



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)
1101847

August 3, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED - 7011 2970 0002 6304 3911

Double Anchor Ranches, Inc.
C/O Mr. Kelly Riggs
5714 W. Double Anchor Drive
Glenns Ferry, Idaho 83623-5022

Notice of Field Manager's Final Decision
for the Hammett #5 and East Bennett Mountain Allotments

Dear Mr. Riggs:

Thank you for your application to renew the grazing permit on the East Hammett #5 (01037; hereinafter Hammett #5) and East Bennett Mountain (01101) allotments¹. 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 for the allotments. I issued my Proposed Decision to renew your grazing permit on May 27, 2014, which you received May 29, 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 Double Anchor Ranches, Inc. on June 13, 2014. We conducted protest meetings in July 2014. All protest points

¹ Prior to this decision, the East Hammett #5 and East Bennett Mountain allotments were grazed in conjunction with each other. This decision will combine the East Hammett #5 Allotment with part of Pasture 3 of the East Bennett Mountain Allotment to form the Hammett #5 Allotment (Map 1). Pasture 2 of the East Bennett Mountain Allotment will become the East Bennett Mountain Allotment and Pasture 1 (made up entirely of private lands and the remaining private lands in Pasture 3 will no longer be a part of an allotment. Subsequent allotment references in the Background section reflect terminology on current permits.

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 12 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 a Final Decision to renew your permit to graze livestock in the Hammett #5 and East Bennett Mountain allotments. After careful consideration, I have selected Alternative D for the Hammett #5 Allotment and Alternative C for the East Bennett Mountain Allotment. 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 #5 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 Hammett #5 Allotment and maintain satisfactory conditions in the East Bennett Mountain Allotment.

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 #5 and East Bennett Mountain allotments;
- Outline my Final Decision to select Alternative D in the Hammett #5 Allotment and Alternative C in the East Bennett Mountain Allotment; and
- State the rationale for making these selections.

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

Background

Allotment Setting

Hammett #5 Allotment

The allotment is located 15 miles northeast of Mountain Home, Idaho and includes 10,471 acres of BLM-administered lands, 694 acres of private lands, and 638 acres of State lands in one pasture. Elevations range from 4,100 to 7,000 feet and topography is characterized by plateaus, side slopes, toe slopes, and river plains. One ecological site comprises 95% of the allotment with minor amounts of two other ecological sites. Loamy 12-16" (95%) is characterized by mountain big sagebrush with Idaho fescue and bluebunch wheatgrass. The remaining area (5%) is comprised of Shallow Stony Loam 8-16" which is characterized by low sagebrush and bluebunch wheatgrass and Loamy 8-12" which is characterized by Wyoming big sagebrush with bluebunch wheatgrass.

East Bennett Mountain Allotment

The allotment is located 14 miles northeast of Mountain Home, Idaho and includes 1,512 acres of BLM-administered lands and 5,483 acres of private lands in three pastures. Elevations range from 5,200 to 7,400 feet and topography is characterized by mountainsides, side slopes, and drainages. The non-forested portions of the allotment (53%) are primarily in the Loamy 12-16" ecological site, which is characterized by mountain big sagebrush or mountain shrubs with Idaho fescue and bluebunch wheatgrass. Forested (primarily Douglas-fir) communities (44%) are not currently characterized by a range site or ecological site description.

Current Grazing Authorization

The grazing permit issued to Double Anchor Ranches, Inc. (1101847) on March 1, 2014³ authorized active use in the East Hammett #5 and East Bennett Mountain allotments (Table 1). The current grazing permit includes additional allotments (not shown in Table 1), which are not currently being evaluated. The other allotments along with pertinent terms and conditions will remain on the existing permit and are not affected by this Final Decision. A new grazing permit will be issued to implement the terms and conditions of this Final Decision for the Hammett #5 and East Bennett Mountain allotments, which will then be removed from permit 1101847.

Table 1. Current mandatory terms and conditions for the East Hammett #5 and East Bennett Mountain Allotments, Elmore County, Idaho.

| Allotment | Livestock | | Grazing Period | | % Public Land | Type Use | AUMs ^A |
|-----------------------------|-----------|--------|----------------|-------|---------------|----------|-------------------|
| | Number | Kind | Begin | End | | | |
| 01037 East Hammett #5 | 320 | Cattle | 04/10 | 06/30 | 100 | Active | 863 |
| | 314 | Cattle | 10/01 | 11/30 | 100 | Active | 630 |
| 01101 East Bennett Mountain | 49 | Cattle | 07/01 | 09/30 | 100 | Active | 146 |

^A Animal Unit Months

³ This permit was previously issued by a December 28, 2004 decision and renewed under the 2014 Consolidated Appropriations Act (Public Law 113-76) on March 1, 2014 for a three year period with the same terms and conditions as the 2004 decision.

