock numbers could vary up to 500 head providing use periods and AUMs were not exceeded. One developed spring would be maintained.

Final Decision

After considering the current conditions of the natural resources, current grazing practices, and the alternatives and analyses in the EA, as well as other information, it is my Final Decision to issue a grazing permit for 10 years to Casa Del Norte, LP with terms and conditions consistent with Alternatives D (Hammett #1 Allotment) and C (without Adaptive Management for the South Hammett #7 Allotment) in the EA and as shown below in Table 2. Grazing use under this authorization (permit) over the next 10 years will allow the allotments to make significant progress toward meeting Idaho Standards and Guidelines and resource objectives outlined in the Jarbidge RMP. Additionally, it is my Final Decision to:

- Adjust the current Hammett #7 Allotment boundary to create two allotments, South Hammett #7 (01039) and West Hammett #7 (official BLM allotment number to be determined; Map 1).
- Authorize 1,574 AUMs and 137 AUMs of Active Use, respectively, in the Hammett #1 and South Hammett #7 allotments (Table 2).
- Set a maximum number of livestock at 772 head for the Hammett #1 Allotment and 750 head for the South Hammett #7 Allotment.
- Authorize maintenance actions described in the EA (DOI-BLM-ID-B010-2011-0021-EA). Three spring developments in the Hammett #1 Allotment and one spring development in the South Hammett #7 Allotment will be reconstructed as described in Appendix 6 (DOI-BLM-ID-B010-2011-0021-EA). Initial maintenance work will be performed by the BLM with assistance from the permittee. Temporary electric fencing will be placed around the wetlands associated with South Twin Deer, Ground Hog, Twin, and Muddy springs during livestock use periods and removed at other times. The permittee will be responsible for ensuring that the facilities are in proper working condition (43 CFR § 4120.3-1).
- No AUMs will be placed in Suspended Use. All reduced Active Use AUMs will be eliminated, not suspended, in accordance with 43 CFR § 4110.3-2.
- Allow "After-the-Fact" billing in the Hammett #1 and South Hammett #7 allotments based on the actual use report and conformance with 43 CFR § 4130.8-1(e) requirements.

Final Grazing Authorization (Permit)

The Final Grazing Authorization will contain the following Mandatory (Table 2)⁹, Other, and Allotment Specific Terms and Conditions.

Table 2. Mandatory terms and conditions¹⁰ for the Hammett #1 (North and Berry Ranch pastures) and South Hammett #7 Allotments, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs ¹¹
	Number	Kind	Begin	End			
01033 Hammett #1	772	Cattle	04/01	11/30	94	Adaptive	1,574
01039 South Hammett #7	750	Cattle	06/01	11/30	10	Adaptive	137

Other Terms and Conditions

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated August 3, 2015.
2. Livestock turn-out is subject to District Range Readiness Criteria.
3. Changes to the scheduled use will require prior approval by the authorized officer.
4. You are required to submit a signed and dated Actual Grazing Use Report form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, eligible historic properties, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
6. A crossing permit may be required prior to trailing livestock across public lands. Crossing activities must be coordinated with the BLM prior to initiation. Permittee will also notify any/all affected permittees in advance of crossing.
7. Livestock exclosures located within grazing allotment(s) will be closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance activities which may result in ground disturbance require prior approval from the authorized officer.
9. Escape ramps that meet BLM standards must be installed and functioning on water troughs located on public lands. The permittee will inform BLM if escape ramps are needed on permanent troughs, and BLM will supply them. The permittee is responsible for providing

⁹ This is how the schedule will appear in the permit. It includes all the variations identified in Alternative D of the EA. The Allotment Specific Terms and Conditions further delineate annual grazing schedules as shown in Alternative D of the EA.

¹⁰ Although "Type Use" is shown as "Adaptive," this is only to allow the BLM's Rangeland Administration System (RAS) the ability to display the total livestock numbers, entire season of use (although each year has a shorter season of use on the grazing schedule), and the total number of AUMs. Hammett #1 and South Hammett #7 Allotment Specific Terms and Conditions outline the specific grazing rotation/schedule, season of use, livestock numbers, and AUMs. All AUMs associated with this Final Decision will be "Active Use" in accordance with 4100.0-5. No suspended use is identified in this Final Decision.

¹¹ The discrepancy between AUMs in the Final Decision and those analyzed in the EA is the result of a calculation based on 100% PL.

escape ramps for temporary troughs. It is the permittee's responsibility to maintain and install all escape ramps.

10. 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 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 discovered remains or objects.
11. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands.
12. AUMs and livestock numbers (within permitted grazing dates) are currently calculated using % Public Land. BLM is using the % Public Land calculation because grazing on this allotment incorporates unfenced acres of non-public lands which are owned or controlled by the permittee; in essence the % Public Land calculation give the permittee credit for forage being used on the non-public lands and results in an increase in livestock numbers. Should the non-public lands (private, State Lands) within the allotment be fenced out or otherwise acquired by a third party through lease or ownership changes such that the permittee no longer uses them in conjunction with the public lands, the % Public Land and livestock numbers will change administratively and automatically without further notice. If that happens, BLM will issue a timely new permit to reflect the administrative change. No changes to Active AUMs on public land will occur.

Hammett #1 Allotment Specific Terms and Conditions

1. Use in the Hammett #1 Allotment will be authorized on a three-year spring-fall-rest system as follows, with the cycle repeated after Year 3. The permittee will use active, non-motorized, herding to insure livestock are present only in the authorized use area. No use is authorized from 07/02 – 09/29.
 - Year 1:** 04/01 through 07/01 – 1,574 Active AUMs
 - Year 2:** 09/30 through 11/30 – 1,574 Active AUMs
 - Year 3:** REST – 1,574 Non-Use AUMs
2. Prior to the beginning of each authorized use period in the Hammett #1 Allotment, the permittee will coordinate their intended operating plans with the BLM at an annual meeting. April use may be authorized only in exotic annual dominated areas as identified at the annual meeting. Livestock will be kept in these areas through the use of herding and/or approved supplements. Use of perennial-dominated areas will not be authorized before May 1.
3. Livestock numbers in the Hammett #1 Allotment may vary, provided season of use and AUMs are not exceeded; however, the maximum number of livestock present at any one time will not exceed 772 head.

South Hammett #7 Allotment Specific Terms and Conditions

1. Annual use in the Blackhawk Pasture (3) of the South Hammett #7 Allotment will be deferred until after seed-ripe of perennial grasses (typically July 15) in two of every three years. Annual use in the West Fork (1) and Long Draw (2) pastures could occur any time during the use period.
2. Prior to the beginning of each authorized use period in the South Hammett #7 Allotment, the permittee will coordinate their intended operating plans with the BLM at an annual meeting.

3. Livestock numbers in the South Hammett #7 Allotment may vary, provided season of use and AUMs are not exceeded; however, the maximum number of livestock present at any one time will not exceed 750 head and will not be authorized in consecutive years and no more than three times in a 10 year period.

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 reviewed the Casa Del Norte, LP records as a grazing permit holder and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of permit renewal.

Alternative Selection

Based on my review of the Bennett Mountain North Grazing Permit EA (DOI-BLM-ID-B010-2011-0021-EA), the associated FONSI, the rangeland health assessments, evaluations, determinations, and other documents in the grazing files, it is my Final Decision to select Alternative D for the Hammett #1 Allotment and Alternative C (without Adaptive Management) for the South Hammett #7 Allotment.

While you have taken voluntary AUM reductions over approximately 14 grazing seasons, use in the Hammett #1 Allotment occurred primarily during the spring growing season. The timing of grazing use can have as much effect on rangeland conditions as the amount of use. Reduced use by itself has not resulted in significant progress toward meeting Standards. In my selection of Alternative D, your authorized use will remain at about the same level as you have historically made, but the implementation of a spring/fall/rest rotation grazing system will provide periodic growing season rest, which will allow plants to fully meet their physiological needs, will help to ensure that authorized grazing use will not be the causal factor in failing to meet Standards.

I made these selections after a thorough review of resource conditions and the environmental analyses. It is evident to me 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 multiple use and sustained yield mandate and other applicable statutes, regulations, and requirements, and will result in the allotments meeting or making significant progress toward meeting the resource objectives of the Jarbidge RMP and the Idaho Standards and Guidelines.

Adaptive Use Grazing Authorization (Permit)

The BLM uses the Rangeland Administration System (RAS; www.blm.gov/ras) database for grazing administrative support. When generating a grazing permit in RAS, Active Use (in AUMs) is calculated automatically based on the number of livestock, days of authorized use, and percent of public land. The RAS now allows user selection of Adaptive rather than Active for type of use which allows override of automatic AUM calculations so that the mandatory terms and conditions that accurately reflect permitted flexibility in livestock numbers and/or seasons of use. Although the printed permit using this feature identifies AUMs as "Adaptive," they are still considered to be "Active" AUMs. I have decided to

issue to you a grazing authorization (permit) using Adaptive rather than Active AUMs to allow for fluctuating livestock numbers within the given grazing period while not exceeding the AUMs identified in the Allotment Specific Terms and Conditions. To be clear, Adaptive Use on the grazing authorization (permit) is not to be mistaken with the discussion of Adaptive Management in Alternative C in the EA or Proposed Decision.

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision making process for the Hammett #1 and South Hammett #7 allotments. I want you to know that I considered how each alternative would affect the identified issues before making my decision. My Final Decision for the allotments is based in large part on my understanding that it best addresses the specific issues, given the BLM's legal and land management obligations¹².

Watersheds: How can livestock grazing be modified to improve watershed function?

AND

Vegetation and Special Status Plants: How can native perennial grasses and forbs be maintained or increase?

Hammett #1

As mentioned above and explained in detail in the EA, there are watershed and upland vegetation issues in the allotment, including a shift in plant composition and an increase in exotic annual grasses. Alternative D will address these issues in a number of ways.

Implementation of a spring/fall/rest system (providing non-use during the spring two of three years and complete rest of the entire allotment in Year 3) and reducing the stocking rate from an average 7.1 acres/AUM in pastures receiving spring and fall use (current Adjusted Management described in Alternative B; EA Section 2.4¹³) to 13.4 acres/AUM will help to ensure that native

¹² There is uncertainty associated with the BLM's organizational capacity to manage the allotments; in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must consider the level of on-the-ground management we can reasonably expect to accomplish. My challenge is this: from a field office perspective, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year as would occur with Alternative C and the associated Adaptive Management Monitoring Plan) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotments at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

¹³ The EA analysis was based on average actual use between 2007-2011 of 868 AUMs in spring and 673 AUMs in fall (EA pg. 12); however, these numbers were incorrect. Using actual use numbers presented in the Assessment, these numbers should be 1,041 AUMs in spring and 891 AUMs in fall. Because fall use occurred on both sides, the stocking rate was calculated by dividing fall AUMs in half and adding to spring use as appropriate. The acre figures for the pastures are East - 10,923 acres and West - 10,897 acres; therefore, average stocking rates (using figures from the Assessment) between 2007-2011 were:

East Pasture - Spring/Fall 6.9 acres/AUM = 10,201 acres/(1,041+445) AUMs

East Pasture - Fall only 22.9 acres/AUM = 10,201 acres/445 AUMs

West Pasture - Spring/Fall 7.3 acres/AUM = 10,897 acres/(1041+446) AUMs

West Pasture - Fall only 24.4 acres/AUM = 10,897 acres/446 AUMs

perennial grasses (especially tall-stature species) will be maintained or increase over the long term (10 years). Spring or fall impacts from livestock trampling and vegetation removal will occur one in three years which will help maintain (areas with appropriate cover) or increase (areas that currently have inadequate cover) watershed cover. Significant progress will be made toward meeting Standard 1 (EA Section 3.1.2.5) over the long term in areas where perennial grasses are dominant. Exotic annual competitiveness could affect long-term persistence of perennial species; however, focusing use outside perennial grass critical growth periods will reduce competition and allow perennial grasses to be maintained. Early spring or fall grazing in exotic annual dominated areas could adversely affect watershed stability when inadequate cover remains; however, where perennial species are maintained or increase, long-term stability will improve. Using maximum numbers of livestock during the spring could occur only three times in a 10 year period; therefore, watershed stability will be maintained over the long term (EA Section 3.1.2.1).

