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In Reply Refer To:  
4160 ID130

December 16, 2013

**CERTIFIED MAIL**

John Isernhagen  
2618 Cow Creek Rd.  
Jordan Valley, OR 97910

**Notice of Field Manager's Final Decision for the Ferris FFR and Joint Allotments**

Dear Mr. Isernhagen:

Thank you for working with the BLM during this permit renewal process; I appreciate your interest in grazing the allotments in a sustainable fashion and am confident that this Final Decision achieves that objective.

The BLM remains dedicated to processing your application for permit renewals on the Ferris FFR and Joint grazing allotments. I issued a Proposed Decision to renew your grazing permit on November 12, 2013. The proposed decision included terms and conditions that would enable your allotments to make significant progress toward meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP). You received that proposed decision on November 13, 2013, and a 15-day protest period was provided prior to issuance of this Final Decision. Timely protests were received from you, the State of Idaho, and Western Watersheds project. We also met with you to discuss the Proposed Decision on November 24, 2013, and your subsequent protest included a proposed grazing schedule, which I have reviewed and considered, along with substantive protest points received, in finalizing my decision.

Protest points and my responses are provided in the attached document titled "BLM Responses to Group 2 Protest Points." This Final Decision has been revised from the Proposed Decision, based upon further consideration of available information, my meeting with you and certain protests points that have been raised.

**Introduction**

As you know, the BLM completed rangeland health assessments and evaluations of current grazing practices and current conditions in the Ferris FFR and Joint allotments in 2006, and has subsequently updated those evaluations with new information. A Determination of Achieving Standards of Rangeland Health was signed for both allotments on April 23, 2013. The BLM undertook this effort to ensure that any renewed grazing permit(s) on the allotments are consistent with the BLM's legal and land management obligations. This decision incorporates by reference the information contained in those documents.

The BLM engaged in public scoping and met with members of the public interested in grazing issues in the Ferris FFR and Joint allotments. The process for completing the Jump Creek, Succor Creek, & Cow Creek Watersheds Grazing Permit Renewal Environmental Impact Statement (Chipmunk Group EIS) began with the publication of the Notice of Intent (NOI) in the Federal Register on January 9, 2012. The NOI included a call for resource information and the identification of issues for this project planning effort. The scoping period closed on March 9, 2012, but some relevant comments were submitted after the end of the scoping period. All comments, including those submitted after March 9, 2012, are addressed in the scoping report (which can be found at

[http://www.blm.gov/id/st/en/fo/owyhee/owyhee\\_grazing\\_group/grazing\\_permit\\_renewal0.html](http://www.blm.gov/id/st/en/fo/owyhee/owyhee_grazing_group/grazing_permit_renewal0.html))

and were considered during the development of the EIS. The scoping package solicited comments to help us identify issues associated with renewing livestock grazing permits on these allotments. One public scoping meeting was also held from 5:30 PM to 8:30 PM on February 23, 2012; in addition, an open house was held on June 13, 2013, in Marsing, Idaho, with the public arriving and departing at their leisure. The purposes of these meetings were to provide more information about the issues the BLM identified and give the public an opportunity to ask questions and submit input in person.

After evaluating conditions on the land and meeting with you and the public, it became clear there are a few resource concerns currently existing on the Chipmunk Group EIS allotments, which include the Ferris FFR and Joint allotments.

To enable us to focus on addressing livestock impacts to public land resources, my office prepared and issued an environmental impact statement<sup>1</sup> (EIS) in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for the Ferris FFR and Joint allotments. We also considered other alternatives that we did not analyze in detail. Our primary goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the Ferris FFR and Joint allotments' natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs. This final decision incorporates by reference the analysis contained in the EIS. The Draft EIS detailing the alternatives below was made available for public review and comment for a 45-day period ending June 17, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments. Comments that were received are summarized and responses are provided as an appendix to the completed EIS available on the web at:

[http://www.blm.gov/id/st/en/prog/nepa\\_register/owyhee\\_grazing\\_group/grazing\\_permit\\_renewal0.html](http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html)

On November 12, 2013, I issued you a Proposed Decision, which you received on November 13, 2013. Protests were received from you, the State of Idaho, and Western Watersheds Project. I also met with you to further discuss management options for your allotments on November 24, 2013, prior to finalizing my decision.

Following public availability of the BLM's November 12, 2013, Proposed Decision, review of protest points, meeting with you to discuss management of your allotments, and evaluating the grazing rotation included with your protest, I am now prepared to issue a Final Decision to authorize livestock grazing within the Ferris FFR and Joint allotments.

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<sup>1</sup> EIS number DOI-BLM-ID-B030-2012-0014-EIS

This final decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EIS;
- Respond to the application for grazing permit renewal for use in the Ferris FFR and Joint Ferris FFR and Joint allotments;
- Transmit the attached responses to protests received for the proposed decision for the Group 2 allotments;
- Outline my decision to select Alternative 4 in the Ferris FFR allotment and Alternative 3, with modifications, in the Joint allotment; and
- Explain my reasons for these decisions.