Allotment Specific Terms and Conditions

1. Livestock grazing within the Double Anchor FFR, SW Alkali Seeding, East Hammett #5, and East Bennett Mountain allotments will be in accordance with this Final Decision, dated 9/10/04.
2. All Allotments listed on the Grazing Permit are subject to the requirements of 43 CFR 4180 – Fundamentals of Rangeland Health and Guidelines for Grazing Administration. This permit shall be modified (if necessary) to meet these requirements upon completion of a Standard and Guidelines Assessment, and Determination as scheduled by the Authorized Officer.
3. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal land. Pursuant to 43 CFR 19.4(C), the permittee must immediately stop any ongoing activities connected with the discovery and make a reasonable effort to protect the discovered remains or objects.
4. Exchange of Use AUMs will be reflected in the annual billing based on current EOU agreements.
5. Double Anchor FFR-Livestock numbers may differ annually providing the period of use and total AUMs have not been exceeded. Grazing within the FFR shall not be detrimental to the public lands.
6. Annual use within the SW alkali allotment may be for a shorter period with a higher number of livestock providing the permitted period of use and permitted AUMs have not been exceeded. Fall use is not permitted in the SW Alkali Allotment at this time.
7. Voluntary Non-Use (generally 500 AUMs) may be taken on an annual basis without limitation in E. Hammett #5 in the fall to assist in making improvement in riparian habitats on Cold Springs Creek.
8. Your certified Actual Use Report is due 15 days after authorized use has been completed.
9. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
10. 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.
11. Salt and/or Supplement shall not be placed within one-quarter (¼) mile of springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments.
12. Changes in schedules use require prior approval.
13. Turn-out is subject to Boise District Range Readiness Criteria.
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.
15. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvements permits in which you are a signatory or assignee.
16. 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.

17. Permittee will not trail livestock through element occurrences within the management area when soils are saturated.
18. Permittee shall place salt/supplement to minimize trampling of LEPA and of slickspots, respectively. Supplements will be placed at least ½ mile, preferably ¾ mile if practicable from occurrences. Supplements that are attractants should be placed so that cattle will not trail through an element occurrence to the supplement or a water source. Attractants should be placed so that cattle are drawn away from the area of the element occurrence.
19. LEPA conservation measures for that portion of EO 08 that is north of the Ole Oregon Trail Road and west of the Rye Grass Road will not be grazed for the 2004 season.

Resource Conditions (Standards)

Hammett #5

Rangeland health assessment and monitoring data collected between 1987 and 2011 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were not meeting most applicable Standards, specifically Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel and Floodplains), Standard 4 (Native Plant Communities), and Standard 8 (Threatened and Endangered Plants and Animals). Standard 7 (Water Quality) was being met. Livestock grazing was considered a significant factor for not meeting Standards 1, 2, 3, 4, and 8. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities, other than Seedings) did not apply to the allotment. The following provides a summary of conditions. Please see the East Hammett #5 Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – Seven of 12 watershed health indicators (e.g., water flow patterns, pedestals/terraces, bare ground, litter movement, soil surface resistance to erosion, and plant community composition) had Moderate or greater departures from site potential⁴ (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 in perennial vegetation and bare ground cover were static, but perennial vegetation basal cover decreased at upper elevations because of shrub canopy closure.

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 (1.3 miles of West Fork Cold Springs Creek) and proper functioning condition (PFC) for segments that were not accessible to livestock (9.2 miles of Cold Springs, East Fork Cold Springs, and West Fork Cold Springs creeks; EA Section 3.5.1). Segments rated in FAR condition were characterized by high frequencies of early seral species including Kentucky bluegrass and disturbance related forbs such as common mullein, false hellebore, and weedy

⁴ 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.

annual forbs, 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.

Two springs were rated PFC and seven springs were rated FAR (EA Section 3.5.1). The PFC springs were 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.

Upland Vegetation, Special Status Plants – Five of nine biotic integrity indicators had Moderate or greater departures from site potential in 12 of the 13 assessments conducted in the allotment. 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 plant mortality and decadence and high densities of exotic annual grasses.

Long-term trend monitoring indicated an overall static to downward trend in vegetation community conditions (EA Section 3.2.1). Shrub trends were decreasing at lower elevations, increasing at mid-elevation, and static at upper elevations. Tall-stature perennial bunchgrasses (bluebunch wheatgrass and blue wildrye) had significant downward trends including extirpation in one location and near extirpation in another. Mid-stature perennial bunchgrasses (needlegrass, Idaho fescue, and squirreltail) had static or downward trends depending on species. Low-stature bunchgrasses (Sandberg bluegrass) had downward trends. 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; however, increased shrub cover at upper elevations was also a factor. No trend sites were directly affected by wildfire. Special status plant species were not known to occur. Noxious weeds were not known to occur in the allotment; however, yellow star-thistle was present in an adjacent allotment.

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 (68%) of the allotment is Preliminary Priority Habitat (PPH) for sage-grouse and a minor amount (4%) is Preliminary General Habitat (PGH)⁵. The remainder of the allotment is sagebrush and mountain shrub communities interspersed with conifer stands. Based on 2010 and 2014 data, up to three active leks occur within 4.3 and 7.2 miles of the allotment. Sagebrush cover is generally marginal (lower elevations), suitable (mid elevations), or unsuitable (upper elevations because of high shrub density and interspersed conifer/mountain shrub communities) for nesting, summer, and winter habitat. Tall- and mid-stature grasses are reduced, especially at

⁵ 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.

lower elevations, 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, especially at lower elevations. FAR springs (75% of springs in sage-grouse habitat) provide marginal to unsuitable habitat dominated by grazing tolerant species and Kentucky bluegrass which provide poor quality forage and cover. Fences (a potential sage-grouse mortality factor due to collision risk) are present primarily along the south and north boundaries. An electric transmission line runs within 0.1 to 1.4 miles along the allotment's southern boundary.