Standard 4 will be met or make significant progress toward being met where current livestock use is a significant factor in not meeting the Standard (EA sections 3.2.2.1 and 3.2.2.6). The spring/fall/rest system involving the entire allotment and a low stocking rate (13.4 acres/AUM compared to 7.1 acres/AUM for Alternative B Adjusted Management) will reduce grazing and trampling impacts and allow substantial improvement in the northern two-thirds of the allotment (areas $\geq 4,500$ feet). In perennial-dominated areas, turning livestock out May 1 (instead of April 1 as currently permitted) will allow more growth to occur before the onset of grazing and trampling impacts. Plants will be better able to withstand damage, especially where soils are not saturated from early spring moisture. Providing growing season rest in Year 2 and complete rest in Year 3 will allow plants to complete the annual growth cycle without livestock disturbance, allowing recovery of plant health and vigor and proper nutrient cycling and energy flow. Dormant season (fall) use will have minor grazing and trampling impacts on grasses and forbs. Frequencies of tall- and mid-stature bunchgrasses and perennial forbs will increase over the long term. Fall use will have minor impacts to palatable shrubs over the long term; however, utilization will only occur one in three years. Palatable shrubs will be maintained over the long term. An April 1 turnout in exotic annual dominated areas (portions of southern one-third of the allotment) and fall use could reduce exotic annual competition which will be desirable. Perennial plants could be maintained where exotic annuals are abundant. Although livestock numbers will be greater than those permitted under Alternative C, they will be spread over the entire allotment resulting in a lower intensity of use. Reduced mechanical damage during the growing season will help maintain sagebrush over the long term. Columnar sagebrush growth forms will still be evident in concentrated use areas where mechanical damage occurs, but two years of growing season rest will allow shrubs to recover.

Alternative D will implement livestock management practices that maintain and improve watershed and vegetation conditions consistent with Guidelines 1, 4, 8, 9, and 12.

Annual use at these levels, and similar levels prior to 2007, resulted in Standards not being met. The Final Decision will only allow use during the spring or fall, but not both, across the entire allotment. Therefore, the stocking rate during use periods will be 13.4 acres/AUM = 21,908 acres/1,574 AUMs.

South Hammett #7

Extending the permitted use period by one-month (June 1 start day vs July 1 in Alternative B) will have negligible to minor effects on watershed function because perennial vegetation cover will be maintained over the long term (EA Section 3.1.2.4). Deferment until after seed-ripe on perennial grasses in two out of three years in the Blackhawk Pasture will reduce the potential impacts of early season use because plants will be able to complete the annual growth cycle without livestock disturbance. Gullies and bare patches will become revegetated and stable over the long term. Limiting the number of times maximum numbers can be used to three or fewer non-consecutive times in 10-year period will ensure adequate vegetation cover remains to protect areas from erosion over the long term (EA Section 3.1.2.1). Standard 1 will be met over the long term.

Permitting a June 1 turnout (versus July 1 in Alternative B) could cause minor reductions in nutrient cycling and plant vigor associated with increased use during the critical growth period for perennial grasses. However, because June 1 is the mid to latter part of the growing season, I anticipate livestock utilization levels will be <40% by the time grasses complete their growth, a level that allows grazed plants to be maintained in satisfactory condition over the long term. Additionally, deferment until after seed ripe two out of three years in the Blackhawk Pasture will also allow plants to recover and remain vigorous over the long term. The BLM-administered lands in the Long Draw and West Fork pastures are generally further than 0.25 miles from concentrated use areas; therefore, lower utilization levels will occur and plant vigor will be maintained. Limiting the number of times maximum numbers can be used to three or fewer non-consecutive times in 10 years will ensure vegetation conditions are maintained in concentrated use areas because plants will be able to adequately recover during years with lower livestock numbers (EA Section 3.2.2.1). Standard 4 will continue to be met over the long term (EA Section 3.2.2.5).

Alternative C will implement livestock management practices that maintain and improve watershed and vegetation conditions consistent with Guideline 8.

Fuels Management: Is the issuance of TNR an appropriate method to manage fuels in the area? Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape level, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions (Diamond et. al. 2009). Landscape-scale fuels reduction has its greatest application in grass-dominated vegetation communities, specifically within seedings of grazing-tolerant introduced grasses and exotic annuals (Diamond et. al. 2009). Because of the limited distribution of exotic annuals (portion of the Hammett #1 Allotment), TNR is not appropriate to manage fuels (EA Section 2.2.1). Additionally, the seasons and levels of use required to reduce fine fuels prior to the fire season are not conducive to sustaining perennial grasses and forbs, consequently Standards 1, 4, and 8 would not be met under a grazing scheme developed for fuels management. Permit flexibility allowing April 1 turnout and focusing fall use exotic annual dominated areas will help reduce fuels while maintaining native species in the remainder of the allotment.

Greater Sage-grouse: What is the BLM considering sage-grouse habitat and will BLM implement protection measures for it?

AND

Migratory Birds: How will BLM ensure that habitat conditions will support migratory birds?

AND

Wildlife: What management actions will be taken to minimize forage competition and fencing impacts, especially in mule deer winter range?

Hammett #1

A reduced stocking rate and providing growing season rest in Year 2 and complete rest in Year 3 will result in improvements in upland, riparian, and wetland vegetation conditions that will ensure that Standards 4 and 8 will be met for wildlife over the long term (EA sections 3.2.2.6, 3.5.2.5, and 3.6.2.6). The opportunities to improve PPH and PGH vegetation conditions that Alternative D provides were an important consideration for me. Disturbance, trampling, and vegetation removal impacts will occur only one of three years during the nesting and brood-rearing periods; therefore, perennial grass and forb cover and forb availability and suitability will improve. Nesting and brood-rearing requirements for greater sage-grouse will be met in unburned areas, especially in areas rested during the spring. Maintaining sagebrush cover will help ensure adequate vertical cover over the long term. Increases in tall- and mid-stature grasses and perennial forbs will improve horizontal nesting cover and forage availability and diversity over the long term. Shrub cover should increase in recently burned areas over the long term; however, because exotic annual dominated communities have crossed an ecological threshold, I do not expect they will provide suitable habitat without vegetation treatments, regardless of livestock management (EA Section 3.2.2.1). The potential impacts of new permanent fencing in sage-grouse PPH and big game winter range were important considerations and factored into my decision not to approve your pasture division fencing request. Temporary electric fencing at four springs will help improve late-brood rearing habitat and will not be in place when sage-grouse typically use them. None of the fencing (existing or to be constructed) occurs within the 1.9 mile buffer around leks as determined by the fence collision risk model (Stevens et. al. 2012). My decision is consistent with BLM's Greater Sage-Grouse Interim Management Policies and Procedures Instructional Memorandum 2012-043 because it implements a deferred grazing system; reduces stocking rates to ensure adequate residual cover; promotes growth and persistence of native perennials; minimizes structural improvement impacts; and permits wetland use only outside the summer growing season.

Food, water, and cover requirements will be met for upland- and riparian-dependent migratory and resident species over the long term under this Decision (EA Sections 3.5.2.5 and 3.6.2.6). Maintaining shrub cover and increasing perennial grass and forb cover will improve nesting, brood rearing, and foraging conditions for a variety of special status species including ferruginous hawk, mountain quail, sage-grouse, sage sparrow, pygmy rabbit, spotted bat, longnose snake, and redband trout (EA Appendix 10). Providing spring rest two in three years will eliminate trampling, disturbance, and vegetation removal impacts allotment-wide during a critical period for birds, insects, mammals, and reptiles and will also promote the vigor and diversity of native perennial vegetation. A reduced stocking rate will help ensure adequate residual vegetation remains for resident wildlife during the fall and winter. Progress toward PFC conditions at 4.4 miles of streams and eight springs will benefit riparian- and wetland-dependent

species by increasing stream shading, ground cover, and vertical structural diversity. My decision is consistent with BLM's Special Status Species Management 6840 Manual because it initiates proactive measures to reduce threats to special status species, improves habitat conditions, implements a grazing system and stocking rate that is more consistent with species and habitat needs, and mitigates project impacts.

Competition for big game forage will be reduced over the long term (EA Section 3.6.2.6). Implementing a spring/fall/rest system will eliminate fall livestock browse use in two of three years. A lower stocking rate will help reduce forage competition during the spring and fall. Temporary electric fencing will have minor impacts to wetland access but not general movements (EA Section 3.6.2.6).

Alternative D will implement livestock management practices that maintain and improve wildlife habitat conditions consistent with Guidelines 4, 5, 6, 8, 9, and 12.

South Hammett #7

Delaying grazing until after seed-ripe in two of every three years will benefit sage grouse and migratory bird habitat in the Blackhawk Pasture. Nesting and early brood-rearing habitat conditions will be maintained over the long term and slow progress will be made toward meeting late-brood rearing habitat requirements at North Bourbon Spring. Standards 4 and 8 for upland wildlife habitats will continue to be met or progress will be made toward meeting them (EA Section 3.6.2.5).

Alternative C will implement livestock management practices that maintain and improve wildlife habitat conditions consistent with Guidelines 4, 5, and 6.

Riparian/Wetland Areas/Fisheries: What management actions, especially those that don't require fencing, can be implemented to improve habitat conditions?

AND

Water Quality: What management changes will be made to ensure water quality standards will be met?

Hammett #1

Implementing a spring/fall/rest system will allow long-term recovery of herbaceous and woody riparian and wetland vegetation. Standards 2 and 3 (EA Section 3.5.2.5) will be met over the long term for streams, and springs will make significant progress toward meeting or meet Standard 2. Livestock use will not occur during the hot season (July 15 to September 15). The 4.4 miles of FAR condition streams (West Fork King Hill, Deer, and Little Canyon creeks) will improve to PFC over the long term as streambanks are stabilized and vegetation cover increases. Approximately 21.1 miles of streams will continue to be maintained at PFC. Slow, but significant, progress toward PFC will occur at three springs. Four spring wetlands that are excluded from livestock use will improve to PFC over the mid-term. One spring will be maintained at PFC and one will remain at NF because of the way it was developed. Increases in stream shading (woody and herbaceous vegetation) and streambank stabilization will help make significant progress toward meeting Standard 7 for West Fork King Hill and Little Canyon creeks.

Alternative D will implement livestock management practices that maintain and improve riparian, wetland, and water quality conditions consistent with Guidelines 5, 6, and 7.

South Hammett #7

Implementing proposed maintenance and trough replacement/relocation actions at North Bourbon Spring will potentially benefit functioning condition of the spring and adjacent wetland/riparian area and will result in slow progress toward meeting Standard 2 (EA Section 3.5.2.4).

Alternative C will implement livestock management practices that maintain and improve wetland conditions consistent with Guidelines 5 and 6.

Cultural Resources: What steps will be taken to avoid or minimize impacts to cultural resources?

Based on consultation with the Shoshone-Paiute Tribes, site visits to proposed spring maintenance will be made with tribal representatives prior to any maintenance activities. These visits will determine what and how maintenance is conducted. No other cultural resource issues were identified by the Tribes. Cultural sites associated with concentrated use areas will be subjected to trampling, but overall improvements in vegetation conditions, increased litter, and temporary exclosures will help stabilize sites over the long term (EA Section 3.8.2.6)

Livestock Management/Social and Economics: How will proposed alternatives balance the need for meeting Standards with operational and economic needs?

Because the permitted use will make significant progress toward meeting Standards, as described above, social and economic needs for a variety of user groups will also be met (e.g., improved vegetation conditions, enhanced recreation experiences; EA sections 3.7.2.5 and 3.9.2.4). Implementing Alternative D may have moderate to major adverse impacts to your operation, but negligible impacts at the county level. I believe this decision represents an appropriate balance because significant progress will be made toward meeting Standards; improvements in vegetation conditions will ensure predictable, high quality forage for livestock and wildlife; multiple uses will be provided for; and economic interests will be maintained.

Wilderness Study Area (WSA) Values: How will proposed alternatives maintain WSA values?

Spring maintenance activities in the King Hill Creek WSA will cause impacts to naturalness, solitude, and primitive and unconfined recreation during the construction and vegetation recovery phases (EA Section 3.7.2.4); however, moving livestock away from wetland areas and electric fencing that result in wetland condition improvements will enhance naturalness over the long term (EA Section 3.7.2.5). Because your proposed construction of 4.8 miles of pasture division fence would have major adverse impacts on naturalness and primitive and unconfined recreational activities over the long term, I cannot approve it. Minor improvements in naturalness, as demonstrated by improved vegetation conditions from a deferred system will not offset adverse impacts. Implementing a system that does not rely on permanent fencing will maintain naturalness and primitive and unconfined recreational activities. Alternative D best meets BLM policy requirements to maintain or improve WSA values while still allowing livestock use.

