



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:
4160 (ID110)
1101884

November 18, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED - 7005 0390 0006 6873 7137

Faulkner Land & Livestock
C/O John Faulkner
1989 South 1875 East
Gooding, Idaho 83330-5330

Notice of Field Manager's Final Decision
for the Hammett Livestock Company and Joost Section 15 Allotments

Dear Mr. Faulkner:

Thank you for your application to renew the grazing lease on the Hammett Livestock Company Allotment (01195) and your application for a new grazing authorization on the Joost Section 15 Allotment (01199). I appreciate you working with the Bureau of Land Management (BLM) during this lease 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 lease application for the allotments. I signed a Proposed Decision to renew your grazing lease on May 27, 2014, which you received May 30, 2014. The Proposed Decision included terms and conditions to ensure that the allotments would continue to meet 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 a protest letter regarding the Proposed Decision from Western Watersheds Project on June 7, 2014. We held a protest meeting on July 15, 2014. All protest points submitted were considered and my responses to protest points are provided in the attached section titled Protest Responses.

The BLM recently evaluated current grazing practices and conditions on the allotments in preparation for the renewing livestock grazing permits in the Bennett Mountain Management Area. We undertook this effort to ensure that any renewed grazing permit/lease 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.

Faulkner Land & Livestock 1
Hammett Livestock Company Allotment (01195)

Final Decision

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

Following public availability of my Proposed Decision and review of protest points, I am now prepared to issue my Final Decision to renew your lease to graze livestock in the Hammett Livestock Allotment which incorporates the Joost Section 15 Allotment as a pasture in the Hammett Livestock Company Allotment. After careful consideration, I have selected Alternative C as the Final Decision for the Hammett Livestock Company Allotment. Upon implementation of the decision, your lease to graze livestock in the Hammett Livestock Company Allotment will be fully processed using the revisions to the grazing regulations¹ 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.

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 lease renewal for use in the Hammett Livestock Company Allotment and for use of the Joost Section 15 Allotment;
- Outline my Final Decision to select Alternative C in the Hammett Livestock Company and Joost Section 15 allotments; and
- State the rationale for making these selections.

Background

Allotment Setting

The Hammett Livestock Company and Joost Section 15 allotments are located 1 to 5 miles east and southeast of Pine, Idaho (Map 1). The Hammett Livestock Company Allotment consists of five pastures which include 4,659 acres of BLM-administered lands, 4 acres of private lands, 1 acre of State lands, and 7 acres of U.S. Forest Service (USFS) lands. The Joost Section 15 Allotment includes 399 acres of BLM-administered lands in one pasture. Elevations range from 4,400 to 6,600 feet and topography is characterized by mountain sides, granite hills, side slopes, and ridges. South Slope Gravelly 12-16" is the primary ecological site, characterized by mountain big sagebrush and bluebunch wheatgrass.

Current Grazing Authorization

The current grazing lease authorizing active use for Faulkner Land & Livestock (1101884) in the Hammett Livestock Company Allotment was issued on March 23, 2010 (Table 1).

¹ The 2005 43 CFR Part 4100 are the federal regulations that govern public land grazing administration.

Table 1. Mandatory terms and conditions for the Hammett Livestock Company and Joost Section 15 allotments, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs ^A
	Number	Kind	Begin	End			
01195 Hammett Livestock Company	800	Sheep	05/24	07/07	100	Active	237
	1,200	Sheep	10/01	10/15	100	Active	118

^A Animal Unit Months. The total 335 AUMs of Active use is based on the calculations for livestock, grazing, period, and %PL as shown in the table; however, there are 361 AUMs of permitted use.

At present, there is no active grazing authorization in effect for the Joost Section 15 Allotment. The previous active lease was canceled by decision in 1992 for Failure to Use (43 CFR 4170.1-2). At the time of the cancellation, authorized use was for 40 AUMs (Table 2).