The allotment's other special status species (e.g., flammulated owl, mountain quail, willow flycatcher, spotted bat, and redband trout) are primarily associated with forest, riparian, and wetland habitats. Stream segments inaccessible to livestock (9.2 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 3.6.1). Stream segments accessible to livestock (1.3 miles of FAR streams) provided marginal habitat for redband trout and riparian dependent species, characterized by disturbed understories and greater than expected sediment loads.

Upland and riparian habitats provide marginal to suitable habitat for small mammals and raptor prey species (EA Section 3.6.1). Bitterbrush occurs in widely scattered stands and provides suitable mule deer winter forage.

East Bennett Mountain

Rangeland health assessment and monitoring data collected between 1988 and 2010 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were meeting Standards 2 and 8. Overall, Standards 1 and 4 were not being met and the cause was undetermined; however, they were being met in Pasture 2 (4% of the allotment). Standards 3, 5, 6, and 7 did not apply to the allotment⁶. The following provides a summary of conditions. Please see the East Bennett Mountain Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – Nine of 12 indicators of watershed health (e.g., water flow patterns, pedestals/terraces, gullies, litter movement, soil surface resistance to erosion, soil surface loss or degradation, and plant community composition) had Moderate or greater departures from site potential in Pasture 3 (EA Section 3.1.1). Native plant communities, especially those dominated by low-stature perennial grasses, did not provide appropriate structure, function, and cover to ensure proper nutrient cycling, hydrologic cycling, and energy flow. Overall, long-term trends were static to upward for persistent vegetation cover and static for bare ground cover; however, frequencies of perennial grasses were static or declining in Pasture 3.

Riparian Areas, Wetlands, Stream Channels, and Water Quality – Section 18 Spring in Pasture 2 was rated PFC and was characterized by mountain shrubs, sedges, and rushes (EA Section 3.5.1). No streams are present.

⁶ The May 27, 2014 Determination erroneously indicated Standard 2 did not apply. Standard 2 does apply to the Section 18 Spring, which is reflected in an updated version of the Determination.

Upland Vegetation, Special Status Plants – Seven of nine biotic integrity indicators had Moderate or greater departures from site potential at all three of the assessments conducted in Pasture 3. Occurrence of tall- and mid-stature perennial grasses was less than expected (EA Section 3.2.1). The remaining indicators with Moderate or greater departures from site potential were the result of inadequate soil surface protection and reduced litter and annual production.

Long-term trend monitoring in Pasture 3 indicated an overall static to downward trend in vegetation community conditions (EA Section 3.2.1). Shrub trends significantly increased at one site and decreased at another. Tall-stature perennial bunchgrasses (bluebunch wheatgrass) had static (at very low frequency) or significant downward trends. Mid-stature perennial bunchgrasses (needlegrass, Idaho fescue, oniongrass, and squirreltail) had static (at very low frequency for Idaho fescue) or downward trends depending on species. Mountain brome had an upward trend at one site. Sandberg bluegrass trend was static at one site. The cause of the downward trends was undetermined. Annual livestock use occurred after the critical growing period. Special status plant species and noxious weeds were not known to occur.

Wildlife, Special Status Animals – The mix of higher elevation uplands and Douglas-fir forests is not considered suitable sage-grouse breeding habitat. Sage-grouse may utilize the non-forested areas for late brood rearing; however, lack of herbaceous species (e.g., forbs and perennial bunchgrasses) in the sagebrush understory provides limited forage opportunities. The allotment provides suitable habitat for forest-dependent and migratory species and summer big game range.

Guidelines for Livestock Grazing Management

Hammett #5

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

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 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.

East Bennett Mountain

The currently permitted use was meeting all Guidelines.

Actual Use Summary

The current permit authorizes annual active use of 1,493 AUMs of forage and use periods between April 10 and June 30 and October 1 and November 30 for the Hammett #5 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 1,034 AUMs per year (69% of permitted use), with a high of 1,315 AUMs and a low of 725 AUMs. The majority of use occurred during the spring (an average of 864 AUMs or 84% 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 obligations to meet Idaho Standards and Guidelines, and move 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?

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 permits would maintain or improve satisfactory conditions (where they exist), and/or allow the allotment 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 #5 – Cattle use (1,493 AUMs) would be permitted during the spring (320 head, April 10 to June 30, 863 AUMs) and fall (314 head, October 1 to November 30, 630 AUMs).

Voluntary non-use could be taken during the fall to improve conditions on Cold Springs Creek. Riparian and upland vegetation utilization would be limited to 50% of current year's growth.

East Bennett Mountain - Cattle use (148 AUMs) would be permitted during the summer (49 head, July 1 to September 30) in two pastures⁸.

Alternative C – Permittee Applications⁹:

Hammett #5 – Cattle use (1,121 AUMs of active use) would be permitted during the spring and early summer (201 [West/North Pastures] or 218 [East Pasture] head, April 15 to August 1, 425 or 695 AUMs) and fall (309 [East Pasture] or 285 [West/North Pastures] head, September 15 to November 30, 696 or 426 AUMs). A two-pasture spring-fall rotation system (including Pasture 3 from the current East Bennett Mountain Allotment that would be the North Pasture in the Hammett #5 Allotment) would be implemented with 3.1 miles of new gap fencing, two spring developments would be maintained, and two springs would be developed. The remaining 508 AUMs would be placed in suspended use. Livestock numbers could vary up to 600 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.