Additional Rationale

I considered selecting Alternative A - No Grazing; however, based on the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotments. In selecting Alternative D (Hammett #1 Allotment) or Alternative C (South Hammett #7 Allotment) rather than Alternative A, I especially considered (1) BLM's ability to meet resource objectives using the selected alternative, (2) the impact of implementation of Alternative A on your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to annual spring use and the current stocking rate. As stated above, the resource issues will be satisfactorily addressed by implementing the Final Decision. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

I also considered selecting the As Permitted or Adjusted Management versions of Alternative B – Continue Current Management. The As Permitted version would not meet Standards and Guidelines (EA Sections 3.1.2.3, 3.2.2.4, 3.5.2.3, and 3.6.2.4). The Adjusted Management version would make progress toward meeting Standards and Guidelines; however, progress at a faster rate is achievable and more desirable, especially when considering resources such as sage-grouse habitat and riparian areas. Alternative D will ensure an adequate rate of progress while addressing your operational needs.

I also considered selecting Alternative C – Permittee Application for the Hammett #1 Allotment, which would represent a reduction to 2,100 AUMs and implementation of a two-year spring/fall rotation system. However, your application represents an increase in AUMs over average annual use between 1997 and 2013 during which applicable Standards were not met. Implementation would require intensive monitoring and strict herd management; however, there was a lack of certainty that vegetation conditions would improve. I could not choose this alternative because I was not confident that significant progress would be made toward meeting Standards.

Notes on Terms and Conditions

The resulting stocking rate of 13.4 acres/AUM considered potential forage production and availability associated with the ecological site potential and current conditions (EA Section 3.0). With annual coordination, flexibility is provided to address exotic annual grass concerns in the southern part of the Hammett #1 Allotment and annual variations in range readiness in the South Hammett #7 Allotment. Maximum numbers were identified for each allotment. They are meant to provide some flexibility for you, but are not meant to be used annually in the South Hammett #7 Allotment. Because I must ensure meeting or making significant progress toward meeting Standards, I will rely on the annual coordination meetings to set livestock numbers that will ensure that happens.

Notes on Protest Meeting Issues

Flexibility in herding – Your request for flexibility in herding (allowing an unspecified number of animals to graze in an unauthorized use area) suggested the difficulty required to successfully implement Alternative C. To ensure significant progress toward meeting Standards (especially Standards 2, 3, 7, and 8), livestock must be found only where currently authorized and be

completely removed from the allotment by the end of the use period. Alternative D does not rely on herding during use periods (with the exception of April use in exotic annual dominated areas); therefore, it will be easier to implement.

Early turnout flexibility – Exotic annual grasses are an issue primarily in the southern portion of the Hammett #1 Allotment affected by the 2011 Blair Fire (EA Map 6b). Livestock use of exotic annuals prior to when native perennial grasses initiate growth could reduce competition. An April 1 turnout that focuses use in exotic annual dominated areas could benefit native perennials. However, April also coincides with the critical growth period for Sandberg bluegrass, the most common native perennial grass in those areas, and some forbs. Significant progress toward meeting Standard 4 will not be made if early turnout results in Sandberg bluegrass reductions. Failure to keep livestock in exotic annual dominated areas will also adversely affect sage-grouse nesting habitat and adversely affect progress toward meeting Standard 8. Growing season rest two in three years will help perennial grasses recover; therefore, I can support this flexibility but would remind you of your responsibility to ensure cattle remain only in the exotics areas, as April use will coincide with the onset of perennial grass growth periods.

Fall AUM use in exotic annual dominated areas – I appreciate that concentrating fall use in exotic annual dominated areas will help reduce livestock impacts to other important resources (e.g., less use of residual vegetation and wet meadows will benefit sage-grouse nesting cover and brood-rearing habitat; reduced browse use will benefit wintering big game). However, that use period coincides with the fall Sandberg bluegrass growth period. Concentrated livestock use could adversely affect Sandberg bluegrass, especially if it is more palatable than exotic annual grasses. Significant progress toward meeting Standard 4 will not be made if concentrated fall use results in Sandberg bluegrass reductions. Growing season rest in Year 2 and complete rest in Year 3 will help perennial grasses recover, but still provide an opportunity to reduce exotic annual grasses.

Suspended use – In order to comply with grazing regulations, AUMs will not be placed into suspended use for the Hammett #1 Allotment because the reduction in AUMs does not fit the regulatory requirement for suspending permitted use. Per 43 CFR § 4110.3-2(a), “Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements.” Conditions in the allotment do not lead me to believe this suspension would qualify as temporary. Having made the determination that Standards are not being met and livestock grazing is a significant factor, I am required to take action to improve allotment conditions. Specifically, 43 CFR § 4110.3-2(b) requires that “...the authorized officer shall reduce permitted grazing use or otherwise modify management practices.” In the future, when Standards are being met, you may apply for an increase in permitted use under 43 CFR § 4110.3-1.

Administrative access – I understand your private property concerns and the need for appropriate consultation, cooperation, and coordination. As outlined in the protest response section, the BLM must have administrative access to ensure appropriate allotment management. My staff will coordinate with you when access across your private lands is required.

Control plots – We discussed the possibility of putting control plots and additional trend sites in and adjacent to exotic annual dominated areas to help determine native plant responses to livestock use and exotic annuals. Because of budget and staffing limitations and WSA considerations, I will not be constructing additional exclosures. I believe that the additional trend plots we established with your input will help answer that question.

Exchange of use (EOU) – Per 43 CFR § 4130.6-2, EOU is issued to applicants other than the authorized permittee in an allotment and is based on private lands or State leases the applicant controls. Because you are the permittee of record in the allotments, consideration of other lands is more appropriately addressed by adjusting the %PL to reflect owned or controlled lands in the allotments. As per 4130.3-2(g), “The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee.” Because the private and State lands in the Hammett #1 Allotment are not demonstrably different than BLM-administered lands, the %PL was based on the same amount of forage available per acre for all ownerships. Per conversation with you, private lands in the South Hammett #7 Allotment have the same productivity (6.1 acres/AUM) as BLM-administered lands. Percent PL for an allotment was determined by dividing the BLM AUMs by the total AUMs you control. Although the Final Decision indicates 100% PL, based on the current lands you control, the annual authorization would have 94% PL for the Hammett #1 Allotment and 10% PL for the South Hammett #7 Allotment (Table 3). The %PL would change to reflect changes in ownership or control of unfenced nonfederal lands in the allotment.

Table 3. Percent public land determination for the Hammett #1 and South Hammett #7 allotments.

Allotment	Ownership	Acres	Stocking Rate	AUMs	%PL
Hammett #1	BLM	21,101	13.4	1,574	94%
	State	874	10.9	80	
	Private	276	10.9	25	
South Hammett #7	BLM	835	6.1	137	10%
	State	1,828	6.2	295	
	Private	5,929	6.1	965	

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on May 27, 2014, and concluded that the decision to implement alternatives C or D 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 § 1508.97. Therefore, an environmental impact statement is not required. A copy of the FONSI for DOI-BLM-ID-B010-2011-0021-EA is available on the web at: on.doi.gov/1LM8uBj

Conclusion

In conclusion, it is my decision to select Alternative D for the Hammett #1 Allotment and Alternative C (without Adaptive Management) for the South Hammett #7 Allotment. I have determined the issuance of this grazing permit will be in conformance with the Jarbidge RMP

dated March 23, 1987, and the permitted livestock grazing will enable the allotments to make significant progress toward meeting applicable Standards and Guidelines. Alternative A would also make significant progress toward meeting Standards and Guidelines, but would unnecessarily affect your operations and to a minor degree regional economic activity. Alternative B would not meet Standards and Guidelines in the Hammett #1 Allotment. Alternative C could also potentially make progress toward meeting Standards and Guidelines in the Hammett #1 Allotment; however, the degree of progress was uncertain and it would require substantial monitoring and herding, which could not be guaranteed to occur. Alternatives B and D would maintain or make progress toward meeting Standards in the South Hammett #7 Allotment; however, Alternative C (your application) will also accomplish that.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, Public Rangelands Improvement Act of 1978, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Part 4100 Grazing Administration - Exclusive of Alaska (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; the Jarbidge RMP designates the Hammett #1 and South Hammett #7 allotments available for livestock grazing;
- 4110.3 Changes in permitted use;
- 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;
- 4160 Administrative Remedies. Guidance on issuance of proposed and final decisions, and protests and appeals.
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. Implementation of the decision will result in the continuation of the subject public lands to meet the Idaho Standards for Rangeland Health.

Right of Appeal

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. 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:

Tate Fischer
Four Rivers Field Manager
3948 S. Development Avenue
Boise, Idaho 83705-5339

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 S. Broadway Avenue Suite 400
Boise, Idaho 83706-6240

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 either Matt McCoy Four Rivers Assistant Field Manager at (208) 384-3343 matthewmccoy@blm.gov, or myself at 208-384-3430 tfischer@blm.gov.

Sincerely,

/s/ *Tate Fischer*

Tate Fischer
Field Manager
Four Rivers Field Office

Copies sent by certified mail to:

Advocates for the West, PO Box 1612, Boise, ID 83701-1612
J. D. Aldecoa & Sons, Inc., 4312 W. Edgemont Street, Boise, ID 83706-2304
Stacey Baczkowski, 1221 W. Idaho Street, Boise, ID 83702-5627
Barber Caven Ranches, 911 E. Winding Creek Drive, Suite 150, Eagle, ID 83616-6973
Donna Bennett, 573 N Bennett Road, Grand View, ID 83624
Samuel Blackwell, 5486 W. Wintercamp Lane, Glens Ferry, ID 83623-5061
Alayne Blickle, 7235 Southside Boulevard, Nampa, ID 83686-9431
Boise National Forest, 2180 American Legion Blvd, Mountain Home, ID 83647-3140
Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720-2442
Committee for Idaho's High Desert, PO Box 2863, Boise, ID 83701-2863
Confederated Tribes of the Umatilla Indian Reservation, 46411 Timine Way, Pendleton, OR 97801-9467
Steve Damele, 928 E. Rumsey Lane, Mountain Home, ID 83647-5719
L. G. Davison & Sons, 1969 Prairie Road, Prairie, ID 83647-8435
Double Anchor Ranches, Inc., 5714 W. Double Anchor Drive, Glens Ferry, ID 83623-5022
Elmore County Commissioners, 150 South 4th East, Suite 302, Mountain Home, ID 83647-3060
Faulkner Land & Livestock, C/O John Faulkner, 1989 South 1875 East, Gooding, ID 83330-5330
Golden Eagle Audubon, PO Box 8261, Boise, ID 83707-8261
Gene Gray, 2393 Watts Lane, Payette, ID 83661-5326
Richard Hall, 101 S. Capitol Boulevard Suite 1900, Boise, ID 83702-7705
Honorable Mike Crapo, 251 E. Front Street Suite 205, Boise, ID 83702-7312
Honorable Raul Labrador, 33 E. Broadway Avenue Suite 251, Meridian, ID 83642-2619
Honorable C.L. "Butch" Otter, PO Box 83720, Boise, ID 83720-0003
Honorable Jim Risch, 350 North 9th Street, Suite 302, Boise, ID 83702-5470
Honorable Mike Simpson, 802 W. Bannock Street, Suite 600, Boise, ID 83702-5843
Ted Howard, Cultural Resources Director, Shoshone-Paiute Tribes, PO Box 219, Owyhee, NV 89832
Idaho Air & Army National Guard, 4040 West Guard Street, Boise, ID 83705-5004
Idaho Cattle Association, PO Box 15397, Boise, ID 83715-5397
Idaho Conservation League, PO Box 844, Boise, ID 83701-0844
Idaho Department of Agriculture, PO Box 790, Boise, ID 83701-0790
Idaho Department of Fish & Game, 3101 South Powerline Road, Nampa, ID 83686-8520
Idaho Department of Lands, 8355 W. State Street, Boise, ID 83714-6071
Idaho Department of Parks & Recreation, PO Box 83720, Boise, ID 83720-0003
Idaho Farm Bureau Federation, 500 W. Washington, Boise, ID 83702-5965
Idaho Grazing Board, Attn: Stan Boyd, PO Box 2596, Boise, ID 83701-2596
Idaho State Historic Preservation, 210 W. Main Street, Boise, ID 83702-7264
Idaho Wildlife Federation, PO Box 6426, Boise, ID 83707-6426
Dennis & Debra Joost, 1316 S. Pine Featherville Road, Mountain Home, ID 83647-8719
Charles Lyons, 11408 E. Highway 20, Mountain Home, ID 83647-5316
Jerry McAdams, 333 N. Mark Stall Place, Boise, ID 83704
Joe Merrick, 27632 River Road, Bruneau, ID 83650
Mountain Home Air Force Base, 336th Gunfighter Avenue, Mountain Home AFB, ID 83648
The Nature Conservancy, 950 West Bannock, Suite 210, Boise, ID 83702-6093
Nez Perce Tribes, Tribal Chairman, PO Box 365, Lapwai, ID 83540-0365
David E. Owen, Jr, 1959 SE Ross Road, Glens Ferry, ID 83623-5032
Richard Raymond, 5670 N. Collister Drive, Boise, ID 83703-3826
Tina Reay, 78 Stone Lane, Horseshoe Bend, ID 83629-9006
Resolution Advocates, C/O Doug McConnaughey, 405 Creekside Place, Nampa, ID 83686-8133
Dr. Neil Rimbey, 1904 E. Chicago Suite A & B, Caldwell, ID 83605-5599
Shoshone-Bannock Tribes, Tribal Chairman, PO Box 306, Fort Hall, ID 83203-0306

