



**Bureau of Land Management**  
Boise District Office  
Bruneau Field Office  
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<http://www.id.blm.gov>

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**Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)**  
U.S. Department of the Interior - Bureau of Land Management

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**A. BLM Office:** Bruneau Field Office

**NEPA Log Number:** DOI-BLM-ID-B020-0005-DNA

**Lease/Serial Case File No.:** GRN# 1101614, 1100265, 1102996 and 1104082

**Proposed Action Title/Type:** Grazing Permit Issuance for GRN# 1104082 by Bruneau Field Manager's Proposed Decision

**Location/Legal of Proposed Action:** East Castle Creek Allotment #0893 and Battle Creek Allotment #0802, T. 5-7 S., R. 2-4 E., B.M., located near Grand View, Idaho, 50 miles south of Boise.

**Applicant (if any):** Owyhee Calcium Products, Harry Melton, President (OCP, GRN #1102996), then to Gordon King (GRN #1104082)

**Description of the Proposed Action and any applicable mitigation measures:** Reissue winter grazing permits in Pasture 5B of the East Castle Creek Allotment #0893 and in Pasture 8 of the Battle Creek Allotment #0802 to applicant Gordon King after completion of successive transfers. Terms and Conditions that were removed for the other four permits by the East Castle Creek Stipulation to Dismiss Appeals in October 2009, and T&Cs, Flexibility, prescribed grazing management, and range improvements that are not currently relevant to this new permit or to the specific use pastures in either allotment are not carried forward into this Proposed Action. Modifications to the relevant Annual Indicator Criteria (AICs) from the Stipulation are also carried forward into this Proposed Action since Pasture 5B is grazed in common with both of the other permits in East Castle Creek Allotment.

**East Castle Creek Allotment**

**Mandatory Terms and Conditions**

Allotment	Livestock		Grazing Period		% Public Land	Animal Unit Months		
	Number	Kind	Begin	End		Active	Suspended	Permitted
00893 East Castle Creek	92	C	11/1	1/31	100	278	0	278

**Terms and Conditions**

The following Terms and Conditions would supercede previous versions that were applicable to your permit within the East Castle Creek Allotment:

1. Livestock grazing management in the East Castle Creek Allotment shall be made in accordance with the Field Manager's Final Decision for East Castle Creek Allotment.
2. Livestock turnout is subject to the Boise District range readiness criteria.
3. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter (1/4) mile away from any riparian area, spring, stream, meadow, aspen stand, sensitive plant populations, playa, or water development located on public land unless a variance is approved by the authorized officer.
4. Livestock exclosures located within the East Castle Creek Allotment are closed to livestock use or as otherwise approved by the Authorized Officer.
6. Pursuant to 43 CFR 10.4(b), the Permittee is required to notify BLM by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4(c), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.
7. Properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment. Actual use must be submitted by individual pasture. The completed form(s) must be submitted to the Bruneau Field Office within 15 days from the last day of authorized annual grazing use.
8. Permittees or Lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands in accordance with 43 CFR 4130.3-2(h).

9. Pastures referred to as Fenced Federal Range (FFR) are managed as custodial use as long as BLM land mixed in with the private and State lands meet or make progress toward the Idaho Standards for Rangeland Health.
11. You are required to coordinate trailing activities and movement between pastures with the BLM at the earliest possible time to the initiation of trailing. A trailing permit or similar authorization may be required prior to crossing public land if not in the same allotment shown on the grazing permit.

**Flexibility**

Flexibility in pasture movement may be practiced in accordance with the following guidelines:

1. Grazing schedules will generally be as shown in Table 4, but dates may vary based on range readiness, annual indicator criteria, AUMs of use, and as approved by the authorized officer.

**Table 4. Livestock Grazing Management for East Castle Creek Allotment for all Permittees**

Pasture	# of Livestock	Year 1	Year 2	Year 3	AUMs
5B	1,177 <sup>2</sup>		11/1-1/31		2,735

<sup>2</sup> Maximum initial numbers for all permits with staged removal of livestock. This permit authorizes 92C.