East Bennett Mountain - Cattle use (10 AUMs) would be permitted during the summer (10 head, August 1 to August 31) in one pasture (Pasture 2 from the current East Bennett Mountain

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 Pasture 1, which is all private land, is in the allotment but not subject to BLM authorization.

⁹ 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.

Allotment). Livestock numbers (up to 600 head) and the use period could vary providing AUMs were not exceeded.

Alternative D – BLM Proposal:

Hammett #5 – Cattle use (977 AUMs of active use) would be permitted during the spring and early summer (187 [West/North Pasture] or 195 [East Pasture] head, April 15 to August 1, 369 or 608 AUMs) and fall (276 [East Pasture] or 265 [West/North Pastures] head, September 15 to November 30, 608 or 369 AUMs) in a two pasture spring-fall rotation (including one pasture from the current East Bennett Mountain Allotment would be included in the West/North Pastures). Herding would be used to keep animals in designated use areas in the southern portion of the allotment (East and West Pastures). Two spring developments would be maintained. Livestock numbers could vary up to 450 head providing use periods and AUMs were not exceeded. The remaining 652 AUMs would be placed in suspended use.

East Bennett Mountain – Same as Alternative C.

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 renew your grazing permit for 10 years with terms and conditions consistent with Alternatives D (Hammett #5 Allotment) and C (East Bennett Mountain 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 allotment 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:

- Combine the current East Hammett #5 Allotment with Pasture 3 of the current East Bennett Mountain Allotment to create the Hammett #5 Allotment (01037; Map 1). The current Pasture 2 of the East Bennett Mountain Allotment would become the East Bennett Mountain Allotment (01101).
- Authorize 977 and 10 AUMs of Active Use, respectively, in the Hammett #5 and East Bennett Mountain allotments (Table 2).
- Set a maximum number of livestock at 345 head for the Hammett #5 Allotment and 600 head for the East Bennett Mountain Allotment.
- Authorize maintenance actions described in the EA (DOI-BLM-ID-B010-2011-0021-EA). Maintain the Section 20 and Section 22 spring developments (work completed by permittee; Map 1). Maintenance will be to BLM standards and as described in DOI-BLM-ID-B010-2011-0021-EA. 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 #5 and East Bennett Mountain allotments based on the actual use report and conformance with 43 CFR § 4130.8-1(e) requirements.

Final Grazing Authorization

The Final Grazing Authorization will contain the following Mandatory (Table 2)¹⁰, Other, and Allotment Specific Terms and Conditions.

Table 2. Mandatory terms and conditions¹¹ for the Hammett #5 and East Bennett Mountain Allotments, Elmore County, Idaho.

| Allotment | Livestock | | Grazing Period | | % Public Land | Type Use | AUMs |
|-----------------------------|-----------|--------|----------------|-------|---------------|----------|------|
| | Number | Kind | Begin | End | | | |
| 01037 Hammett #5 | 345 | Cattle | 04/15 | 11/30 | 80 | Adaptive | 977 |
| 01101 East Bennett Mountain | 600 | Cattle | 03/01 | 02/28 | 3 | Adaptive | 10 |

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

¹⁰ 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.

¹¹ 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 #5 and East Bennett Mountain 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. I modified the Grazing Period for East Bennett Mountain to reflect the flexibility analyzed in the EA while eliminating confusion that could occur with the August 1 through August 31 dates identified in the Proposed Decision. No suspended use is identified in this Final Decision.

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 #5 Allotment Specific Terms and Conditions

1. Use in the Hammett #5 Allotment will be authorized two-year rotation system as follows, with the cycle repeated after Year 2:
 - Odd** numbered years: West/North Pastures, 04/15 through 08/01; 369 Active AUMs.
East Pasture, 09/15 through 11/30; 608 Active AUMs.
 - Even** numbered years: East Pasture, 04/15 through 08/01; 608 Active AUMs.
West/North Pastures, 09/15 through 11/30; 369 Active AUMs.
2. Prior to the beginning of each authorized use period in the Hammett #5 Allotment, the permittee will coordinate their intended operating plans with the BLM at an annual meeting.
3. Livestock numbers in the Hammett #5 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 345 head and will not be authorized in consecutive years and no more than three times in a 10 year period.

East Bennett Mountain Allotment Specific Terms and Conditions

1. Livestock numbers in the East Bennett Mountain Allotment may vary, provided AUMs are not exceeded; however, the maximum number of livestock present at any one time would not exceed 600 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 Double Anchor Ranches, Inc. 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 #5 Allotment and Alternative C for the Bennett Mountain South Allotment.

While you have taken voluntary AUM reductions over approximately 14 grazing seasons, use in the Hammett #5 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 be similar to your historical actual use levels, but the implementation of a deferred-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 #5 and East Bennett Mountain 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 #5

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 rotation system (providing non-use during the spring one of two years) and reducing the stocking rate from an average 9.9 acres/AUM (current Adjusted Management described in Alternative B which represents voluntary nonuse; EA Section 2.4) to 12.2 acres/AUM will help to ensure that native perennial grasses (especially tall-stature species) will be maintained or increase over the long term (10 years). Livestock trampling and vegetation removal impacts will occur either during the spring or the fall (but not both as currently permitted), 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. Although livestock were not considered a significant factor in the North Pasture, alternate year growing season rest should help tall- and mid-stature perennial grasses increase and consequently enhance watershed stability over the long term. Exotic annual competitiveness could affect long-term persistence of perennial species; however, reducing frequency of grazing during the perennial grass growing season 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. Maximum numbers of livestock will be ≤10% more than currently permitted numbers; however, limiting the number of times they are authorized will help ensure watershed stability will be maintained over the long term (EA Section 3.1.2.6).