Shoshone-Paiute Tribes, Tribal Chairman, PO Box 219, Owyhee, NV 89832-0219
Sierra Club, Middle Snake Group, PO Box 552, Boise, ID 83701-0552
Karen Steenhof, 18109 Briar Creek Road, Murphy, ID 83650-5006
Arthur Talsma, 10400 Duck Lane, Nampa, ID 83686
Tree Top Ranches LP, PO Box 8126, Boise, ID 83707-8126
US Fish and Wildlife Service, 1387 S. Vinnell Way, Boise, ID 83709-1657
Western Watersheds Project, PO Box 2863, Boise, ID 83701-2863
The Wilderness Society, 950 W. Bannock Street Suite 605, Boise, ID 83702-6106
Wildlands Defense, Attn: Katie Fite, PO Box 125, Boise, ID 83701-0125
Wool Growers Association, Attn: Stan Boyd, 802 W. Bannock Street Suite 205, Boise, ID 83702-5839

Protest Responses

Western Watersheds Project Bennett Mountain North Protest Points and Responses

One protest letter was received for the 10 Proposed Decisions affecting the 12 allotments addressed in DOI-BLM-ID-B010-2011-0021-EA. Where possible, responses address the Hammett #1 and South Hammett #7 allotments.

1. *Need for an EIS.* The BLM followed guidance in the BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1). The proposed actions do not automatically warrant an EIS; therefore, an environmental assessment (EA) was completed and a finding of no significant impacts was made. The EA presents a reasoned analysis containing quantitative and detailed qualitative information, thereby meeting the NEPA requirement of a “hard look.”
2. *Lack of rancher accountability.* These allotments were not meeting standards; therefore, my Final Decision implements grazing systems and a reduction in use (Hammett #1 Allotment) that will allow resources to make significant progress toward meeting Standards.
3. *Lack of measurable standards of use for upland and riparian areas.* Objectives were not provided for allotments that were meeting Standards. Areas that are meeting or making significant progress toward meeting will provide for the resources you mention. FLPMA does not require BLM to include use criteria as terms and conditions. Because I could not be certain of BLM’s organizational capacity to regularly measure use criteria, I have chosen to meet/make significant progress towards Standards by reducing AUMs, modifying the season of use, and requiring grazing schedules.
4. *Need for full and detailed analysis of sensitive species.* The BLM used representative species (slickspot peppergrass, greater sage-grouse, riparian birds, raptors, and redband trout) to address habitat conditions and grazing impacts to sensitive species (EA Sections 3.3, 3.5, and 3.6). Cumulative impacts sections addressed impacts from livestock grazing, rangeland management projects, trailing, road construction and right-of-way maintenance, wildfires, emergency stabilization and rehabilitation projects, OHV use, proposed energy infrastructure projects, and proposed fuels projects throughout the Bennett Mountain Management Area or appropriate cumulative impact analysis area.
5. *Lack of clarity on how allotments will be grazed.* My Final Decision provides terms and conditions that set timing of use. Allotment specific terms and conditions indicate specific guidelines for grazing systems. While some flexibility is provided for livestock numbers, it is not provided for period of use or AUMs.
6. *Lack of measurable standards.* See response to #3.
7. *Failure to adequately address complexity of issues associated with State and private lands.* The cumulative effects analyses addressed known actions on State and private lands.
8. *Improper stocking rates and use of suspension rather than permanent reductions.* Where allotments were not meeting standards, grazing systems and (in most cases) stocking rate

adjustments were made to ensure significant progress will be made toward meeting standards. The grazing regulations at 43 CFR § 4110.3-2 state that grazing use may be “suspended in full or in part on a temporary basis due to drought, fire, or other natural causes...” The need to reduce AUMs in these allotments does not fall within the rationale in the regulations for suspending use. Projects considered for implementation were limited to maintaining existing projects or those that met the purpose and need.

9. *Biased and arbitrary FRH process.* Livestock were identified as significant contributing factors where Standards were not being met. Wildfire was considered a contributing factor for shrub cover loss.

10. *Failure to adequately address exotic annuals and noxious weeds.* Each allotment assessment, evaluation, and determination discusses the role of grazing and wildfire in the current distribution of exotic annuals. Presence of noxious weeds was also indicated. The EA indicates the current extent of exotic annuals and noxious weeds in the Upland Vegetation and Noxious Weeds affected environment sections (3.2.1 and 3.4.1). Maps are provided indicating fire history and distribution of exotic annuals and noxious weeds (maps 6a, 6b, and 8). Analyses for each of the alternatives address how invasives and noxious weeds will respond to livestock grazing (or its absence), wildfires, and their combined interaction. My Final Decision implements grazing systems that will maintain or improve rangeland health conditions which should help limit the establishment and expansion of invasive and noxious species.

11. *Failure to consider alternative actions proposed by WWP.* The BLM fully considered and analyzed a no grazing alternative (Alternative A). The BLM also considered periodic, but not exclusive, dormant season use and/or rest in Alternatives C and D.

12. *Lack of a basis for determining carrying capacity, stocking rate, capability, suitability, and production.* Proposed stocking rates were based on a variety of factors including current resource conditions (assessments, key species trends), conformance with standards and guidelines (evaluations and determinations), known site productivity (NRCS site guides as influenced by current conditions), actual use reports, and stocking rates on State lands. Capability and suitability are not required by BLM guidance; however, both factors were considered (e.g., suitability was considered when addressing impacts of livestock use and proposed projects on WSA values). The EA analyses describe impacts to a variety of resources. These analyses informed the development of my Final Decision.

13. *Failure to provide the 9/10/04 decision that implemented the CCAA for slickspot peppergrass.* Slickspot peppergrass or slickspot microsites are not present in the allotments. The proposed decision modifies grazing which will improve pollinator habitat conditions. The current terms and conditions (Section 2.3.2 and Appendices 6.2 and 6.3) summarize the decisions relied upon for the alternative and development analyses. The 2014 assessments and evaluations provide current monitoring and conditions for the allotments.

14. *Confusing, uncertain wording and provisions of the decisions.* The referenced language was meant to indicate that the footnoted existing permits include allotments that are not being addressed in this EA. They will be addressed in a subsequent EA. New permits, with allotment

specific terms and conditions, will be issued for the allotments considered in this EA. The terms and conditions for the allotments not considered in this EA will remain unchanged until those permits are fully processed.

15. *The BLM relied on deficient, biased, and outdated assessments.* The 2014 assessments reflected trend data analyses (1988 - 2011 data) and 2009-14 site visits to observe condition changes from 2004 observations. These data and observations are presented in the assessments. Based on the analyses and observations, determinations were modified from the 2012 scoping document to indicate livestock were a factor in not meeting standards (Hammett #6) or to correctly identify where standards were not being met (e.g., Sackrider Spring is in North Camas Allotment, not Hammett #7 Allotment). Sage-grouse habitat was assessed based on known and modeled distributions (IDFG telemetry data), historic and active leks, and two habitat classifications (habitat mapping based [Key, R1, and R2] and population/habitat based [preliminary priority and general]). Approximately 37,600 acres (74% of public lands in the 12 allotments and all public lands in the Hammett #1 and South Hammett #7 allotments) were considered sage-grouse habitat. The assessments and EA address conditions and impacts on sage-grouse habitat and shrub-steppe habitat outside identified sage-grouse habitat. Assessments, evaluations, and determinations were developed using an interdisciplinary team approach that addressed potential individual biases. Additional monitoring sites were established in 2014 using a stratified random approach in allotments not meeting standards.

16. *Ability of BLM to monitor at five-year period as described in Appendix 7.* Among other reasons, because current funding and staffing levels cannot be assured, the BLM selected Alternative D for the Hammett #1 Allotment, relying on a spring/fall/rest system and reduced stocking rates, rather than a spring/fall rotation system and monitoring, to ensure significant progress toward meeting Standards.

17. *Lack of substantial AUM reductions.* Alternative C represented a 44% reduction from current active use for the Hammett #1 Allotment (EA Table 5); however, it was an increase from average actual use. Alternative D represented a 58-100% annual reduction depending on the year for the Hammett #1 Allotment (EA Table 7). Beyond the no grazing alternative, AUM reductions were not considered for allotments meeting standards. See response to #12 for capability, suitability, and stocking rate issues.

18. *Lack of a reasonable range of alternatives and measurable “standards” for allotments BLM considers are meeting standards.* The BLM analyzed four alternatives including No Grazing (Alternative A) and analyzed their potential impacts for 12 issues identified during scoping related to eight broad resource groups. Cumulative impacts were discussed for all resources where more than negligible direct or indirect impacts were identified. The BLM identifies what factors were responsible for meeting or not meeting Standards (e.g., use period, stocking rate, and resiliency). The BLM applied measurable “standards” (Adaptive Management Monitoring Plan) to these allotments because they were not meeting Standards.

19. *Inadequately addressing impacts of holistic grazing (Hammett #6).* The protest point does not apply to these allotments.

20. *Relationship between public and private lands grazing.* Exchange of use agreements (EOU) are issued to applicants other than the authorized permittee in an allotment and are based on private lands or State leases the applicant controls. The percent public land will be adjusted in these allotments to reflect private and State lands controlled by the permittee as described above (Notes on Protest Meeting Issues). Private lands at a greater stocking rate than adjacent BLM-administered lands are typically associated with more productive areas (e.g., wet meadows) that livestock will be attracted to. Use levels similar to those on private lands will not typically occur on BLM-administered lands in the South Hammett #7 Allotment because they don't have those attractants. The EA describes impacts to various resources in concentrated use areas.

21. *Providing flexibility in livestock numbers.* Although your example is for Double Anchor FFR which is not being considered in this EA, several Proposed Decisions provided for flexibility in livestock numbers and the EA addressed potential impacts in the Maximum Livestock Numbers sections. My Final Decision either limits the number of times maximum numbers will be authorized (South Hammett #7 Allotment) or reduces the number of livestock from current use (Hammett #1 Allotment). The Double Anchor FFR Allotment will be addressed in the Bennett Mountain South permit renewal process.

22. *Annual use in the SW Alkali Allotment.* This allotment will be addressed in the Bennett Mountain South permit renewal process.

23. *Fall use should not be allowed in the SW Alkali Allotment.* This allotment will be addressed in a subsequent EA.

24. *BLM does not provide use criteria (e.g., bank trampling, stubble height, and browse utilization) in proposed decisions.* Objectives were not placed on streams that were in proper functioning condition (PFC) because they were not accessible to livestock. The BLM provided objectives that include utilization levels (40-50% for perennial grasses), stubble height (4"), streambank alteration ($\leq 15\%$), willow browse use ($\leq 20\%$ annually), riparian/wetland vegetation recovery, fine sediments, and vegetative shade (Appendix 7) for allotments that were not meeting standards and livestock were a significant factor. However, because I could not be certain of BLM's organizational capacity to regularly measure use criteria, I have chosen to meet/make significant progress towards Standards by reducing AUMs, modifying the season of use, and requiring grazing schedules.