**Annual Indicator Criteria**

Annual Indicator Criteria, along with other required management practices will result in a reasonable expectation that long term desired conditions will be achieved. These indicators may be modified by the Field Manager based on the recommendations of the interdisciplinary team of resource specialists and consultation with the livestock grazing permittees. The following Annual Indicator Criteria will be monitored in accordance with the East Castle Creek Monitoring Plan.

2. Utilization of key upland grass species (bottlebrush squirreltail, Sandberg bluegrass, ricegrass), winterfat, and Nuttall saltbush will not exceed a pasture average of 50% in Pasture 5B at key areas in consideration of statistical significance.
3. The water haul site has been relocated away from Mulford’s milkvetch population “EO 11” in Pasture 5B. Ground disturbance at this population will continue to be monitored. If soil disturbance is not reduced at the location of population EO 11 as a result of this water haul site relocation, an alternate trough location that will not impact population EO 11 will be identified and authorized.

AIC will be applied in accordance with IM-ID-2005-074 to assist compliance with the applicable portions of the Standards and Guidelines, and with the applicable portions of the Bruneau Management Framework Plan (see Appendix D of Final EA# ID-120-2008-

EA45). The Annual Indicators are used as thresholds to indicate when adjustments to livestock grazing management are necessary to meet or make significant progress toward meeting the Idaho Standards for Rangeland Health and resource objectives. These adjustments may occur during each grazing year, including, but not limited to, redistribution of livestock within a pasture to areas still within the Annual Indicator Criteria or removal of livestock from a pasture.

**Mid- and Long-term Indicator Criteria**

Mid-term and long-term monitoring will be used to evaluate the effectiveness of meeting our resource objectives as described on pages 42 and 43 of Final EA# ID-120-2008-EA45. The following table displays additional monitoring and responses for each resource issue identified in the Purpose and Need:

**Long Term Effectiveness Monitoring of sites that will be monitored for progress**

Pasture	Long Term Effectiveness Monitoring
5B Upland Vegetation	Monitoring exclosures, trend and density measurements. Will evaluate at 10 years.

Grazing practices under this permit will continue to be modified as necessary to respond to drought, fire and other events, as required by the 2009 Final Decisions and by the BLM Grazing Regulations. Adjustments at 3 years based upon implementation monitoring (AICs) and at 5 and 10 years based upon mid- and long-term effectiveness monitoring will follow the Decision Tree, as prescribed by the 2009 Final Decisions and as previously analyzed in modified Alternative D.

**Range Improvements**

The following range improvements will be built in the general location shown on Map 12 for the Proposed Action of Final EA #ID-120-2008-EA45. The projects are designed to address resource concerns identified in the purpose and need and to address issues identified in the East Castle Creek Evaluation and Determination. All project sites have been reviewed for impacts to special status plants and animals and cultural resources and site-specific clearances have been done or will be done prior to installation of the projects. The design of each project will incorporate avoidance or mitigation. Projects are described in fuller detail on pages 47 through 51 of Final EA #ID-120-2008-EA45. Projects listed here would allow for significant progress to be made towards meeting Standards and Guidelines:

1. *Monitoring Exclosures.*
2. *Pasture 5B Water Haul Trough Relocation.*

## Battle Creek Allotment

### Mandatory Terms and Conditions

Allotment	Livestock		Grazing Period		% Public Land	Animal Unit Months		
	Number	Kind	Begin	End		Active	Suspended	Permitted
00802 Battle Creek	22	C	11/1	1/31	100	67	0	67

### Terms and Conditions

The following Terms and Conditions would apply to your permitted use within the Battle Creek Allotment under this reissued permit:

1. All grazing in the Battle Creek Allotment will be in accordance with the BLM final decision issued in September 1999 for operator 1101614 (1102996) as updated by the Proposed Decision issued in August, 2010. Flexibility in pasture movement may be practiced in accordance with the following guidelines: ten days flexibility in dates will be allowed in moving in and out of the winter pasture, beginning five days before and not to exceed five days following the scheduled move date, with 95% of the herd moved by the scheduled move date.
2. Grazing use in the Battle Creek Allotment will be in compliance with the operational and resource use criteria identified in EA#99045.
4. Certified Actual Use Reports must be recorded by **pasture**, with FFR pastures and Exchange of Use livestock clearly differentiated. Certified Actual Use Reports are due within 15 days following completion of the authorized use periods.
5. Livestock numbers will be coordinated between BLM and the permittees annually. Permitted use periods and AUMs by season as permitted by the decision or pasture may not be exceeded.
6. Use of the Little Valley Holding Facility during trailing must be coordinated with the authorized officer prior to any type of use. Use not coordinated will be considered in violation of 43 CFR 4140.1 of the Federal Grazing Regulations.
7. Provisions of the Idaho Sage Grouse Management Plan, the Guidelines for Management of Sage Grouse Populations, and other applicable publications will be given due consideration when managing livestock grazing activities in existing and potential sage grouse habitat.
8. Spring and winter pastures, subject to fluctuations in cheatgrass production, would be subject to closure or authorization modifications when drought conditions occur.

9. All trailing across BLM will be in accordance with the Final Decision and will be coordinated with the authorized officer prior to initiating trailing activities. A trailing permit is required to move livestock across public land.
10. Livestock enclosures located within your grazing allotments are closed to all domestic livestock.
11. Any livestock not owned by the permittee must be controlled while on BLM land and must be under a valid and current livestock lease agreement prior to turn out. Leased livestock are subject to the surcharge rate as per grazing regulations.
12. Livestock turnout is subject to the Boise District Range Readiness Criteria.
13. Changes to the scheduled use requires prior approval.
14. The permittee is required to maintain range improvements in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee.
15. The Land Use Plan allowable use level for upland vegetation is 50% of the current year's growth. Livestock should be removed from the use area, pasture or allotment, when this utilization level has been reached.

The following Term and Condition would be added to your permit within the Battle Creek Allotment under this reissued permit:

16. Pursuant to 43 CFR 10.4(b), the Permittee is required to notify BLM by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4(c), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.

**BLM's Standard Terms and Conditions**

BLM's Standard Terms and Conditions will now apply to all permitted use under this reissued permit, and will be in addition to the allotment-specific Terms and Conditions listed above:

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or part of the property upon which it is based.

- c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
  - e. Repeated willful unauthorized grazing use.
  - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
  4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
  5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
  6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
  7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
  8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
  9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
  10. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
  11. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18

U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

This grazing permit:

1. conveys no right, title, or interest held by the United States in any lands or resources.
2. is subject to (a) modification, suspension or cancellation as required by land plans and applicable law; (b) annual review and modification of terms and conditions as appropriate; and (c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated by the Secretary of the Interior.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP/Document <sup>1</sup>	Sections/Pages	Date Approved
Bruneau/Kuna Final EIS	14, 17-18, 20, 23, 26-27, 29-31, 33, 34, 36-37, 39	late summer, 1982
Bruneau MFP	RM-1.1, RM-1.3, RM-1.4, RM-3.1, RM-5.1, WS-1, WL- 2.2, WL-3.3	March 30, 1983
Bruneau-Kuna Land Use Decisions Summary and Rangeland Program Summary	9-10, 11-13, 17, 18, 20, 23-24, 26-27, 29-30	June 1983

<sup>1</sup>List applicable LUPs (e.g., Resource Management Plans, Management Framework Plans, or applicable amendments) and activity, project, management, water quality restoration, or program plans.