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 rotation system and a low stocking rate (12.2 acres/AUM compared to 9.9 acres/AUM

¹² There is uncertainty associated with the BLM's organizational capacity to manage the Hammett #5 Allotment; 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 allotment 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.

for Alternative B Adjusted Management) will reduce grazing and trampling impacts and allow substantial improvements in the shrub steppe portions of the allotment. Providing growing season rest every other year 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; however, recovery may be limited at upper elevations with increased shrub cover. 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 two years. Palatable shrubs will be maintained over the long term. When early spring use (before May 1) and fall use focuses on exotic annual dominated areas, reduced exotic annual competition could benefit perennial grass recovery. Limiting the number of times maximum livestock numbers will be authorized will help maintain vegetation in concentrated use areas.

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

East Bennett Mountain

Based on historical actual use where use typically occurred after the Hammett #5 Allotment spring use period, use will occur primarily after perennial grass critical growth periods which will help maintain desirable levels of perennial vegetation cover over the long term (EA Section 3.1.2.4). 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). Standards 1 and 4 will continue to be met over the long term.

Alternative C will implement livestock management practices consistent with Guidelines.

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 #5 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 15 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 #5

A reduced stocking rate from recent actual use and implementation of growing season rest in alternating pastures each year 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. In a pasture, disturbance, trampling, and vegetation removal impacts will occur only one of two 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 over the long term, 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. 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. Although the fencing would have been let down during the big game winter use period, it would be a collision risk factor for sage-grouse between April 15 and November 30 annually. None of the existing fencing 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 one in two years will eliminate trampling, disturbance, and vegetation removal impacts in a pasture during a critical period for birds, insects, mammals, and reptiles and will also promote the vigor and diversity of native perennial vegetation. A stocking rate reduced from recent actual use will help ensure adequate residual vegetation remains for resident wildlife during the fall and winter. Progress toward PFC conditions at 1.3 miles of streams and seven 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 rotation system will eliminate fall livestock browse use in half the allotment one of two years. A lower stocking rate will help reduce forage competition during the spring and fall.

Alternative D will implement livestock management practices that maintain and improve wildlife habitat conditions consistent with Guidelines 4, 5, 7, 8, 9, and 12.

East Bennett Mountain

Use primarily after perennial grass critical growth periods will benefit migratory bird habitat in shrubsteppe communities. Nesting and brood-rearing habitat conditions will be maintained over the long term for special status and other wildlife species. Standards 4 and 8 for upland wildlife habitats will continue to be met (EA Section 3.6.2.5).

Alternative C will implement livestock management practices that maintain wildlife habitat conditions consistent with Guidelines.

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 #5

Implementing a spring/fall rotation 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. The majority of use will occur outside the hot season (July 15 to September 15) when livestock will be attracted to riparian areas. Limited livestock use (≤ 2 weeks) could occur during the hot season every other year; however, rest during the following spring will allow riparian vegetation to recover. The 1.3 miles of FAR condition streams (West Fork Cold Springs Creek) will improve to PFC over the long term as streambanks are stabilized and vegetation cover increases. Approximately 9.2 miles of streams will continue to be maintained at PFC. Slow, but significant, progress toward PFC will occur at seven springs. Maintaining two springs will not substantially change use levels and placing troughs in adjacent upland areas could reduce livestock impacts to wetland areas. Two springs will be maintained at PFC. Maintaining (9.2 miles in PFC) or increasing (1.3 miles currently in FAR) stream shading (woody and herbaceous vegetation) and streambank stabilization will help make significant progress toward meeting Standard 7.

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

East Bennett Mountain

The existing enclosure will help ensure Standard 2 continues to be met over the long term (EA Section 3.5.2.4).

Alternative C will implement livestock management practices that maintain wetland conditions consistent with Guidelines.

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 development or maintenance activities. These visits will determine what and how work 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 and increased litter 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; EA Section 3.9.2.4). Implementing Alternative D may have moderate adverse impacts to your operation in the short term, 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.

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 #5 Allotment) or Alternative C (East Bennett Mountain 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 #5 Allotment, which would represent a reduction to 1,121 AUMs and implementation of a 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; 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 12.2 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 lower elevations of the Hammett #5 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. 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

Suspended use – In order to comply with grazing regulations, AUMs will not be placed into suspended use for the Hammett #5 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.