Table 2. Mandatory terms and conditions for the Hammett Livestock Company and Joost Section 15 allotments, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs
	Number	Kind	Begin	End			
01199 Joost Section 15	20	Cattle	05/01	06/30	100	Active	0

Hammett Livestock Company Allotment Specific Terms and Conditions

1. All grazing use including trailing north of the Snake River to Anderson Ranch and the Sec.15 Allotment must be applied for in advance and coordinated with the BLM prior to initiation with the Bruneau Resource area staff of Boise. This includes the Bennett Mountain areas.
2. Sheep camps must be moved every four days at least ½ mile. Bedding grounds must be changed daily. All litter from camp sites must be removed from the area.
3. Sheep bands may vary in number of sheep providing the total use in AUM’s does not exceed the permitted level.
4. Turn out is subject to Boise District Range Readiness Criteria.
5. Your certified Actual Use Report is due 15 days after authorized use.
6. Salt and/or Supplement shall not be placed within one-quarter (¼) mile of springs, streams, meadows, aspen stands, playa or water developments.
7. Changes to the scheduled use requires prior approval.
8. You are required to coordinate trailing activities with the BLM prior to initiation. A Trailing Permit or similar authorization may be required prior to crossing public lands. Livestock exclosures located within your grazing allotment(s) are closed to all domestic grazing use.
9. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee. All maintenance of rangeland improvements within a Wilderness Study Area requires consultation with the Authorized Officer.
10. All Appropriate documentation regarding Base Property leases, lands offered for Exchange of Use, and livestock control agreements must be approved prior to turn-out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR

4040.1(B) (1) and shall result in action by the Authorized Officer under 43 CFR 4140.1 and 4160.1-2.

12. 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.
13. Payment may be made by cash, check or visa/mc.

Resource Conditions (Standards)

Hammett Livestock Company

Rangeland health assessment and monitoring data collected between 2002 and 2011 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands in both allotments were meeting the following 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 not met; however, livestock grazing was not a factor. 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 Hammett Livestock Company Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – All watershed health indicators had None to Slight or Slight to Moderate departures from site potential² (EA Section 3.1.1). Native plant communities provided adequate structure, function, and cover to ensure proper nutrient cycling, hydrologic cycling, and energy flow.

Riparian Areas, Wetlands, Stream Channels, and Water Quality – Vegetation and hydrologic conditions were rated in proper functioning condition (PFC) for all streams (5.8 miles, seven streams; EA Section 3.5.1). Although Lime Creek was rated in PFC, temperature standards for cold water aquatic biota were not met upstream of the allotment.

Upland Vegetation, Special Status Plants – All biotic integrity indicators had None to Slight or Slight to Moderate departures from site potential (EA Section 3.2.1). Native plant diversity and abundance was as expected and only trace amounts of invasive species (cheatgrass) were observed. No special status plants or noxious weeds were known to occur.

Wildlife, Special Status Animals – Intact native plant communities (e.g., shrubs, tall-stature perennial grasses, and a variety of forbs) provided suitable habitat for a variety of wildlife species, especially shrub-steppe and riparian dependent species. The allotment occurs outside of greater sage-grouse habitat identified in the EA (EA Section 3.6.1); however, a small portion (6%) in the southern part of the allotment is considered nesting and late brood-rearing habitat³. Fences (a potential sage-grouse

² 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.

³ The Idaho and Southwestern Montana Sub-regional Greater-Sage-grouse Final Environmental Impact Statement was published May 27, 2015 and used a different method to delineate sage-grouse habitat than was used for the assessment and EA.

mortality factor due to collision risk) are not present in the allotment. With the exception of water temperature, Lime Creek provides suitable habitat for redband trout.

Joost Section 15

Rangeland health assessment and monitoring data collected between 2002 and 2011 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were meeting Standards 1, 2, 3, 4, 7, and 8. Standards 5 and 6 did not apply to the allotment. The following provides a summary of conditions. Please see the Joost Section 15 Assessment, Evaluation, and Determination documents and associated EA Affected Environment sections for more details.

Watersheds – All watershed health indicators had None to Slight or Slight to Moderate departures from site potential (EA Section 3.1.1). Native plant communities provided adequate structure, function, and cover to ensure proper nutrient cycling, hydrologic cycling, and energy flow.

Riparian Areas, Wetlands, Stream Channels, and Water Quality – Vegetation and hydrologic conditions were rated in PFC (0.2 miles, one stream). Two springs were rated in PFC.

Upland Vegetation, Special Status Plants – All biotic integrity indicators None to Slight or Slight to Moderate departures from site potential (EA Section 3.2.1). Native plant diversity and abundance was as expected in the majority of the allotment and cheatgrass was present in some areas. No special status plants or noxious weeds were known to occur.