**C. Identify applicable NEPA documents and other related documents that cover the Proposed Action.**

NEPA/Other Related Documents <sup>1</sup>	Sections/Pages	Date Approved
Battle Creek Final Analysis, Interpretation and Evaluation (AIE) and Determination	10-11, 15-16, 33-40, 103-104, 106, 127-130, 133-134, 135-136, 138-139, 143, 146, 148, 154, 157, 159, 160, 162	July 19, 1999
EA#ID-120-1999-045, Battle Creek Allotment Grazing Management	4,5, 7, 16-18, 54-56, 67-68, 70-71, 73	September 28, 1999
Area Manager's Final Decision [Battle Creek]	3-4, 6-7	September 27, 1999
Battle Creek Allotment Final Assessment	4-6, 9-11, 20-21, 24-27, 34, 37, 42, 56-61, 97, 103-104, 142-146, 159	January 26, 2007

NEPA/Other Related Documents	Sections/Pages	Date Approved
Battle Creek Allotment Final Evaluation and Determination	4-1 to 4-3, 4-11 to 4-12, 4-15 to 4-16, 4-18, 4-22, 4-25	June 8, 2007
EA#ID-120-2007-3353, Battle Creek Allotment Livestock Grazing Permit Renewal	7-8, 10, 14, 16, 46, 54, 58-60, 62, 73-74, 99, 101-103, 107, 162	February 20, 2008
Field Manager's Final Decisions [Battle Creek]	1-2, 5	February 20, 2008
East Castle Creek Allotment Final Assessment	5-10, 12-15, 50-53, 66-68, 71, 82-86, 113-118, 149-152, 183, 185-186, 198-204	February 5, 2008
East Castle Creek Allotment Evaluation and Determination	4-7, 11-13, 29, 32-33, 35-36, 39, 55-56, 57	May 21, 2008
Final EA#ID-120-2008-EA45, [East Castle Creek Allotment Livestock Grazing Permit Renewal]	5, 19, 22-25, 42-51, 54-57, 61-62, 67-68, 70-71, 76, 128-133, 137, 145, 149, 160, 169, 172, 175, 189-191	February 20, 2009
Bruneau Field Manager's Final Decision	1, 8-16	February 20, 2009

List applicable NEPA documents that cover the proposed action or documentation relevant to the proposed action (i.e., source drinking water assessment, biological assessment, biological opinion, watershed assessment, rangeland health standard assessment and determination, or monitoring report).

#### D. NEPA Adequacy Criteria

1. **Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed?**

**Documentation of answer and explanation:** Yes. The reissuance of OCP's existing permit to Gordon King by this Proposed Decision continues the implementation of the September 27, 1999 and February 20, 2008 Final Decisions for the Battle Creek Allotment and the February 20, 2009 Final Decision for East Castle Creek Allotment. These Final Decisions were analyzed on the pages listed in Section C in the relevant 1999, 2008, and 2009 Environmental Assessments. Page references to supporting documents are also provided in Section C.

**Is the current Proposed Action located at a site specifically analyzed in an existing document?**

**Documentation of answer and explanation:** Yes. Pastures 5B and 8 are part of the East Castle Creek and Battle Creek allotments and both were addressed in the respective EAs cited in section C of this DNA.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, resource values, and circumstances?**

**Documentation of answer and explanation:**

*East Castle Creek Allotment*

Yes. EA#ID-120-2008-EA45 analyzed an adequate and appropriate range of alternatives to address identified resource issues and pertinent MFP objectives in the winter pasture of East Castle Creek Allotment, including both greater and lesser levels of modification to these permits and greater and fewer numbers of supporting projects. The analysis was completed less than two years ago, and the identified resource issues are still current based upon recent monitoring data.

The supporting 2008 East Castle Creek Evaluation and Determination found that:

- Standard 8 was not met for one population of sensitive plants in the winter pasture because of grazing impacts associated with a water haul location.

In Final EA#ID-120-2008-EA45, Alternative C also analyzed a permanent shift of 360 AUMs (Gordon King's other permit) from the spring pastures into the East Castle Creek winter pasture (5B), with a slightly earlier turnout date (October 25). That shift would increase permitted use in Pasture 5B by 13%, but was primarily intended to benefit the spring pastures. Alternative C and the two BLM alternatives, D and E, also proposed relocation of the temporary water trough to address impacts to the sensitive plant population. A No Grazing Alternative was considered, but not analyzed in detail.