25. *Concern about the accuracy of actual use reports (AUR).* Actual use between 1997 and 2013 is reported in the Assessment documents. Use above permitted levels was not reported during that period. Depending on the permittee, some AURs are completed by pasture (e.g., Hammett #6).

26. *Location and maintenance of exclosures and other fencing, their efficacy, and use for informing management.* Currently, the only fenced exclosures are associated with Dive Creek (Hammett #6) and Bullet Spring (Hammett #1). Exclosures are maintained annually by an IDFG/BLM contractor. Topographic features (e.g., rimrock or steep areas) naturally limited or precluded livestock use from some areas. Areas substantially unaffected by livestock use were

used as reference sites to determine departures from reference conditions for rangeland health indicators. No exotic grasses were seeded in these allotments.

27. *Failure to address and provide for special status species habitat needs, specifically sage-grouse.* Greater sage-grouse (and other special status wildlife species) habitat requirements for different life-history use periods were described in the EA (Section 3.6.1). The impacts of different alternatives, including not grazing, were described in Sections 3.6.2 and 3.6.3.

28. *Failure of the assessments, evaluations, and determinations to represent conditions.* See response to #15.

29. *Failure to adequately map, identify, and quantify exotic annual species.* Also see response to #10. Exotic annual species were monitored at trend sites (see graphs in assessments) and were identified in rangeland health field assessments (see indicator #16-Invasive Plants in native plant community rangeland health indicators in Standard 4 assessments). The assessments provide baseline data and analyses of exotic annuals. The Final Decision will maintain or improve native perennial vegetative cover which will limit establishment or expansion of invasive annuals. Non-grazing related measures to address invasive annuals will be addressed in a separate NEPA analysis.

30. *Livestock use overlap and impacts during critical wildlife nesting and rearing periods.* See response to #27.

31. *Inadequate baseline surveys of sensitive species.* Where actual population survey data were not available, the EA assumed that special status species were present in habitats that typically support them and analyzed impacts accordingly. Rangeland health assessments and other data were used to describe habitat quality (reported in individual allotment assessment documents and summarized in EA Sections 3.2, 3.5, and 3.6).

32. *Failure to ensure non-impairment of WSA values.* Section 3.7 of the EA discusses current conditions and impacts of the alternatives to naturalness, solitude, and primitive and unconfined recreation.

Iron Horse Ranch, LLC Bennett Mountain North Protest Points and Responses

Hammett #7 (01039) Allotment

1. *In Table 1 on pages 1 and 2 of the EA BLM indicated errors in their Scoping Package in terms of this allotment. I provided comments to the April 4, 2012 Scoping Package asking for information that by my records I never received to be able to fully understand BLMs. BLM erred in never responding to my concerns then and now expect me to respond without that background information. BLM indicated they made a 2014 site visit to this allotment that corrected a 2012 error. Without the required consultation being completed, BLM erred in issuing the May 27 Proposed Decision.* The BLM provided the requested information in 2014. The assessment document provides graphs and statistical analyses of cover and frequency data collected at long-term trend monitoring sites (nested plot frequency transects or NPFT). The 2004 rangeland health field assessment indicated active gullies in the Blackhawk Pasture. A 2014 visit found

that perennial grasses were becoming established in the gullies and providing stabilization; however, actively eroding, unstabilized gullies were present in the Sackrider 2 Pasture (Assessment pg. 4). Therefore, the allotment as a whole is not meeting Standard 1.

2. *Table 1 displays Hammett #7 as one allotment and later the discussion is with West and South Hammett #7. I cannot determine as written which standards apply to West, South or the whole Hammett #7. This needs to be corrected to be able to respond.* The assessment and evaluation documents, including associated maps, indicate issues by pasture. The determination was made on an allotment basis. Standards 1, 4, and 8 apply to the all pastures in the allotment. Standard 2 for springs applies to Blackhawk and Long Draw pastures (Map 2 of Assessment). Standards 2, 3, and 7 apply to streams in the Sackrider, Vina 1, and Vina 2 pastures. Alternative C and the proposed decisions combine current pastures 13, 14, and 16 (Blackhawk, Long Draw, West Fork) to form the South Hammett #7 Allotment (Proposed Decision pg. 5) and current pastures 7, 10, and 17 (Sack Rider 2, Vina 1, Vina 2) to form the West Hammett #7 Allotment.

3. *BLM is demanding reasonable administrative access to this allotment in Appendix 3 and in the Proposed Decision as a mandatory term and condition. That approach is totally inappropriate. If BLM was able to make the site visit in 2014, then I believe BLM does not need that as part of my mandatory Terms and Conditions. I found nowhere in the analysis BLMs rationale for requiring that as a mandatory Terms and Conditions here or the other two allotments addressed in Appendix 3. See response to #4, Hammett #7 Allotment.*

4. *If left in the final decision, reasonable administrative access must be spelled out and agreed to with consequences for BLM since BLM indicates I shall provide it.* The term and condition is provided for in 43 CFR § 4130.3-2(h) "...permittees or lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands." Because of the variable ownership and dynamic nature of grazing preference and land ownership, the Four Rivers Field Office (FRFO) is putting a reasonable administrative access term and condition on all fully processed permits (i.e., assessment, evaluation, determination, NEPA analysis, and decision). The BLM will coordinate with the permittee prior to crossing private lands to access public lands in the allotments.

5. *On page 2 of the EA, without the data requested in 2012, BLMs claims to Standard 1 cannot be determined as accurate.* Also see response to #2 (Hammett #7 Allotment). The Assessment indicates issues by pasture (pp. 4-5). The Evaluation (pg. 2) indicates what areas were not meeting Standard 1. The Determination (pg. 1) indicates where current livestock grazing is an issue. The EA (pg. 35) summarizes these findings. All documents indicate progress was being made toward meeting Standard 1 in Blackhawk Pasture.

6. *Table 2 on page 4 indicates 10% public land. However, Tables 4 and 5 indicate 100%. I believe the correct number is 10%. Then when BLM splits the allotment into South and West we have no idea what the true percentage is.* Table 2 (EA pg. 4) provides ownership acreages (BLM, private, State, and USFS) by allotment as they are currently defined in BLM's GIS data. Generally, %PL in a term and condition is not based on the percentage of BLM-administered lands in an allotment. Percent public land is defined in 4130.3-2(g) and is "determined by the

proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee.” Tables 4, 5, and 7 (EA pp. 13, 18, and 25) provide descriptions of the current permit (Alternative B pg. 13), and proposed alternatives C (pg. 18) and D (pg. 25). Alternative B represents what is currently on the mandatory terms and conditions of the existing permit. The %PL values depicted on pp. 18 and 25 represent other lands within an allotment that are owned or controlled by the permittee. The Proposed Decision (pg. 5) did provide for the opportunity for the permittee to enter into an EOU agreement; however, my Final Decision does not. Instead, the %PL was modified to reflect lands you own or control in the allotments. An additional “Other” term and condition was added to allow modifications to %PL through time if lands you own or control change.

7. *Table 3 on page 6 of the EA indicates this allotment is to be managed to prevent deterioration. BLM appears to be moving away from that direction. You have not indicated how the BLM is moving away from preventing deterioration. My Final Decision implements Alternative C for the South Hammett #7 Allotment to maintain or ensure significant progress toward meeting Standards.*

8. *Table 4 on page 13 of the EA indicates 136 Active AUMs and a total of 137 AUMs. They should be the same. The Proposed Decision also needs to be corrected. Footnote #1 of Table 4 explains the discrepancy between Active and Permitted AUMs. Alternative B (EA Table 4) represents the current permit which would not be modified; therefore, the discrepancy would remain. My Final Decision implements Alternative C (EA Table 5), the 137 AUMs will be reflected on your grazing authorization as Adaptive AUMs.*

9. *On page 17 of the EA BLM indicates that their staff worked with me on developing Alternative C, making it sound like they consulted. I believe we had one meeting and BLM told us what they were going to do. It cannot be considered consultation as required by the grazing regulations. See response #8, Hammett #1 Allotment (below).*

10. *On page 17 of the EA, without the data requested in 2012, BLMs claims to Standard 2 cannot be determined as accurate. The BLM provided the requested information in 2014.*

11. *On page 20 of the EA BLM addresses South and East Hammett as separate allotments. BLM then proposed to combine Hammett #1 and South Hammett #7 into one permit. I propose to leave them as separate permits. BLM provided no rationale for combing the allotments into one permit at this time. When we have concluded our consultation, I have to assume BLM will provide their rationale and make it part of their records. See response #11, Hammett #1 Allotment (below).*

12. *On page 20 of the EA BLM proposed to implement Alternative D in five years if certain objectives are not being met. There is no discussion of how this would be consulted with me, data to be used or a decision be made. Five years is a very short timeframe in this area and I need to be insured I have due process at that time. It appears as written that the only protest and appeal of that potential future decision is at this time. The process needs to be completely spelled out or removed because Section 4110.3 already directs BLM to make adjustments following*

Subpart 4180 when BLM has supporting documentation. I selected Alternative C (without Adaptive Management) in my Final Decision, which eliminates this ambiguity.

13. *On page 20 of the EA BLM explains the application. However, it does not coincide with the corrected information from the letter I sent Mr. Humphrey on May 7, 2012.* It is not clear which corrected information you are referring to in the May 7, 2012 letter. The letter refers to a discrepancy between current Active and Total Permitted Use (136 AUMs vs 137 AUMs). The numbers reflect what is on your existing permit. The reason for the discrepancy is addressed in footnote 1, Table 4 (EA pg. 13). The discrepancy does not occur in Alternative C (Table 5 pg. 18, narrative pg. 20). The letter also questioned on and off dates during deferment in the Blackhawk Pasture. My Final Decision is that use in the Blackhawk Pasture would be deferred until after seed-ripe of perennial grasses in two of every three years (Allotment Specific Terms and Conditions). A specific on date was not identified to allow for annual phenological variations. Regardless of on date, the off date would remain November 30 per the mandatory terms and conditions.

14. *On page 24 of the EA, BLM proposes to allow only 4 cattle for 20 AUMs in two of the three pastures for Alternative D if it is implemented. That is unacceptable and without any rationale. Also, as discussed in item 13 above, the discussion on page 24 of the EA is in error.* Alternative D does allow for up to 500 head of cattle to be present (EA pg. 24 and Appendix 8, Allotment Specific Term and Condition #8). The AUMs allocated to BLM-administered lands in the Long Draw (82 acres) and West Fork (48 acres) pastures were based on the relative amount of BLM-administered lands in the allotment (835 acres total). The pastures account for 15.6% (130 acres/835 acres) of the BLM-administered lands, which would translate into 21 AUMs (15.6% of 137 AUMs). However, to maintain the same use period, four head were used resulting in 20 AUMs. The remaining AUM was allocated to the Blackhawk Pasture.

15. *In Table 5 on page 18 BLM allows a maximum of 750 cattle. Then in Table 7 on page 25 it is reduced to 500. Again, BLM provided no rationale for this adjustment. BLM provided no rationale as to their reasoning for 20 AUMs and 500 cattle in Table 7. As written, it is essentially closes Long Draw and West Fork pastures to grazing. Thereby, only Black Hawk pasture can be utilized for the duration of the permit and BLM shortened the season use by 45 days.* The rationale is provided in the last paragraph on pg. 23: “For allotments where current grazing management was a significant factor in not meeting standards and/or BLM staff had concerns about the potential for the permittee application (Alternative C) to address identified issues (Hammett #1, East Hammett #5, East Bennett Mountain, Hammett #6, Hammett #7, and North Camas), BLM developed alternatives that would address resource issues and help make progress toward meeting standards.” Analyses indicated potential impacts associated with the permittee proposal, specifically the maximum livestock numbers of 750 animals, a proposed increase in use during the growth period, and increased use during sage-grouse nesting and early brood rearing (EA pp. 43, 72, and 141). The Long Draw and West Fork pastures would be available for use. The AUMs by pasture were based on the current stocking levels. BLM-administered lands make up a small percentage of these pastures. I understand the majority of use would occur on adjacent private lands. The primary modification would occur in the Blackhawk Pasture to ensure standards related to watershed, upland vegetation, and sage-grouse would be met over the long term.