Wildlife, Special Status Animals – Intact native plant communities (e.g., shrubs, tall-stature perennial grasses, and a variety of forbs) provided suitable habitat for a variety of wildlife species, especially shrub-steppe and riparian dependent species. The allotment occurs outside of currently identified greater sage-grouse habitat.

Guidelines for Livestock Grazing Management

The BLM's 2014 Determinations found that grazing conformed to all Guidelines.

Issues

Based on the BLM's evaluation of current grazing management, current conditions on the allotments, public response to scoping, and the BLM's requirement to meet or make significant progress toward meeting Idaho Standards and Guidelines, and to move the allotments toward meeting Jarbidge RMP management objectives, the BLM identified the following resource issues associated with the grazing permit/lease 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 minimized 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 condition in the allotments and the issues identified above, the BLM considered alternative livestock management schemes that would ensure that any renewed grazing leases would maintain or improve satisfactory conditions (where they exist), and/or allow the allotments to meet or make significant progress toward meeting standards where unsatisfactory conditions exist. Temporary non-renewable (TNR) use was considered, but not analyzed in detail because suitable conditions for TNR do not exist in the allotments (EA Section 2.2.1)⁴. 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: Sheep use (361 AUMs of active use) would be permitted during the spring (800 head, May 24 to July 7, 237 AUMs) and fall (1,200 head, October 1 to October 15, 118 AUMs) in the Hammett Livestock Company Allotment. Livestock numbers could vary providing use periods and AUMs were not exceeded. The allowable use level for riparian and upland vegetation would be ≤50% of the current year’s growth. Livestock use would not be permitted in the Joost Section 15 Allotment.

Alternative C – Faulkner Land & Livestock Applications: The Joost Section 15 Allotment would become a pasture in the Hammett Livestock Company Allotment and the associated 40 AUMs would be converted to sheep use. A total of 401 AUMs would be permitted June 15 to November 1 for 435 head of sheep; however, up to 2,000 head could be on the allotment at one time providing AUMs were not exceeded. The allotment would typically be used during spring and fall trailing periods as described in Alternative B for the Hammett Livestock Company Allotment.

Alternative D – Joost Application: The Hammett Livestock Company Allotment would be permitted for 361 AUMs of sheep use between June 15 and November 1. Cattle use would be permitted during the spring (20 head, May 1 to June 30, 40 AUMs) in the Joost Section 15 Allotment.

Final Decision

After considering the current conditions of the natural resources, current grazing practices, and the alternatives and analyses in the EA, as well as other information, it is my Final Decision to issue a grazing lease for 10 years to Faulkner Land & Livestock with terms and conditions consistent with Alternative C in the EA and as shown below in Table 3. Grazing use under this authorization (permit) over the next 10 years will allow the allotment to continue to meet Idaho Standards and Guidelines and resource objectives outlined in the Jarbidge RMP. Additionally, it is my Final Decision to:

⁴ The permittee could apply for TNR in the allotments; however, the BLM would need to evaluate the request in accordance with the NEPA.

- Incorporate the 399 acres of public lands associated with the Joost Section 15 Allotment as a pasture in the Hammett Livestock Company Allotment (Map 1) and designate the kind of livestock as sheep. This will result in 5,058 acres of public land, 4 acres of private land, 1 acre of State land, and 7 acres of USFS land for a total of 5,070 acres in the Hammett Livestock Company Allotment.
- Authorize 401 AUMs of Active Use (361 AUMs from Hammett Livestock Company Allotment and 40 AUMs from Joost Section 15 Allotment; Table 3).
- Set a maximum number of livestock at 2,000 head.

Final Grazing Authorization

The Final Grazing Authorization will contain the following Mandatory (Table 3), Other, and Allotment Specific Terms and Conditions.

Table 3. Mandatory terms and conditions⁵ for the Hammett Livestock Company Allotment, Elmore County, Idaho.