*Battle Creek Allotment*

Yes. Since no issues were identified and no modifications were required, EA#ID-120-99-45 and EA#ID-120-2007-3353 also analyzed an adequate range of alternatives for permitted winter grazing in Battle Creek Allotment.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (i.e., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)?**

**Documentation of answer and explanation:**

*East Castle Creek Allotment*

Yes. The analysis contained in the Final Decision for the East Castle Creek (Final EA #ID-120-2008-EA45) is adequate for this action in Pasture 5B. East Castle Creek Allotment was not meeting Standard 8 because of trampling impacts to the Type 2 special status plant Mulford's milkvetch in that pasture. Trampling was associated with a water haul site located close to a population (Element Occurrence #011). The water haul site has been moved away from the

Mulford's milkvetch population and monitoring transects have been established near the site. Monitoring data will be collected on livestock impacts to this population and any further needed adjustments in trough placement will occur as part of the adaptive management approach outlined in the Final Decision.

#### *Battle Creek Allotment*

Yes. The Final Battle Creek AIE (July 1999) stated that the potential to impact rare and endangered plants "in the winter pastures was low because livestock use occurred during the plants' dormant period [page 146]." The AIE disclosed no specific impacts from permitted grazing or projects to known sensitive plant populations. Consequently, EA#ID-120-99-45 projected long-term improvement in density and vigor of SSP in winter use areas because of "dormant season use, periodic rest, and a shorter grazing season (page 70)" that were imposed by the September 27, 1999 Final Decisions.

The later NEPA document, EA#ID-120-2007-3353 further found that:

- no SSP populations occurred within Pasture 8 of Battle Creek Allotment that would be affected by this permitted winter grazing
- closing the Triangle Dairy watergap under Alternative D could reduce trailing through potential Mulford's milkvetch habitat (page 107) during livestock use.

No new information is available for special status plant populations in the Battle Creek Allotment and the most current analysis is suitable. No other resource issues have been identified since these documents were completed. The analysis contained in the Final Decision (EA#ID-120-2007-3353) for the Battle Creek Allotment permit renewal is therefore adequate for this action.

The 1999 Battle Creek Final AIE Evaluation and Determination sections (pages 139, 143, 157, & 159) determined that the timing, winter grazing use, intensity, and the amount of AUM usage did not contribute to degraded conditions in Pasture 8. The key factor in that determination was the timing of use [under the winter permits], which is during the plants' dormant period. Consequently, no modifications to the winter permits were analyzed in EA#ID-120-99-45 or were imposed by BLM's Final Decisions of September 27, 1999; no appeals were filed by the winter permittees (including OCP); and the Battle Creek winter permits were not involved in the December 2, 2003 Settlement, the Settlement DNA, or the consequent 2007 Assessment, Evaluation, and Determination.

The 2007 Evaluation and Determination and its supporting Final Assessment for Battle Creek Allotment found that livestock grazing under BLM's Final Decisions of September 27, 1999 was not a significant factor for not meeting applicable Rangeland Health Standards in portions of Pasture 8 where grazing is currently permitted. The 2007 Determination was based upon the rest in alternate years and closures when cheatgrass production is lacking that were imposed upon the spring permits; as well as the tacit recognition that permitted winter grazing was not a factor in meeting Standards. The Battle Creek winter permits reissued by the 1999 Final Decisions are therefore still in effect.

**Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

**Documentation of answer and explanation:**

Yes. The new information is the same type of information that was used to evaluate East Castle Creek Allotment in 1997 and in 2008 and Battle Creek Allotment in 1999 and in 2007 and to establish the existing winter permits that were analyzed under the EAs listed above. Adaptive management using this monitoring feedback is a necessary part of the current BLM management strategy and is also specifically embodied in policy, regulation, and in the applicable grazing decisions that now guide livestock management in the East Castle Creek Allotment. It is also practiced in Battle Creek Allotment on a less formal basis. Permits incorporating that information were offered to OCP by the February 20, 2009 Final Decision for East Castle Creek and Battle Creek allotments and are offered again in this Proposed Action. In both allotments, impacts are similar to those previously disclosed by the analysis.