16. *On page 40 of the EA I reiterate my concerns with item 2 above. See response to #2 (Hammett #7 Allotment). There is no mention of South Hammett #7 on page 40.*

17. *On page 40 of the EA BLM indicates erosion is the cause for no meeting Standard 1. Without the information we requested and the little rationale BLM provided here, one cannot determine how bad BLM erred. See response to #16 (Hammett #7 Allotment). There is reference to South Hammett #7 in a summary indicating the alternative would meet Standard 1 in the long term (EA pg. 41). Further detail is provided in the allotment-specific analysis (EA pg. 43).*

18. *The May 2014 RHA indicates data was collected basically by aerial photography. Without being provided how BLM ground truths the photos, BLM cannot make determinations as to cause and effects. The RHA also does not help the reader know whether BLM is addressing the West or South Hammett #7. Site visits used to inform watershed conditions and trends were conducted in 2004, 2009, and 2014. Aerial photographs were used to supplement field visits to help determine the extent and trend of gully formation and recovery. The Assessment (pp. 4-5) clearly indicates where issues were identified. Gullies in Blackhawk Pasture (South Hammett #7) were recovering in 2014, with vegetation becoming established and stabilizing bare soils since 2004 (Evaluation pg. 2). The permittee's representative attended the 2014 site visit and participated in the assessment.*

19. *On page 38 of the EA, BLM asserts that gullies and bare areas would be stabilized without any grazing over the next ten years. However, BLM provides no science or documentation from other parts of their District to provide any rationale for that statement. I believe it will not in that short timeframe. The EA's impact assessment is based, in part, on field observations of the Blackhawk Pasture in 2004 and 2014. Perennial grasses became established and progress toward stabilization occurred in the presence of livestock grazing (occurring primarily outside the growth period of perennial grasses in a 12-16" precipitation zone). Based on these observations and others in the Four Rivers Field Office, Boise District, and elsewhere (e.g., observations of vegetation responses in exclosures [Yeo 2005] and to long term removal of livestock –Idaho National Engineering and Environmental Laboratory [Anderson and Holt 1981, Anderson and Inouye 2001], Sheldon and Hart Mountain National Wildlife Refuges), it is reasonable to expect that recovery would occur at a faster pace in the absence of livestock disturbance.*

20. *On page 39 of the EA, Hammett #7 is meeting Standard 1 with spring grazing but my current permit starts July 1. Then it also states we are not meeting Standard 1. BLM needs to decide which is it? Without the information I requested in 2012 and any new data since then, I cannot respond to these errors at this time. Blackhawk Pasture is making significant progress toward meeting Standard 1 based on increased vegetative stabilization of gullies between 2004 and 2014; therefore, that pasture and others in South Hammett #7 were included in Allotments Meeting Standard 1 in the EA. The BLM agrees that to be consistent with Section 3.1.2.4 of the EA and the Determination document, Blackhawk Pasture (South Hammett #7) should have been discussed in the Allotments Not Meeting Standard 1 section. However, the analysis would be the same regardless of where it occurs in the EA. Spring grazing in this context refers to use during the growth period of perennial grasses. The pasture occurs in Late Spring Range where*

growth can occur between early April and mid-late July (Appendix 9). Portions of Hammett #7 not meeting Standard 1 (effectively West Hammett #7) were discussed in the Allotments Not Meeting Standard 1 section.

21. *On page 41 of the EA, BLM under Allotments Meeting Standard 1, indicates even with maximum livestock numbers, that Standard 1 would continue to be met over time. Therefore, BLMs RHA and summaries so far are in error when BLM indicated that Standard 1 was not being met. Page 41 provides a summary of Allotments Not Meeting Standard 1 and indicates South Hammett #7 would meet Standard 1 over the long term. However, a more complete analysis specific to the South Hammett #7 Allotment does indicate that under certain circumstances (e.g., using maximum livestock numbers >2 in 10 years) could cause increased trampling damage and loss of perennial vegetation cover (EA pg. 43). See response to #2, 18, and 20, Hammett #7 Allotment regarding rangeland health assessments of the allotment.*

22. *On page 41 of the EA, BLM under Allotments Meeting Standard 1, indicates even with the proposed projects that Standard 1 would continue to be met over time. Therefore, BLMs RHA and summaries so far are in error when BLM indicated that Standard 1 was not being met. See response to #21, Hammett #7 Allotment.*

23. *On page 41 of the EA, BLM indicates under Allotments Not Meeting Standard 1, that BLM would implement Alternative D for this allotment if the objectives are not being met after five years. I believe BLM has erred when BLM indicated that Standard 1 was not being met. See response to #20 (Hammett #7 Allotment). Although South Hammett #7 is not meeting Standard 1, the assessment (pg. 5), evaluation (pg. 2), and determination (pg. 1) indicate progress is being made. In part, I selected Alternative C (without Adaptive Management) because of that progress.*

24. *On page 46 of the EA BLM speculates that 500 versus 750 cattle with the same AUMs will be reduce trampling impacts. However, BLM provides no science or documentation from other parts of their District to provide any rationale for that statement. The Magnitude of Effects (EA pg. 36) and Duration (EA pg. 62) sections provide discussions, with supporting citations, of impacts associated with increased numbers for a shorter duration.*

25. *In Table 19, on page 97 of the EA, BLM needs to distinguish to the reader which Hammett #7 these three streams are located on, to respond accordingly. All streams occur in West Hammett #7 as shown on Map 9a of the EA.*

26. *In Table 20, on page 101 of the EA, BLM needs to distinguish to the reader which Hammett #7 these two springs are located on, to respond accordingly. The springs occur in South Hammett #7 as shown on Map 9a of the EA.*

27. *On pages 133, 136, 141,145 of the EA, BLM determined the allotment is meeting Standard 8. Therefore, BLMs RHA and summaries so far are in error when BLM indicated that Standard 1 was not being met. The Evaluation (pg. 8) and Determination (pg. 1) indicate how the allotment is not meeting Standard 8. The Wildlife/Special Status Species Affected Environment section indicates where Standard 8 is being met and where it is not (EA pp. 121-129). South*

Hammett #7 Allotment is meeting Standard 8 for a variety of wildlife; however, it is not meeting the Standard for sage-grouse late brood-rearing habitat, specifically as it relates to spring wetland conditions, which is reflected in the analyses (EA pp. 135, 138, 143, and 146).

28. *Table 8 on page 28 and Table 25 on page 177 do not match. Table 8 shows the same AUMs for Alternatives B, C and D, while Table 25 shows a reduction from 16 to 51%. The reductions in Table 25 refer to Hammett #1 Allotment only. You are correct, there are no reductions in Hammett #7 (Table 8); therefore, it is not included in Table 25.*

29. *Appendix 3 was partially addressed earlier. Now BLM calls South Hammett #7 the Charter Mt Ranch Hammett #7 Allotment. BLM needs to correct this error. As stated earlier, the reasonable access issue needs to be addressed. Appendix 3 represents Terms and Conditions that currently appear on the permit. These would not be changed under that alternative; however, they are changed in alternatives C and D and the allotment is referred to its proposed new name of South Hammett #7. See response to #4, Hammett #7 Allotment regarding reasonable access.*

30. *On Appendix 3, BLM admits the wording is different between the Current Permit, the EA and the Proposed Decision. Wording can be interpreted differently over time. These are important issues an all documents should use the wording used in the analysis. Appendix 2 has a footnote indicating “The terms and conditions listed may not exactly reflect what is on the current permit, but is reasonably close. Please see the proposed decisions to get an accurate representation of the correct wording.” This was done in the interest of space. The terms and conditions in Appendix 2 are generally generic and appear on many permits; however, through time, minor grammatical differences that do not affect the intent of the term and condition have occurred when permits were renewed. Appendix 3 does not have that disclaimer footnote. The terms and conditions in Appendix 3 are exactly as they appear on the existing permits.*

31. *On Appendix 4 indicates I shall provide reasonable administrative access as a term and condition. I will work with BLM on this issue and further define what it really means, but it is inappropriate to add as a term and condition. See response to #4, Hammett #7 Allotment.*

32. *As addressed above, items 3 and 7 of Appendix 5 need to be removed. See response to #12, Hammett #7 Allotment.*

33. *Again and as stated earlier, I have concerns over BLM direction in Appendix 7 and Alternative D. My Final Decision implements Alternative D (without Adaptive Management).*

34. *Again and as stated earlier, I have concerns over BLM direction in Appendix 8 and the grazing schedule and how BLM erred in the analysis to derive the schedule. My Final Decision implements Alternative D (without Adaptive Management).*

Hammett #1 (01033) Allotment

1. *In Table 1 on pages 1 and 2 of the EA, BLM indicated that all six of the standards that applied were not met and that current livestock management practices are a causal factor. I believe BLM has erred in your determination. The Assessment, Evaluation, and Determination provide*

the documentation to support the information in Table 1. The BLM has provided the data that supports those documents.

2. *BLM is demanding reasonable administrative access to this allotment in Appendix 3 and in the Proposed Decision as a mandatory term and condition. That approach is totally inappropriate. If BLM was able to make the site visit in 2014, then I believe BLM does not need that as part of my mandatory Terms and Conditions. I found nowhere in the analysis BLMs rationale for requiring that as a mandatory Terms and Conditions here or the other two allotments addressed in Appendix 3. See response to #4 (Hammett #7 Allotment).*

3. *On page 4 of the EA BLM indicates the South Pasture is not addressed in the analysis without any rationale. BLM also indicated that these acres are omitted (King Hill Creek) in subsequent analyses where livestock is a factor. However, no rationale is provided for such an approach. Allotments, or portions thereof (i.e., South Pasture), that had substantial amounts of slickspot peppergrass habitat will be addressed in the Bennett Mountain South EA. The South Pasture is used by a different permittee and could readily be separated in the assessment, evaluation, determination, NEPA analysis, and decision documents. The primary purpose of the EA is to address how modifications to livestock grazing would influence resources. If areas are not accessible to livestock because of physical barriers (e.g., King Hill Creek) and none of the alternatives would alter accessibility, then conditions in those areas would be expected to change as described in Alternative A.*

4. *In Table 3 on page 6 of the EA BLM indicated that this allotment was categorized as I. This meant the BLM decided that this allotment needed and had the capability for improvement. BLM has provided no documentation in their attempts to improve the allotment since the RMP of 1987 was approved. The current condition is partially to fault for BLMs inability to do what they documented in the mid-1980's. The allotment occurs in a Wilderness Study Area; therefore, it was not considered for the 132,620 acres of land treatments identified in the Jarbidge Resource Management Plan (RMP). Where land treatments are not possible, the RMP (pg. I-12) states: "If monitoring studies indicate that allotment or multiple use area objectives are not being met then management actions will be adjusted accordingly. For the grazing program, this may include adjusting livestock seasons of use, livestock stocking levels or the grazing system being used." The assessment, evaluation, determination, NEPA analysis, and decision represents the first time the BLM has worked to modify the existing permit. Prior to and during this process, the BLM worked with the permittee to modify use within the existing mandatory terms and conditions to make progress toward meeting standards.*

5. *On page 11 of the EA, BLM indicated that TNR will not be considered. The rationale was a concern of heavy utilization or above normal. That is in error. Utilization should be the same but with an increase in production of forage; use can be higher without increased utilization. That option needs to remain as a management alternative into the future, especially to reduce fuel loads of annual grasses and not removed as you have done. My Final Decision does provide some flexibility to address exotic annual grasses. However, native perennial grasses are generally more palatable to livestock, especially when exotic annuals are dormant. TNR was not considered in detail for the reasons provided in EA Section 2.2.1 (pg. 11). The BLM will be considering a TNR component in the Bennett Mountain South area where exotic annuals are*

more prevalent, sage-grouse are not a factor, and dormant season use is more prevalent. The permittee could apply for TNR in the allotment; however, the BLM would need to evaluate the request in accordance with the NEPA.