Allotment	Livestock		Grazing Period		% Public Land	Type Use	AUMs
	Number	Kind	Begin	End			
01195 Hammett Livestock Company	2,000	Sheep	06/15	11/01	100	Adaptive	401

Other Terms and Conditions

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated November 18, 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/lessee will also notify any/all affected permittees/lessees 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/lessee will inform BLM if escape ramps are needed on permanent troughs, and BLM will supply them. The permittee/lessee is responsible for providing escape

⁵ 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, and the total number of AUMs. All AUMs associated with this Final Decision will be "Active Use" in accordance with 4100.0-5. No suspended use is identified in this Final Decision.

ramps for temporary troughs. It is the permittee/lessee'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.

Allotment Specific Terms and Conditions

1. Livestock numbers in the Hammett Livestock Company 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 2,000 head of sheep.
2. Bedding grounds must be changed daily. Sheep camps must be moved at least 0.5 miles every four days. All litter from sheep camp sites must be removed.

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing lease may not be renewed if the permittee/lessee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit.

Accordingly, I reviewed the Faulkner Land & Livestock records as a grazing lease holder and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of lease 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 C for the Hammett Livestock Company and Joost Section 15 allotments. 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 lease 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 lease 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 (lease) 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 confused with the discussion of Adaptive Management in Alternative C in the EA.

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision making process for the Hammett Livestock Company and Joost Section 15 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 obligations.

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?

As mentioned above and explained in detail in the EA, watersheds and native plant communities are in satisfactory conditions. Initiating use three weeks later than Alternative B will help maintain native perennial grasses and forbs that provide important watershed stability and community diversity by reducing use during the growing period and allowing plants to better meet their physiological needs annually (EA Sections 3.1.2.4 and 3.2.2.5). A low stocking rate (12.6 acres/AUM) and regularly moving animals will help limit trampling impacts and ensure slight to light use and adequate residual litter and vegetative cover. Light use during the dormant period (fall) will not adversely affect perennials. The maximum number reflects current use practices authorized by the lease which have allowed the Hammett Livestock Company to meet Standards. Standards 1 and 4 will continue to be met over the long term (10 years).

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, 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. Evenly distributed light use will help reduce fuels while maintaining native species.

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?

A low stocking rate and a deferred use period (starting June 15) will help maintain native plant diversity and abundance and ensure that Standards 4 and 8 will be met for wildlife over the long term (EA sections 3.2.2.5, 3.5.2.4, and 3.6.2.5). Minor to moderate structural damage to shrubs will occur in concentrated use areas (e.g., bedding areas); however, these represent a small proportion of the

allotment. Use will occur during the latter part of the nesting season and early brood rearing season. Light use levels will limit impacts to nesting cover and key forage species. Use of herding will preclude the need for fencing; therefore, collision risks will not occur. 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; continues low stocking rates to ensure adequate residual cover; promotes growth and persistence of native perennials; and authorizes wetland use primarily 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 3.5.2.4 and 3.6.2.5). Maintaining shrub and perennial grass and forb cover will provide suitable nesting, brood rearing, and foraging conditions for a variety of special status species including ferruginous hawk, sage-grouse, sage sparrow, spotted bat, longnose snake, and redband trout (EA Appendix 10). Deferred use and a light stocking rate will promote the vigor and diversity of native perennial vegetation. Herding animals away from streams will benefit riparian- and wetland-dependent species by maintaining 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, maintains suitable habitat conditions, and implements a grazing system and stocking rate that is consistent with species and habitat needs.

Running maximum numbers will cause minor to moderate short-term structure, disturbance, and trampling impacts. However, sheep will typically travel in bands of 1,000 animals, so the magnitude of trampling would likely be less and/or more diffuse.

Shrub use during the fall, when grasses and forbs are dormant, will have minor to moderate impacts on palatable shrubs; however, wide distribution and light stocking levels will help limit impacts. No fencing will be constructed in the allotment.

Alternative C will implement livestock management practices that maintain suitable 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?

Streams and springs used as water sources in the spring and fall will be subjected to trampling damage. Streams and springs are currently in PFC because sheep are herded out of these areas after watering. Where this practice continues, streams and springs will be expected to remain in PFC over the long term and Standards 2 and 3 will continue to be met (EA Section 3.5.2.4). Maintaining streams in PFC will help ensure that water quality standards are met to the extent possible in the allotment. Lime Creek will have appropriate levels of stream shading to maintain water temperatures.

Alternative C will implement livestock management practices that maintain satisfactory riparian, wetland, and water quality conditions consistent with Guidelines.