*East Castle Creek Allotment*

Yes. Limited field data were collected at the end of the 2008 and 2009 grazing seasons in order to begin implementing the grazing practices and adaptive management approach that was required by the February 20, 2009 Final Decisions for East Castle Creek Allotment. Levels of use were similar to previous years and were acceptable in Pasture 5B as a whole. During the 2009 grazing season, the temporary trough was moved again to a location even farther from the Mulford's milkvetch population identified in the Assessment and analyzed in the Final EA.

*Battle Creek Allotment*

A small amount of spring use was made in Pasture 8 of Battle Creek Allotment in 2008 through 2010, based upon the criteria required for turnout in Alternative D of EA#ID-120-2007-3353. New field data collected during the 2008 and 2009 field seasons indicate that perennial grass utilization at the key area was very light and well within the 40% AIC.

The Biological Soil Crust Area (BSCA) was nominated as an ACEC in the Scoping process for the draft Bruneau RMP; however, the contents of the RMP have not been finalized or released for public review or comment. The nomination was based upon the examples of well-developed biological crust and native plant communities to be found within the BSCA. The winter permits including this one were not identified as a resource issue and would not affect the results of this nomination. Alternative D was selected for implementation in the Final Decisions issued for Battle Creek Allotment on February 20, 2008.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action?**

**Documentation of answer and explanation:** Yes. The same resource objectives and pursuant issues related to livestock grazing are still relevant, and the same corrective decisions were adequately analyzed in the existing NEPA documents. Monitoring of current status or progress

continues using the same methods that disclosed the original resource issues. These monitoring and analysis methods are still relevant and are supported by current BLM technical references and policy. Continuity in methodology and study location were provided in the respective selected alternatives of Final EA#ID-120-2008-EA45 and of EA#ID-120-2007-3353 so that results of changes in grazing practices in both winter pastures and of installation of different water developments in Pasture 8 of Battle Creek can be clearly identified and so that the adaptive management approach can continue to be applied.

**5. Are the direct and indirect impacts of the current Proposed Action substantially unchanged from those identified in the existing NEPA document(s)?**

**Documentation of answer and explanation:** Yes. The Proposed Action implements grazing management prescribed by the respective Decisions for the winter permittees and analyzed in the respective EAs and in the Bruneau/Kuna Grazing EIS. Expected direct and indirect impacts and short and long-term impacts were based upon results of long-term monitoring and were adequately analyzed in those documents. They are of the same kind and magnitude as those being documented by current monitoring in both allotments.

*East Castle Creek Allotment*

The total winter use in Pasture 5B is 2,732 AUMs, of which this action constitutes 278 AUMs. The season of use and levels of use analyzed in Final EA#ID-120-2008-EA45 were followed during 1998 through 2010 except that partial nonuse of the three smaller permits occurred because of substantial fluctuation in those livestock operations. Nonuse also occurred in some years in the largest permit (2,297 AUMs) because of fluctuation in cheatgrass production, and as part of the existing management prescription that was analyzed in the Final EA.

*Battle Creek Allotment*

The total winter use in Pasture 8 is 155 AUMs, of which this action constitutes 67 AUMs. A separate pasture, 8A is assigned 121 AUMs of winter use and does not receive any spring use. The season of use and levels of use analyzed in EA#ID-120-99-45 were followed during 1999 through 2010 in Pasture 8, and substantial fluctuation in activation of the OCP permit also occurred. In 2003 through 2005, only winter use was authorized in Pasture 8.

**Does the existing NEPA document analyze site-specific impacts related to the current Proposed Action?**

**Documentation of answer and explanation:** Yes. The existing NEPA documents, the supporting East Castle Creek and Battle Creek Allotment Final Assessments, Evaluations, and Determinations analyze in detail both large scale (diffuse) and site-specific grazing impacts within the winter pastures of these allotments. Projects that were constructed in the past and continue to provide control of livestock use or mitigation of livestock impacts remain in place. Most were analyzed individually in the listed EAs when built, and were analyzed collectively in EA#ID-016-97-103, EA#ID-120-2008-EA45, EA#ID-120-99-45 and EA#ID-120-2007-3353. Subsequent monitoring data help verify the intensity and location of predicted impacts.