6. *On page 12 of the EA the adjusted management indicates it is voluntary and then on page 30 BLM indicates they are not required, which I believe BLM decided to include Alternative D. However, as we conclude consultation through this protest period, I believe we both can come to a resolution to meet our operation and your needs, through a signed agreement, with consequences for both parties. Herding will be unsuccessful due to the terrain. We will make continual visits and careful salt placement to direct the livestock on one side or the other. My proposed fencing would resolve this issue.* While you have been willing to voluntarily reduce AUMs based on your current permit, that may not be the case in the event the permit is transferred to another operator. When an allotment is not meeting Standards, I am required to modify the permit to ensure significant progress will be made toward meeting Standards. We analyzed your application for Active Use (2,100 AUMs) and Suspended Use (1,635 AUMs). The proposed Active Use is 7% greater than average use between 1997 and 2010 (1,960 AUMs), years not affected by fire. Alternative D was developed because the voluntary reductions, along with primarily spring use, have not resulted in significant progress toward meeting Standards. The BLM recognized that herding may not be as effective as fencing; however, the potentially slower rate of recovery was more desirable than the adverse impacts fencing would have on WSA values (naturalness and unconfined recreational activities; Proposed Decision pg. 8). To ensure significant progress toward meeting Standards and remove uncertainty, the Final Decision implements Alternative D which does not rely on herding.

7. *In Table 2 on page 4 of the EA there is 92% public land in the allotment. Then in Table 4 on page 4 there is 100% public land in the permit. BLM needs to determine the accurate percent public land.* See response to #6 (Hammett #7 Allotment).

8. *On page 17 of the EA, BLM indicated they worked with the permittees to develop applications. It was only one meeting, years ago and BLM dictated what was going to happen versus asking for input.* The BLM coordinated with the permittee annually during the annual authorization process. These efforts were documented through the annual authorization and billing processes. Staff met with the permittee on May 19, 2010 and discussed the assessment, evaluation, and determination as well as possible permit modifications and range improvements. At that time, the permittee indicated he would work with Mike Barnum of my staff to develop his application. Staff met with the permittee on January 26, 2011 and discussed grazing systems, riparian utilization, fencing, and monitoring. Staff met with the permittee on May 10, 2012 and discussed the components of the application including rotation, stocking rate, suspended AUMs, fencing, and herding. The permittee has not indicated how Alternative C, as presented in the EA, differs from what his application, meetings, and coordination with Mike Barnum indicated.

9. *In Table 4 on page 13 BLM indicated two permittees in the allotment. Then in Table 5 on page 18 BLM only listed one. BLM has erred again.* The two authorizations for Iron Horse Ranch, LLC and Casa Del Norte, LP (Alternative B) would be combined into one authorization for Casa Del Norte, LP (Alternative C and Proposed Decision). BLM understood that this was satisfactory with the permittee.

10. *In Table 6 on page 19 there are five proposed project works. Three are existing and two are new. BLM erred in not offering both new projects in Alternatives C and D. The permittee request for a new fence was analyzed in Alternative C. The permittee did not request temporary electric fencing around springs; therefore, it was only analyzed in Alternative D. The Proposed and Final decisions combine project elements from Alternatives C and D.*

11. *On page 20 of the EA BLM addresses South and East Hammett as separate allotments. BLM then proposed to combine Hammett #1 and South Hammett #7 into one permit. I propose to leave them as separate permits. BLM provided no rationale for combing the allotments into one permit at this time. When we have concluded our consultation, I have to assume BLM will provide their rationale and make it part of their records. Both allotments were combined on the existing permit (1101651). The combined permit was carried forward in the proposed decision to reduce administrative paperwork as is typically done for permittees operating on multiple allotments in the FRFO. The terms and conditions provide allotment specific operating instructions that would be the same for one or multiple permits. The terms and conditions are written so that the allotments can be readily separated onto different permits in the event of a grazing preference transfer or subsequent permit renewal or modification process. The allotments would be managed independently as indicated in the allotment specific terms and conditions.*

12. *On page 20 of the EA BLM proposed to implement Alternative D in five years if certain objectives are not being met. There is no discussion of how this would be consulted with me, data to be used or a decision be made. Five years is a very short timeframe in this area and I need to be insured I have due process at that time. It appears as written that the only protest and appeal of that potential future decision is at this time. The process needs to be completely spelled out or removed because Section 4110.3 already directs BLM to make adjustments following Subpart 4180 when BLM has supporting documentation. My Final Decision implements Alternative D for the Hammett #1 Allotment.*

13. *On page 20 of the EA BLM explains the application. However, it does not coincide with the corrected information from the letter I sent Mr. Humphrey on May 7, 2012. Alternatives C and D were modified between the Scoping/Information Package and the EA based on your comments, staff discussions, and consultation with you. Alternative C in the Scoping/Information Package correctly calculated the AUMs based on the number of animals, use period, and %Public Land (PL). Alternative C in the EA reflects the 2,100 AUMs for an entire year, the appropriate number of livestock (531 to 750 animals), and 1,635 suspended AUMs as discussed by you and Mike Barnum. Alternative D in the Scoping/Information Package did incorrectly represent the number of animals for the proposed AUMs and was modified based on your comments and staff discussion. The number of animals was reduced from 893 animals to 796 animals. In combination with the 97% PL, this represents 1,574 AUMs in a given use period (Year 1 or Year 2) and a stocking rate of 13.4 ac/AUM. The stocking rate for Alternative D was reduced from the Scoping/Information Package to provide a lower stocking rate (relative to Alternative C), which would improve the expected recovery rate. The impact analyses for different resources in the EA provide the rationale for why the recovery rate would be faster than Alternative C.*

14. *As discussed in item 11 above, the discussion on page 24 of the EA is in error. In addition, the temporary fences would be ineffective to meet our needs. BLM should have proposed permanent fences in this analysis.* See response to #11 (Hammett #1 Allotment). The BLM proposed electric fencing to provide protection for spring wetland areas during livestock use periods while meeting the non-impairment standard for WSA and minimizing impacts to naturalness.

15. *On page 34 of the EA, BLM addresses reasons for not meeting Standard 1. However, without receiving the information I request in 2012, I cannot respond to the accuracy of the information to make the determination. In addition, BLM is placing all of the blame on my management practices, when in reality it is BLM to blame for the current conditions through a lack of successful fire suppression and subsequent ESR projects and range improvement projects over the last 30 years to stop the spread on cheatgrass and medusahead. The current conditions I believe are improving since I acquired the operation.* The BLM provided the requested information in 2014. [Note – For cover and frequency graphs in the Assessment: 3S10E 30 in the Assessment corresponds to 3S11E30A in the data provided; it was mislabeled in the Assessment. 3S10E19 in the Assessment corresponds to 3S11E30B in the data provided; the location was mislabeled when the plot was initially set up. Using GPS, the site actually occurs in 3S11E19; therefore, there is also an error in the Assessment labeling.] The substantial majority (79%) of the allotment has not been affected by fire since 1957. None of the long-term trend plots were affected by fires during the monitoring period (one plot occurs in an area burned in 1963). Trend plots were read in 1988/1990 and 2010/2011; the latter occurring well after you acquired the permit. Cover trend results and interpretations are provided in the assessment (pg. 5-7). Although perennial basal cover did increase, deep-rooted perennial grasses declined during that period, which is not considered desirable for watershed protection. The allotment's fire history is provided in the assessment (pg. 2) indicating that 21% of the allotment has burned, primarily in the 2011 Blair Fire. The burned area was aerially seeded with a sagebrush and forb mix. Ground treatments were not conducted because of WSA and herbicide use limitations.

16. *On page 36 of the EA addresses utilization levels. However, our review of the EA provides no data or concerns of my current utilization levels. Historic and current utilization levels are an important factor and should have been displayed and addressed in this analysis. If they were not collected, BLM should admit it. If they were collected and not used, then the analysis is flawed.* The EA discussion on page 36 is a general discussion of how different livestock utilization levels can affect watershed conditions. The BLM did not collect utilization data on perennial grasses in the Hammett #1 Allotment; however, we did collect annual actual use reports. This data can be used to determine timing and stocking rates. Based on timing, use pattern mapping, utilization, and stocking rate data collected elsewhere in the Boise District, the BLM can reasonably infer how different areas in the Hammett #1 Allotment might be used and how vegetation would respond. Based on previous experience, we recognize that utilization levels will vary throughout an allotment (varying from concentrated use areas to relatively unused area); therefore, the analyses indicate what would happen under different use levels. The EA analyses (pp. 38-40, 41-41, and 45) indicate how watershed conditions would respond to different seasons of use and stocking rates.

17. *On page 38 of the EA BLM has again erred. The thought of removing all livestock from cheatgrass and medusahead infested lands and the allotment will then meet Standard 1 is absurd and a dream. With the trend to have more and larger fires, this land needs livestock as a tool, because BLM neither had the ability or funding to change the direction of deteriorating lands they caused.* The analysis indicates that watershed conditions would remain unchanged in areas dominated by exotic annuals (EA pg. 38); therefore, the standard would not be met in those areas.

18. *On page 39 of the EA, BLM again erred in terms of spring grazing. The current conditions I believe are improving since I acquired the operation and without the information I requested in 2012 I cannot respond at this time.* See responses to #15 and #16 (Hammett #1 Allotment). The impacts of consistent spring grazing are well understood, described in a variety of scientific studies (EA pp. 35-36 and 60-64), and do not meet Idaho Guidelines for Livestock Grazing Management. Between 1997 and 2013, actual use levels have varied from 735 AUMs (reduction associated in part with fire closure) to 3,639 AUMs; however, the majority of use is made in the spring use period (Assessment Table 3, pp.2-3). The EA analyses describe the problems associated with consistent spring use.

19. *On page 40 of the EA, BLM describes my use over the last ten years as providing minor improvements. I believe it has been better than that, but I goes to say I am on the right track to improve the allotment. BLM is not required to achieve the standards in any given timeframe, only make significant progress. The terms BLM can be loosely used or interpreted and I believe I am close to the right combination of management features to reach the term of significant.* The Assessment document indicates that basal cover did increase between 1988/1990 and 2010/2011 (Assessment pg. 5); however, tall- and mid-stature grass frequencies were generally static or downward. These species provide more watershed stability than low-stature grasses.

20. *On page 40 and 41 of the EA, BLM discusses improvements by both the adjusted management approach and Alternative D. Both would be achieved over long-term and therefore, the drastic implementation of Alternative D is not justified as the preferred method.* The BLM developed and analyzed a reasonable range of alternatives as required by the NEPA. The Proposed Decision recognized that progress could be made by implementing Alternative C; however, there was uncertainty that the progress would be significant thus the inclusion of the Adaptive Management component. Because of the uncertainty on whether progress would occur and BLM's ability to monitor it, the Final Decision implements Alternative D to ensure significant progress is made toward meeting all Standards.

21. *On page 41 of the EA, BLM admitted that Alternative C alone will provide the needed significant progress without Alternative D.* See response to #20 (Hammett #1 Allotment).

22. *On page 45 of the EA, BLM describes Alternative D, but provides no true rationale for the implementation over Alternative C.* The rationale is provided in the General Discussion of Impacts (EA pp. 35-36) and the analysis (EA pp. 45). Rest, deferment, a lower stocking level, and lower numbers of livestock were all cited as reasons for significant improvements in watershed conditions.