Cultural Resources: What steps will be taken to avoid or minimized impacts to cultural resources?
Although no sites have been recorded in the allotment, any cultural sites associated with concentrated use areas will be subjected to trampling, but overall maintenance of satisfactory vegetation conditions and litter will help maintain site stability over the long term (EA Section 3.8.2.5).

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

Because the authorized use will help maintain Standards, as described above, social and economic needs for a variety of user groups (e.g., satisfactory vegetation conditions, enhanced recreation experiences; EA Section 3.9.2.3), including the permittee/lessee, will also be met. While the lease provides flexibility in use and animal numbers, I am confident that that flexibility will not adversely affect the BLM's ability to maintain Standards.

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 C 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 leases. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use in other allotments in the Bennett Mountain North area. 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 Alternative B – Continue Current Management. While this alternative would meet Standards and Guidelines, it would not address operational considerations raised by your application and subsequent meetings. Alternative C addresses those considerations while ensuring that Standards and Guidelines will be met.

I also considered selecting Alternative D – BLM Proposal, which in this case represented an alternative application for cattle use in the Joost Section 15 Allotment. Because the proposed use period coincided with the perennial grass growth periods and the topography would concentrate cattle use in areas with gentle slopes, Standards would not be met for watershed, vegetation, and riparian resources over the long term. Therefore, I could not select Alternative D and comply with BLM's obligation to meet or make significant progress toward meeting Standards and Guidelines.

Notes on Terms and Conditions

The resulting stocking rate of 12.6 acres/AUM is a conservative stocking rate considering potential forage production and availability associated with the ecological site potential and current conditions. Requirements to regularly move bedding grounds and camps will help insure that livestock use is distributed throughout the allotment.

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 Alternative C 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 C (and a term and condition from Alternative B) for the Hammett Livestock Company and Joost Section 15 allotments. I have determined the issuance of this grazing lease would be in conformance with the Jarbidge RMP dated March 23, 1987, and the permitted livestock grazing will continue to meet applicable Standards and Guidelines. Alternatives A and B would also meet Standards and Guidelines, but would unnecessarily remove economic activity (Alternative A) or not fully address your operational needs. Alternative D would not meet Standards and Guidelines in the Joost Section 15 Allotment.

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 Livestock Company and Joost Section 15 allotments available for livestock grazing;
- 4110.3 Changes in authorized 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; and
- 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 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 or matthewmccoy@blm.gov, or myself at 208-384-3430 or tfischer@blm.gov.