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 #5 Allotment and Alternative C for the East Bennett Mountain 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 meet or 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 #5 Allotment. Alternative C could also potentially make progress toward meeting Standards and Guidelines in the Hammett #5 Allotment; however, the degree of progress was uncertain and it would require substantial monitoring, which could not be guaranteed to occur. Alternative B would maintain or make progress toward meeting Standards in the East Bennett Mountain 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 #5 and East Bennett Mountain 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

1 Enclosure:

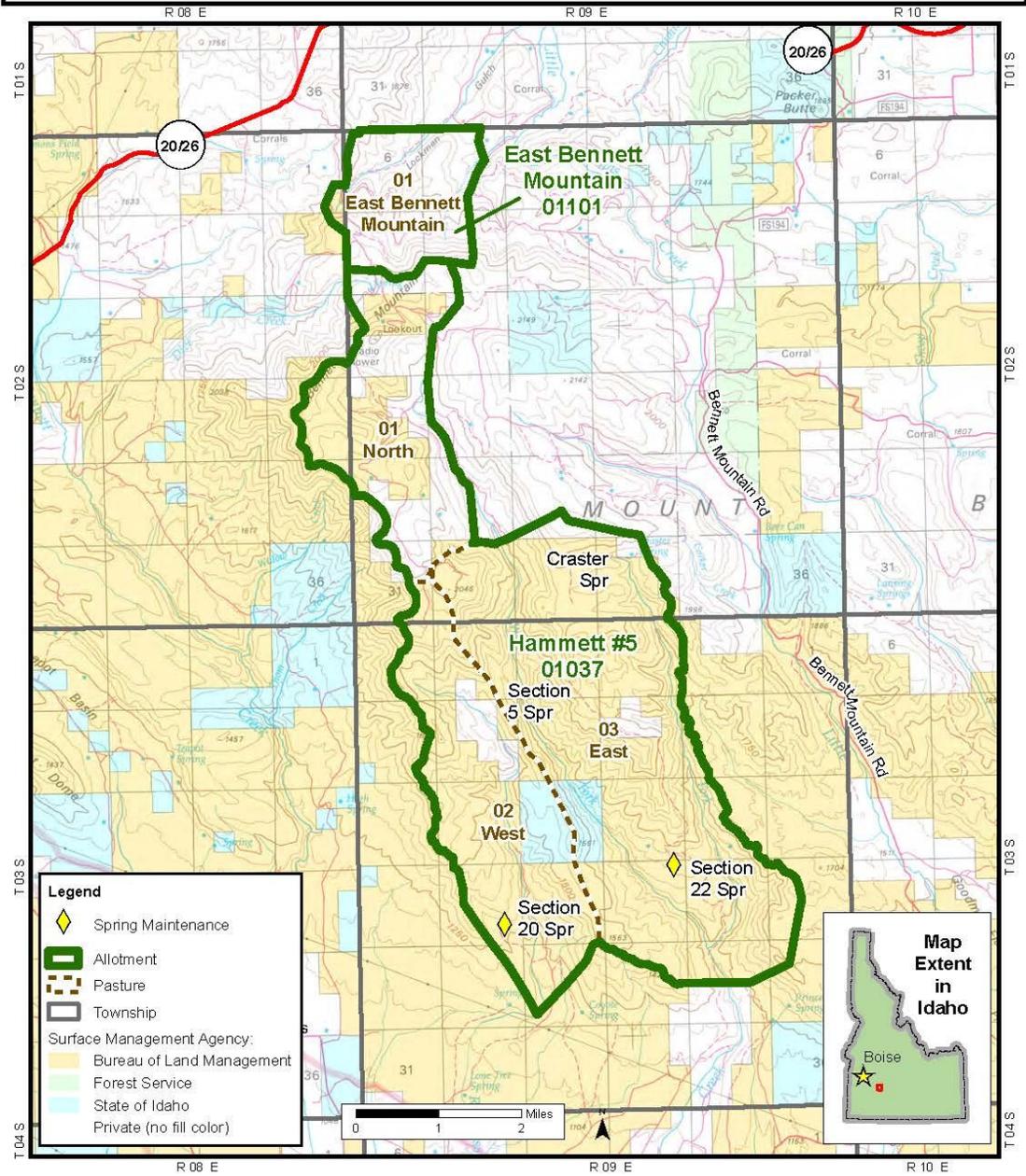
1. 01101 East Bennett Allotment Determination Document (2pp)

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
Casa Del Norte LP, 11204 N Bar 21 Drive, Glens Ferry, ID 83623-5028
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
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 Raymondi, 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

Map 1. Hammett #5 (01037) and East Bennett Mountain (01101) Allotments



U.S. Department of the Interior
 Bureau of Land Management, Idaho
 Boise District, Four Rivers Field Office
 Map date: July 22, 2015

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Protest Responses

Western Watersheds Project Bennett Mountain North Protest Points and Responses

1. *Need for an EIS.* The BLM followed guidance in the BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1) in developing this process. 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. An EA meets the NEPA requirement of a “hard look.”
2. *Lack of rancher accountability.* The allotments were not meeting standards; therefore, my Final Decision implements a grazing system and reduction in use that will 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 (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 mandatory terms and conditions that set timing of use. Allotment specific terms and conditions indicate specific guidelines for the grazing system. While some flexibility is provided for livestock numbers, it is not provided for period of use (Hammett #5) 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. Reduced AUMs will not be put into Suspended 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 a grazing system 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 rest, but not exclusive, dormant season use 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 required by USFS, but not BLM guidance. 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.* The 2004 decision related to slickspot peppergrass was not considered in this permit renewal process because slickspots are not present in the Hammett #5 or East Bennett Mountain allotments. 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 #5) 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 72% of public lands in the Hammett #5 Allotment) 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 #5 Allotment, relying on a spring/fall rotation system and reduced stocking rate, rather than a spring/fall rotation system at a greater stocking rate and monitoring (Alternative C), to ensure significant progress toward meeting Standards.