23. *On page 48 of the EA, BLM describes the influence OHVs have on the allotments which I believe are worse than they describe both in terms of erosion, soil crusts and vectors for invasive plants. BLM made no indications what their plans are to reduce this severe impact to my allotment or the true impacts to Standard 1. The WSA is closed to motorized vehicles with the exception of a few cherry-stems and primitive routes. The EA (pp. 157-158) describes unauthorized OHV use and the steps that have been taken to address it. The rangeland health field assessments and trend monitoring did not indicate issues with OHV use. The EA is an analysis of the impacts that may be caused as a result of issuing to you a grazing permit. It is not a comprehensive land management plan that addresses the array of multiple uses.*

24. *The Paradigm Project is a dream. By the time this proposal is ever approved, it will be too late to make a difference. I truly believe if it is ever approved, that funding will not follow to implement it to any degree. BLM has a track record to make these plans and then not be able to follow through and the public is the one to pay with decisions like the one they made on May 27, 2014. This represents an opinion, not a protest point.*

25. *On page 53 of the EA, BLM disclosed that 21% of the allotment has burned. They did not disclose what they have done or not done to restore those acres and not impose penalties on me. This is significant in meeting the standards. See response to #15 (Hammett #1 Allotment). The assessment, evaluation, determination, and EA discuss the role of fire in current vegetation conditions. In response to the 2011 Blair Fire, the BLM completed aerial seeding (Wyoming big sagebrush and forbs including western yarrow, small burnet, and tapertip hawksbeard) in 2011 and implemented OHV and grazing closures. Based on 2014 monitoring, native forbs recovered somewhat and western yarrow and sagebrush became established in some areas. Canopy gap objectives were met in 2013 but not 2014. Although grazing was allowed to resume in 2013, the 2014 monitoring report noted the adverse impacts grazing had on canopy gap cover and recommended more rest to allow better seedling establishment. I selected Alternative D to address grazing-related issues (e.g., downward frequency trends in unburned areas). Management changes in response to wildfires are handled in separate decision processes.*

26. *On page 56 of the EA, BLM describes the importance of my allotment concerning Mountain Big Sagebrush, Big Sagebrush, Big Sagebrush mix, Mountain Shrub, and Low Sagebrush. However, BLMs proposed decision is actually going to place these areas in jeopardy due to fire and invasive species. The assumption that not meeting Standard 4 is placed on my management and that is incorrect. It needs to be placed on BLMs actions or inactions as described earlier. The majority of the allotment has not burned. The plots used to determine trend between 1988/1990 and 2010/2011 all occur in unburned areas. The assessment, evaluation, and EA recognized the role of exotic annual grasses; however, they also recognized the impacts of annual spring grazing which are reflected in the static or downward trends of tall-stature perennial grasses. Changes in grazing management that increase the diversity and abundance of native vegetation will improve vegetation community resiliency and reduce the likelihood that exotic annuals or noxious weeds will dominate in burned areas.*

27. *On page 59 of the EA, BLM addresses trend. I believe as we have discussed before you long-term monitoring sites are not reflective of the allotment and therefore, it makes the wrong conclusions. The assessment and evaluation incorporate information from eight sites located in*

the allotment. At a minimum, perennial grass species should be maintained over the long term and increased where they are below expected levels. In cooperation with the permittee, the BLM established additional sites in 2014.

28. *On page 74 of the EA, BLM admits moderate improvements in plant communities would occur with Alternative C. I believe the word moderate should be replaced with significant. The previous sentence says “Native upland perennial plant communities in Hammett #1 (up to 21,014 acres), Hammett #5 (up to 11,869 acres), and Hammett #6 (up to 6,161 acres) would make slow (>5 years), but significant progress toward meeting Standard 4.” In the EA, the term significant is only used in conjunction with progress toward meeting a standard. The terms minor and moderate are defined on page 30.*

29. *On page 75 of the EA, BLM is requesting utilization of less than 40%. However, BLM provides no documentation what is currently occurring in terms of utilization levels to make a response. See response to #16 (Hammett #1 Allotment). The EA description of what impacts would be expected at different utilization levels is based on research findings. Utilization levels would be expected to vary throughout the allotment based on a variety of factors including distance to water, topography, and vegetation community.*

30. *On page 75 of the EA, BLM used the word adequate and greater when the RHA requires significant. This supports my belief that significant, adequate, greater or moderate are all describing the same condition. These terms are not necessarily interchangeable. Appendix 7 (EA pp. 208 – 212) provided objectives for different conditions in the allotment, recognizing that maintaining conditions or frequencies of some species is appropriate in some areas. See response to #28 (Hammett #1 Allotment).*

31. *On page 86 of the EA, BLM places the blame for not meeting Standard 8 on my livestock over fire. As BLM knows fire is the number one treat on many fronts to rangeland health, including those addressed in this EA. BLM is therefore, going after these permits versus the real culprit, BLMs management or lack of it. For upland conditions, the assessment, evaluation, and EA (e.g., EA pg. 85) clearly indicate where exotic annuals and fire have or would contribute to not meeting the standard. However, prior to 2011, fire had a minor effect on the allotment. Consistent spring grazing contributed to declines in native species and increases in exotic species.*

32. *On page 87 of the EA, BLM again admits that Alternative C alone will make significant progress with Standard 8. However, they fail to realize in many cases of this EA that a 20 year time interval in this area is not out of the question for all improvements. Five years may work well in high precipitation areas, but 20 years is probably the norm. Page 87 describes the affected environment for special status plant species and does not provide any analyses. Appendix 7 (EA pg. 209) recognizes the potential for different recovery rates based on elevation and vegetation conditions.*

33. *On page 90 of the EA, BLM admits that Alternative C alone will make significant progress towards meeting Standard 8. Although the term significant is not used in the Alternative D*

analysis, it does indicate that Alternative D would result in a moderate recovery over the long term, whereas Alternative C would result in a negligible to minor recovery.

34. *On page 92 of the EA, BLM admits that the cumulative impacts of all alternatives are similar. Thereby, provides the rationale that Alternative D is not justified both as a hardship to me or workload and expense for BLM to implement, especially knowing BLM is falling further behind in their permit renewal process.* This analysis reflects the cumulative impacts analysis area which includes portions of three allotments not grazed by the permittee. Special status plants make up a minor (2%) component of the allotment and one of many factors considered when making my Final Decision.

35. *On page 97 of the EA, BLM describes the condition of numerous springs. However, with the information I requested, I cannot determine how BLM came to that conclusion. Therefore, their conclusions are in question at this time. In addition, BLM has assumed all conditions are related to my management alone, without any discussion or evaluation of other uses by wildlife or that they even exist in the allotment.* The BLM provided the requested data. Site visits were conducted during and immediately after livestock use periods. Livestock use could be readily distinguished from wildlife use. In addition, we estimated wildlife use based on the quantities of wildlife droppings (elk and deer) at stream segments in functioning-at-risk (FAR) condition on all site visits (e.g., all FAR segments of West Fork King Hill Creek).

36. *On page 113 of the EA, BLM again admits that implementing Alternative C alone will ensure Standards 2 and 3 will be met.* The analysis (EA pg. 113) indicates some uncertainty as to whether or not significant progress would be made. Recovery was more certain and will occur at a faster rate under Alternative D (EA pg. 115); therefore, I selected it for my Final Decision.

37. *On page 115 of the EA, BLM admits that occasional use of maximum permitted numbers as outlined in Alternative C would also allow making progress towards meeting Standard 3. Therefore, BLM admits Alternative C alone is acceptable.* The EA indicates that progress would be made toward meeting Standard 3 under alternatives C and D; however, progress would be faster under Alternative D and would be more certain to occur than in Alternative C. Maximum livestock numbers were one of the factors considered.

38. *On page 120 of the EA, BLM admits that the cumulative impacts of Alternative C alone for riparian areas, wetlands and fisheries is acceptable and therefore, doesn't justify their Proposed Decision of May 27, 2014.* The cumulative impacts section addresses the additive impacts of the proposed action relative to other actions occurring in the analysis area. It is one of many considerations used to select a course of action.

39. *On page 125 of the EA, BLM describes the decline of sage-grouse as unknown. BLM then leads to possibilities. I believe this statement goes beyond sage-grouse as to the general health of my allotment. As you can see it is not my management practices, but BLMs.* The general discussion you refer to addresses sage-grouse trends throughout the Mountain Home Sage-grouse Planning Area. Subsequent descriptions and analyses focus on factors in the allotments being analyzed that are contributing to the decline. Those factors are described by allotment for

general, winter, breeding, nesting, and brood-rearing habitats. Other factors contributing to the decline are addressed in the cumulative impacts analyses (EA pp. 148-157).

40. *On page 127 of the EA, BLM claims not meeting Standard 8 is due to a lack of native forbs and grasses. BLM provided no evidence of their attempts to locate native forbs over the years they have been monitoring. We all know they come out heavy some years and not again for a decade or more. The native grasses have been discussed above. Neither are in their current condition from my management practices as BLM has addressed her by stating “suspected causal factor”. Forbs were recorded in both trend and rangeland health field assessments; therefore, information was collected in 1988, 1990, 2004, 2010, and 2011. These years represent a variety of precipitation conditions from below to above average (Assessment pg. 2) and an adequate sample through time to indicate what forbs are present. The term “suspected causal factor” should read “significant factor” as used in the Determination (pg. 1). Many perennial forb species are identifiable from the early growing season through August or September. While forb species exhibit different phenologies and desiccate at different times throughout the year, a specialist can confidently identify desiccated species. Perennial forb species are typically long-lived and would persist in an area unless they were killed due to disturbance (fire, herbivory, extreme drought etc.). Presence of annual forb species may be harder to detect as their annual growth varies depending on annual precipitation.*

41. *On page 129 of the EA, BLM claims they have recorded heavy utilization on browse species. BLM never mentioned the use by big game species or which actually used the browse. Browse transects were measured after livestock use periods and before winter wild ungulate browse periods using the extensive browse method (Interagency Technical Reference 1734-3). Utilization was based on current annual growth; therefore, livestock were the primary species responsible for browse utilization.*

42. *On page 132 of the EA BLM finally admits the true issues of the uplands that are not going to change by drastic changes in my operation. To make these improvements, BLM will have to invest considerable workforce and funds to not only correct these issues on this allotment, but all across Idaho. Without additional information, I do not believe BLM correctly summarized the stream and spring section. The BLM provided the requested information in 2014.*

43. *On page 143 of the EA, BLM admits that Alternative C alone, would be meet Standard 8, except where major impacts occur. BLM did not describe major impacts, so one has to assume major as more than watering or salting areas, such as power line construction or OHV activities. The EA (pg. 143) indicates that major impacts could occur to winter and nesting habitats if maximum permitted numbers are run annually. Impacts from maximum numbers are described in EA Section 3.6.2.1 and include changes in habitat structure and disturbance/trampling. I selected Alternative D, in part, because although the maximum numbers are slightly greater than Alternative C (772 head in Alternative D compared with 750 in Alternative C), they will be spread over twice the area.*

44. *On page 144 of the EA, BLM makes claims that running maximum numbers of livestock could increase competition and impacts. However, the same use will occur over a shorter period and the same hoof action will occur. I believe BLM has erred in these assumptions. The*

Changes in Habitat Structure and Disturbance/Trampling sections (EA pp. 130-131) general impact discussions provide background to support the analyses conclusions.

45. *On page 162 of the EA, BLM describes why a permanent fence is not appropriate. I believe BLM mis-represented the facts here on WSA impacts. The BLM analysis was conducted according to WSA policies (EA pp. 159-160).*

46. *In Table 25 on page 177 of the EA, BLM depicts the various alternatives and permitted use. I believe I have addressed my concerns above and I believe BLM has not presented justified rationale or information to impose any reductions. The permittee's application (Alternative C) requested a reduction from 3,736 AUMs to 2,100 AUMs; however, this application is above the average actual use between 1997 and 2013 (1,770 AUMs) or between 2007-2011 (1,541 AUMs) when the Alternative B – Adjusted Management was being implemented. The Assessment, Evaluation, and Determination documents indicated Standards were not being met and livestock were a significant contributing factor. Analyses indicated that Standards would not be met if Alternative B - As Permitted (use at 3,736 AUMs) were implemented (EA pp. 39, 69, 89, 111-112, and 138-139). The BLM is required to modify grazing permits where Standards are not being met and livestock are determined to be a significant contributing factor. The analyses indicated Standards would be met by implementing alternatives C (with Adaptive Management) or D.*

47. *In addition, BLM provided no basis for where BLM derived their social or economic impacts. Social and economic impacts were determined at the county level using data from a variety of sources accessed using the Economic Profile System-Human Dimensions Toolkit (EA pg. 175).*

48. *On Appendix 3, BLM admits the wording is different between the Current Permit, the EA and the Proposed Decision. Wording can be interpreted differently over time. These are important issues an all documents should use the wording used in the analysis. See response to #30 (Hammett #7 Allotment).*

49. *On Appendix 4 indicates I shall provide reasonable administrative access as a term and condition. I will work with BLM on this issue and further define what it really means, but it is inappropriate to add as a term and condition. See response to #4 (Hammett #7 Allotment).*

50. *As addressed above, items 3 and 7 of Appendix 5 need to be removed. See responses to #12 and 32 (Hammett #7 Allotment).*

35. *Again and as stated earlier, I have concerns over BLM direction in Appendix 7 and Alternative D. See relevant responses above.*

36. *Again and as stated earlier, I have concerns over BLM direction in Appendix 8 and the grazing schedule and how BLM erred in the analysis to derive the schedule. See relevant responses above.*