Sincerely,

/s/ *Tate Fischer*

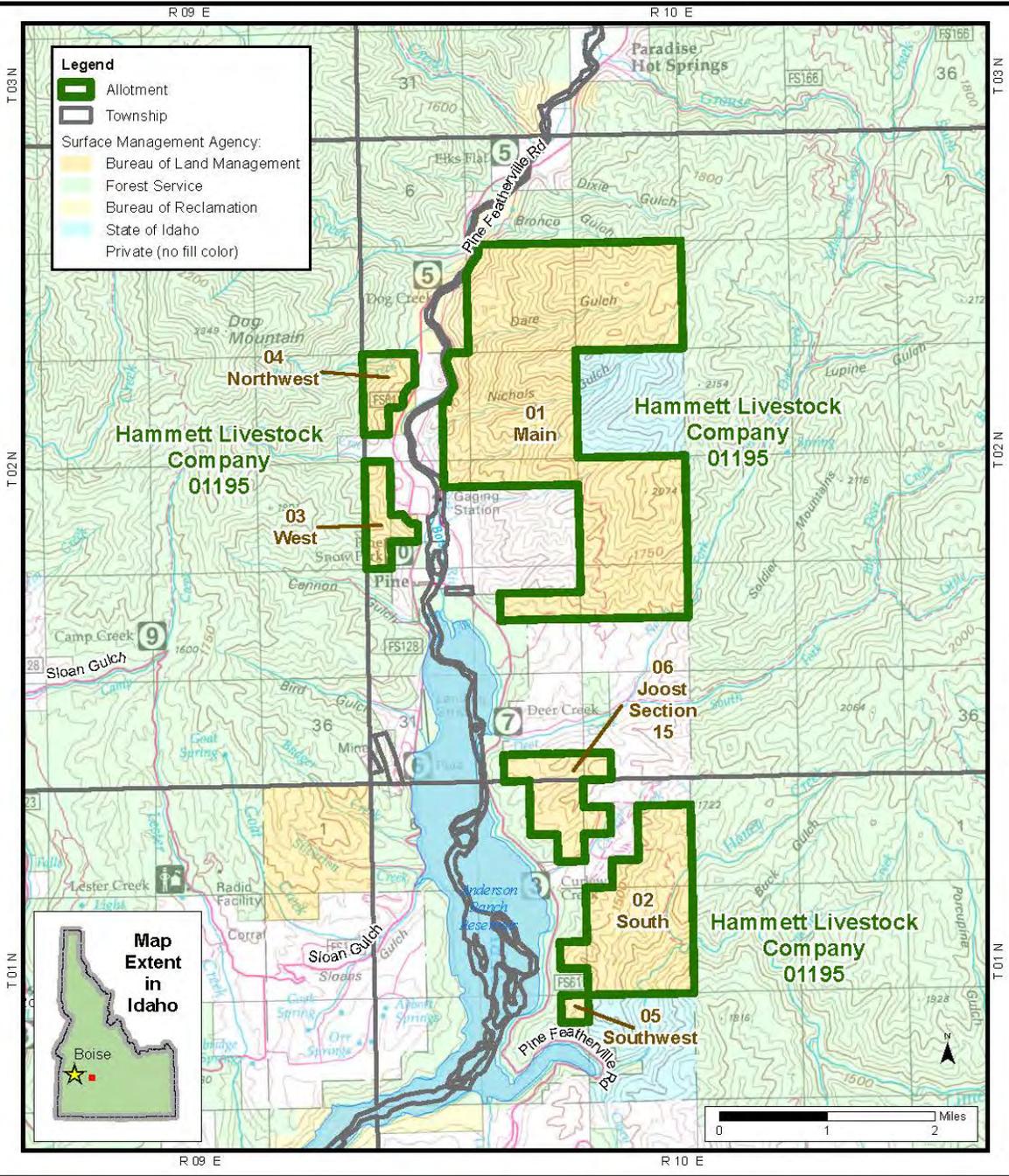
Tate Fischer
Field Manager
Four Rivers Field Office

Copies sent by certified mail to:

Advocates for the West, PO Box 1612, Boise, ID 83701-1612
J. D. Aldecoa & Sons, Inc., 4312 W. Edgemont Street, Boise, ID 83706-2304
Stacey Baczkowski, 1221 W. Idaho Street, Boise, ID 83702-5627
Barber Caven Ranches, 911 E. Winding Creek Drive, Suite 150, Eagle, ID 83616-6973
Donna Bennett, 573 N Bennett Road, Grand View, ID 83624
Samuel Blackwell, 5486 W. Wintercamp Lane, Glens Ferry, ID 83623-5061
Alayne Blickle, 7235 Southside Boulevard, Nampa, ID 83686-9431
Boise National Forest, 2180 American Legion Blvd, Mountain Home, ID 83647-3140
Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720-2442
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
Double Anchor Ranches, Inc., 5714 W. Double Anchor Drive, Glens Ferry, ID 83623-5022
Elmore County Commissioners, 150 South 4th East, Suite 302, Mountain Home, ID 83647-3060
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, P.O. Box 1335, Nampa, ID 83653-1335
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 Livestock Company Allotment (01195)





U.S. Department of the Interior
Bureau of Land Management, Idaho
Boise District, Four Rivers Field Office
Map date: August 01, 2015



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office webmaster at (208) 373-4000.