17. *Lack of substantial AUM reductions.* Alternatives C and D represent 31% and 39% reductions from current annual use current active use for the Hammett #5 Allotment (EA Table 8). 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 Assessment, Determination, and EA clearly describe vegetation conditions and trends and associated causal factors for the allotments. The Final Decision addresses those concerns in a way that will make significant progress toward meeting Standards.

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. Private lands in the Hammett #5 and East Bennett Mountain

allotments are not substantially different than BLM-administered lands. The EA describes impacts to various resources in concentrated use areas.

21. *Providing flexibility in livestock numbers.* Although the example is for Double Anchor FFR which is not being considered in this EA, several proposed decisions do provide for flexibility in livestock numbers and the EA addresses potential impacts in the Maximum Livestock Numbers sections. My Final Decision either limits the number of times maximum numbers will be authorized (East Bennett Mountain Allotment) or reduces the number of livestock from current use (Hammett #6 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.* See response to #21.

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 did provide objectives that included 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 to determine departures from reference conditions for rangeland health indicators. No exotic grasses were seeded in the Hammett #6 Allotment.

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. *Adequate 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.* There are no WSA lands in the Hammett #5 and East Bennett Mountain allotments.

Double Anchor Ranches, Inc. Protest Points and Responses

1. *Standard 1: Watersheds.* It is submitted that Double Anchor meets Standard 1. There are only two viable established assessment sites in the 11,000 plus acres of the East Bennett and Hammett #5 allotments. They are both in poorly chosen high traffic areas that are easily accessible to humans and livestock. There is a third assessment site which is overrun with a stand of timber and a fourth site which is currently non-existent. It seems these poor representative sites were used to establish a historical trend. These permanent sites are established at the top and bottom of these allotments leaving the entire middle of these 11,000 plus acre allotments completely unrepresented.

The field assessment sites do not accurately represent the allotments. The assessment sites chosen represent some of the poorest soil and highest impacted areas in these allotments. There is nothing in the Proposed Decision concerning the other ten assessment sites that are to be developed to remedy these issues so future determinations can be truly representative of these allotments. Furthermore, these field assessments were done on poor sites (fractured stony slopes, shallow stony areas) in heavy snow level areas. It stands to reason that these sites will have evidence of excessive runoff on certain years. However, without consistent assessments it is impossible to determine if this is the normal condition or an occasional happening. The BLM used two types of field data to assess watershed conditions. Nested plot frequency transects (NPFT; assessment sites in your letter) measure long-term trend in cover and plant frequency. These plots were established in 1987 and 1988 in what BLM staff (and often affected permittees) determined to be representative (key) areas of an allotment and were resampled periodically

through 2011. The majority (~90%) of the East Hammett #5 Allotment is characterized as Loamy 12-16" mountain big sagebrush/Idaho fescue/bluebunch wheatgrass ecological site by the NRCS. The three NPFT sites in the East Hammett #5 Allotment are located in that ecological site. Non-forested areas in the East Bennett Mountain Allotment are similarly characterized and two NPFT sites were established in that ecological site. Because one of the primary objectives is to maintain or improve perennial grass cover/frequencies through time, their location should not matter unless management actions have been modified to create a concentrated use area (e.g., salt block, water development) where one did not exist when plots were established. In cooperation with the permittee, the BLM established additional trend sites in 2014.

Rangeland health assessment (RHA) sites were used to supplement NPFT data and sample representative areas throughout the allotments. These sites were established based on soil types within different ecological sites and qualitatively and quantitatively sampled larger (5-40 acres), representative areas. An attempt was made to sample each non-forested soil type and more than one site was sampled in dominant soil types. Thirteen RHA sites were sampled in the East Hammett #5 Allotment and four sites were sampled in the East Bennett Mountain Allotment. RHA sites were associated with NPFT sites, but were also located throughout the allotments.

2. Standard 2, Riparian Areas and Wetlands and Standard 3, Stream Channel and Floodplains. Double Anchor protests the determination that we do not meet Standards 2 and 3 for the following reasons:

The fact that Double Anchor is meeting the standards on over 90% of its 10.5 miles of riparian areas and stream channels should be enough to refute the determination that it does not meet the standards. The determination that Double Anchor does not meet standards on .8 miles of Cold Springs Creek, designated as w. cold 003.6, can be refuted with photographic evidence of the creek. Photographs showing that the standards have been met are being provided with this protest. It appears that this determination that the standards were not met was made without even a site visit. With that correction made we are closer to meeting standards on 95% of our 10.5 miles of riparian. To say that Double Anchor does not meet these standards based on 5% of 10.5 miles is unfair.

The claim that the high sediment levels in Cold Springs Creek are caused by cutbanks on private ground upstream is completely unsubstantiated. In fact the water quality portion of the EA does not even indicate there are high sediment levels. The EA states instead that "surface and ground water on public lands comply with the Idaho water quality standards." Standard 2 considers both stream riparian areas and spring wetlands. The assessment indicated 9.2 miles of streams were in proper functioning condition (PFC) and 1.3 miles were in functioning-at-risk (FAR) condition. Two springs were in PFC and seven springs were in FAR condition. Areas that are not in PFC are not meeting Standards. A water gap on a stream might be excluded from consideration for meeting standards, but 0.8 and 0.5 mile segments would not be considered water gaps. Water quality primarily addressed potential sediment input from portions of the stream on public lands.