**6. Are the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?**

**Documentation of answer and explanation:**

*East Castle Creek Allotment*

Yes. The provisions of modified Alternative D implemented under this Proposed Action received full analysis of cumulative impacts completed less than two years ago and are unchanged from that analysis. That analysis considered not only specific actions in East Castle Creek Allotment under the February 20, 2009 Final Decision, but also similar past and ongoing actions in adjoining allotments and ownerships.

The existing NEPA analysis has been comprehensive and inclusive across time and over large landscapes, rather than done in a patchwork fashion. Activities authorized under these permits are the same activities analyzed in the Cumulative Impact section. AIC would still apply over the short-, mid- and long-term resulting in a 'reasonable expectation that long-term desired conditions would be achieved.'

*Battle Creek Allotment*

Yes. The Final EA for permitted grazing in Battle Creek Allotment was completed in January, 2008 (EA #ID120-2007-3353). Winter grazing was not analyzed in that EA, but negligible impacts would continue as analyzed in EA#ID-120-99-45. However, cumulative impacts of spring use in Pasture 8 were analyzed in the 2008 EA because they have greater potential impact. Since cheatgrass is the primary forage in Pasture 8, adaptive management measures would continue to be used to adjust the amount and timing of use to the specific conditions of the year.

The cumulative impact findings in the 2008 EA for Pasture 8 described possibilities ranging from further degradation to slight improvement for soils, depending upon increasing OHV use and range project construction in the lower elevation sedimentary derived soils as a whole. For upland vegetation, the overall cumulative impacts would be beneficial. Since wetlands do not occur on public land in Pasture 8, no impacts would occur. The cumulative effects to wildlife are not significant.

OHV use also occurs in these pastures, but primarily in dry washes. Race events are routed, flagged, supervised, and locations are GPS'd to minimize any additional impacts to soil, vegetation, and sensitive species.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?**

**Documentation of answer and explanation:** Yes. A wide variety of interested publics and other agencies participated in both the East Castle Creek and Battle Creek permit reissuance processes and also in the planning leading to the installation of supporting range improvement projects during 2005 through 2008 and in 1997 through 1999, respectively. This participation is

summarized briefly in the February 20, 2009 and the September 27, 1999 Final Decisions, respectively. A wide variety of interested publics and other agencies also participated in data collection and received review copies of the recent respective allotment Assessments, Evaluations, and Determinations.

**E. Interdisciplinary Analysis:**

Interdisciplinary Team	Title	Discipline
Mike Boltz	Rangeland Management Specialist	Watershed, Livestock Management
Pam Druliner	Fisheries Biologist	Fisheries, Riparian
Holly Beck	Botanist	Vegetation, Special Status Plants
Bruce Schoeberl	Wildlife Biologist	Wildlife, Special Status Wildlife
Lois Palmgren	Archaeologist	Cultural Resources
David Draheim	Outdoor Recreation Planner	Recreation and Wilderness

**Reviewed by:**

Reviewer	Title
Matt McCoy	NEPA Specialist
John Biar	Resource Coordinator

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

Mitigation measures are incorporated into the terms and conditions and project design features of the respective Proposed Action or are part of standard operating procedures (i.e., clearances) required by BLM policy. The respective FONSI's found that the EAs adequately addressed the impacts of the proposed action, and that none of them would have a significant effect on the quality of the human environment. The terms and conditions and project design features that are analyzed in the EAs are incorporated by reference as requirements in the current and reissued permits.

**G. Conclusion**



Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

Michael Boltz  
Preparer

12/10/10  
Date

[Signature]  
NEPA Specialist

12-10-2010  
Date

[Signature]  
Bureau Field Manager

12/14/2010  
Date