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). The proposed actions do not automatically warrant an EIS; therefore, an environmental assessment (EA) was completed and a finding of no significant impacts was made. The EA presents a reasoned analysis containing quantitative and detailed qualitative information, thereby meeting the NEPA requirement of a “hard look.”
2. *Lack of rancher accountability.* The mandatory and allotment specific terms and conditions provide sufficient accountability to ensure Standards will continue to be met.
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 and will continue to meet Standards will provide for the resources you mention. FLPMA does not require BLM to include use criteria as terms and conditions.
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 3.5 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 requirements for moving animals and camps regularly. While some flexibility is provided for livestock numbers, it is not provided for period of use or AUMs.
6. *Lack of measurable standards.* See response to #3.
7. *Failure to adequately address complexity of issues associated with State and private lands.* The cumulative effects analyses addressed known actions on State and private lands.
8. *Improper stocking rates and use of suspension rather than permanent reductions.* Considering the allotments are meeting Standards and the stocking rate for the allotments will be low (12.6 acres/AUM), suspending AUMs was not considered. No projects were considered for implementation.
9. *Biased and arbitrary FRH process.* No unknown determinations were made for the allotments. Circumstances occurring outside the Hammett Livestock Company Allotment affecting Lime Creek were clearly identified and discussed (EA Section 3.5.1).
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 (EA Sections 3.2.1 and 3.4.1). Maps are provided indicating fire history and distribution of exotic annuals and noxious weeds (EA Maps 6a, 6b, and 8). Analyses for each of the alternatives address how invasives and noxious weeds would 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, 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 not required by BLM guidance; however, both factors were considered (e.g., suitability was considered when addressing impacts of livestock use and greater sage-grouse habitat). The EA analyses describe impacts to a variety of resources. These analyses informed the development of my Final Decision.
13. *Failure to provide the 9/10/04 decision that implemented the CCAA for slickspot peppergrass.* Slickspot peppergrass habitat is not present in the allotments; therefore, the CCAA does not apply.
14. *Confusing, uncertain wording and provisions of the decisions.* The referenced language does not apply to these allotments.
15. *The BLM relied on deficient, biased, and outdated assessments.* The 2014 assessments reflected 2009-11 site visits to observe condition changes from 2004 observations. These data and observations are presented in the assessments. Although not identified as sage-grouse habitat based on classifications at the time of the Assessment, the Hammett Livestock Allotment was evaluated for sage-grouse habitat suitability. Assessments, evaluations, and determinations were developed using an interdisciplinary team approach that addressed potential individual biases. The assessments and EA address conditions and impacts on sage-grouse habitat and shrub-steppe habitat outside identified sage-grouse habitat.
16. *Ability of BLM to monitor at five-year period as described in Appendix 7.* This does not apply to the Hammett Livestock Company and Joost Section 15 allotments.
17. *Lack of substantial AUM reductions.* 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). Where allotments are meeting Standards and the identified factors were not changing, the BLM chose not to apply measurable “standards” as terms and conditions.

19. *Inadequately addressing impacts of holistic grazing (Hammett #6).* This does not apply to the Hammett Livestock Company and Joost Section 15 allotments.
20. *Relationship between public and private lands grazing.* Exchange of use agreements (EOU) will not be issued for the allotments.
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.
22. *Annual use in the SW Alkali Allotment.* This does not apply to the Hammett Livestock Company and Joost Section 15 allotments.
23. *Fall use should not be allowed in the SW Alkali Allotment.* This does not apply to the Hammett Livestock Company and Joost Section 15 allotments.
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) primarily because they were not accessible to livestock or the livestock use that was occurring did not affect functioning condition.
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.
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 these allotments.
27. *Failure to address and provide for special status species habitat needs, specifically sage-grouse.* Greater sage-grouse (and other special status wildlife species) habitat requirements for different life-history use periods were described in the EA (Section 3.6.1). The impacts of different alternatives, including not grazing, were described in Sections 3.6.2 and 3.6.3.
28. *Failure of the assessments, evaluations, and determinations to represent conditions.* See response to #15.
29. *Failure to adequately map, identify, and quantify exotic annual species.* Also see response to #10. Exotic annual species were 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. My Final Decision will maintain or improve native perennial vegetative cover which will limit establishment or expansion of invasive annuals. Non-grazing related measures to address invasive annuals will be addressed in a separate NEPA analysis.

30. *Livestock use overlap and impacts during critical wildlife nesting and rearing periods.* See response to #27.
31. *Inadequate baseline surveys of sensitive species.* Where actual population survey data were not available, the EA assumed that special status species were present in habitats that typically support them and analyzed impacts accordingly. Rangeland health assessments and other data were used to describe habitat quality (reported in individual allotment assessment documents and summarized in EA Sections 3.2, 3.5, and 3.6).
32. *Failure to ensure non-impairment of WSA values.* This does not apply to the Hammett Livestock Company and Joost Section 15 allotments.