3. Standard 4: Native Plant Communities. Double Anchor protests the determination that it does not meet Standard 4 for the following reasons:

Once again, due to the lack of comprehensive consistent testing, these claims do not represent the entire allotment. It is unfair to completely ignore the entire center section of the allotments (which is the least impacted and largest portion) with your field assessments and permanent assessment sites. Even with that 95 of 117 indicators showed no departure from expected conditions. However, had the field assessment sites been more representative of the entire allotment they would have shown even less departure. Please see response to #1 for sampling types and locations. Page 4 of the East Hammett #5 Allotment Assessment stated: “Rangeland health field assessments used a variety of indicators to help determine rangeland health. However, no single indicator provided sufficient information to determine rangeland health and only those indicators appropriate to a particular site were used. Therefore, not all indicators were given equal weight from in different locations. For example, indicators #1-Rills and #6-Wind-scoured Blowouts/Deposition would not occur on a site with flat terrain and a gravelly soil surface. These indicators would be rated “none to slight” by default; but, would not be given the same weight as more applicable indicators for that site (e.g. #4-Bare Ground and #10-Plant Community Composition Relative to Infiltration and Runoff) when determining overall attribute ratings for the site.” For Standard 4, #12-Functional Structural Groups, #13-Plant Mortality/Decadence, and #16-Invasive Plants were considered to be the most important indicators in determining departure from expected conditions. A substantial number of those indicators were in the Moderate or greater range of departure from expected, especially in the East Hammett #5 Allotment.

4. Standard 8: Threatened and Endangered Plants and Animals. Double Anchor protests the determination that it does not meet Standard 8 for the following reasons:

Double Anchor does not understand how this standard even applies. The BLM's own environmental assessment says that no special species plant was found and none are known to occupy this allotment. We believe the large number of local wildlife refutes the claim that wildlife is negatively impacted. No place in this assessment is the large numbers of wildlife that occupy this land in the spring, summer and fall mentioned, even though this area is well known for its large wildlife population. Although the East Hammett #5 Allotment provides habitat for mourning milkvetch, surveys were not conducted to determine its presence; therefore, the determination was not based on special status plants. There are numerous special status wildlife species present in the allotments (see Appendix 10 of the EA for a complete list). The assessment, evaluation, and determination focused on key species, most notably greater sage-grouse to represent sage-brush dependent species and redband trout to represent riparian/aquatic species. Substantial portions of the East Hammett #5 Allotment were found to have marginal to unsuitable nesting and brood-rearing habitat because of reduced or absent tall- and mid-stature grasses and desirable forb species and increased exotic annual grasses (e.g., East Hammett #5 Allotment Assessment pages 15-16, Evaluation page 6). Although the allotments provide suitable habitat for some species (e.g., big game), they do not provide suitable habitat for some key special status species and, therefore, are not meeting Standard 8.

Double Anchor would like to address some additional points also.

1. *It was noted that the upper portion of the proposed Hammett #5 west is largely timber. These stands of mostly Douglas fir are diseased and dangerous to the permit holder. They are infecting healthy stands of timber on private ground adjacent to BLM. We do not see anywhere in this EA that the BLM is going to address this issue, even though we have had several meetings to talk about cooperative action concerning timber and brush control to improve grazing.* During our discussions, we indicated the EA would address livestock adjustments that could be made in response to proposed vegetation treatments; however, the vegetation treatments themselves would be addressed in a separate NEPA document. During the development of the EA, it was determined that because of the potential size of the treatments relative to the allotments themselves, livestock grazing adjustments to accommodate treatments would not be required or would be very minor. To improve document clarity, the BLM decided to address any grazing adjustments in a vegetation treatment EA and not in the grazing permit renewal process.

2. *We feel that because Double Anchor will be resting areas of this allotment every other year our utilization levels could be increased or taken on a two consecutive year average. We would like to insure that the utilization study is representative of the entire grazing area.* The primary objectives of implementing a grazing system are to maintain and increase perennial grasses and improve sage-grouse habitat conditions. The EA (pages 60-64) discusses how various livestock management factors (e.g., stocking rate, utilization, grazing system) affect plant responses. Based on those discussions, increased utilization in alternate years would offset any gains made by periodic rest; therefore, progress would not be made toward meeting Standards 1 and 4. Increased utilization would also not meet sage-grouse nesting habitat requirements because it would result in inadequate horizontal nesting cover.

3. *Details on the fence project in writing and included in the plan.* My Final Decision implements Alternative D which requires herding, not fencing, to implement the rotation system.

4. *Plans in writing to reinstate 508 AUMs in steps as predetermined goals are met.* As stated above (Notes on Protest Meeting Issues), the reduced AUMs cannot be put into suspension because the suspension would not be temporary and, therefore, would not comply with 43 CFR § 4110.3-2(a). In order to increase Active use at some point in the future, the BLM would need to assess the allotment, determine whether applicable Standards are being met, and complete analysis of proposals in compliance with NEPA.

5. *Details in writing to establish permanent assessment sites (10 min) and obligations thereafter.* Additional trend sites were established in 2014. The BLM will be responsible for monitoring trend.