## Background

### *Allotment Setting*

These allotments lie within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses. Limited precipitation with cold winters and dry summers constrain plant community and wildlife habitat potential. Native vegetation is primarily Wyoming big sagebrush at lower elevations or mountain big sagebrush at higher elevations, with an understory of various native perennial bunchgrasses. Low sagebrush and bunchgrasses predominate in areas with shallower soils. Precipitation ranges from about 10 inches to 16 inches on the Ferris FFR and Joint allotments and occurs primarily during the winter.<sup>2</sup>

The Ferris FFR<sup>3</sup> allotment is located approximately 7 miles northeast of Jordan Valley, Oregon, in separate parcels to the north and east of Swisher Mountain. Elevations on the allotment range from 4,720 to 6,032 feet. The allotment is divided into three pastures totaling approximately 1,051 acres of public lands, interspersed with a majority of private lands in each pasture (Map 1). The dominant ecological sites on the Ferris FFR allotment have potential to support low sagebrush and mountain big sagebrush plant communities but are currently affected by invasion of annual grasses. Approximately 0.3 miles of Cow Creek supports riparian vegetation on BLM lands in pasture 1 of the allotment.

The Joint allotment is located approximately 7 miles northeast of Jordan Valley, Oregon and directly north of Swisher Mountain. The elevations in this allotment range from 4,860 to 5,722 feet. The allotment is dominated by low sagebrush sites, with some areas of mountain big sagebrush ecological sites; both of these sagebrush community types have potential for bluebunch wheatgrass and/or Idaho fescue in the understory. However, much of the allotment was burned in 1960 and/or 2006 and was subsequently seeded with species that persist today. The allotment consists of three pastures (pastures 2, 3, and 4), with approximately 3,127 acres of public lands with small amounts of private land in each pasture and 954 acres of state land in pasture 4 (Map 1). The allotment supports intermittent streams that have been assessed in pastures 2 (1.9 miles) and 3 (0.5 miles). In addition, six springs or seeps have been assessed in pasture 2, and one each in pastures 3 and 4.

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<sup>2</sup> For more detailed discussion, please refer to the Affected Environment sections of EIS number DOI-BLM-ID-B030-2012-0014-EIS.

<sup>3</sup> Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

### ***Current Grazing Authorization***

You are currently authorized to graze livestock within the Ferris FFR and Joint allotments, and in accordance with a permit issued by the BLM. The terms and conditions of that grazing permit are as follows\*\*:

**Table LVST-1: John Isernhagen current permit**

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Ferris FFR	147	Cattle	12/1	12/31	100	A	150
Joint	285	Cattle	4/16	7/15	85	A	1,089
Joint	283	Cattle	10/1	11/15	85	A	*

\*Total Active Use for the Joint allotment is 1,089 AUMs total for all seasons

\*\*Standard Terms and Conditions applicable to all BLM grazing permits and leases are not reiterated here, but apply to the above permit.

The following Terms and Conditions apply to the above permit:

1. The number of livestock and season of use on the fenced in federal range (FFR) allotment #0545 is at your discretion.
2. Turnout is subject to Boise District Range Readiness Criteria.
3. You are required to properly complete, sign and date an actual grazing use report form (4130-5) for each allotment. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
4. 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, playa, special status plant population, or water development.
5. 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 (as defined in 43 CFR 10.2) 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.

As a result of Judge Winmill's February 29, 2000, Memorandum Decision and Order the following interim terms and conditions now apply to this grazing authorization:

- Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

## ***Livestock Management***

Little information about livestock management practices on the Ferris FFR allotment is available. It has been used at the permittee's discretion, in conjunction with private lands, as long as the permitted use level of 150 AUMs is not exceeded and resource conditions are acceptable on the allotment.

Based upon available actual use reports, pasture 3 of the Joint allotment is typically grazed from mid-April until the first week of June. Use in pasture 2 has ranged from early spring use to fall use, but has most frequently been grazed from early June through mid-July. Pasture 4 has received either summer or fall use in years for which actual use data are available. The pasture was rested for at least two years following the 2006 Chubby Spain wildfire. Actual use is important when considering the renewal of a grazing permit because current conditions on the allotment are the result of the actual use, including timing and intensity of forage removal, rather than the season of use and livestock numbers described on the permit.

## ***Resource Conditions***

### Ferris FFR

The BLM completed an Initial Allotment Review to determine status of resource conditions and livestock grazing management for the Ferris FFR allotment in 2006. It was determined that the Ferris FFR allotment is meeting Standard 1 (Watersheds), and not meeting Standards 2 (Riparian Areas and Wetlands), 4 (Native Plant Communities), 7 (Water Quality) and 8 (Threatened and Plants and Animals). Current livestock management practices were determined to be the causal factor for not meeting Standards 2 and 8. Standards 3 (Stream Channel/Floodplain), 5 (Seedings), and 6 (Exotic Plant Communities, Other Than Seedings) do not apply to the Ferris FFR allotment.

### Joint

A review of the rangeland health conditions and an evaluation/determination were completed for the Joint allotment in 2013. The Joint allotment was found to be meeting Standard 4 (Native Plant Communities), and not meeting Standards 1 (Watersheds), Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 7 (Water Quality), and 8 (Threatened and Plants and Animals). Current livestock grazing practices were determined to be the causal factor in not meeting standards 1, 2, 3, 7 and 8. Current livestock grazing practices were not determined to be a causal factor in failing to meet Standards 4 and 5. Standard 6 does not apply to the Joint allotment.

## ***Vegetation - Uplands<sup>4</sup>***

### Ferris FFR

Upland vegetation in the Ferris FFR allotment consists of a mixture of seedings and native sagebrush communities. Pasture 3 was found to not be meeting Standard 4, because the community composition is dominated by exotic species and as a result of historic wildfire, the expected assemblage of functional/structural groups is lacking. Several occurrences of the noxious weed whitetop have been documented on the allotment. Current livestock management was not identified as a significant causal factor in areas of the Ferris FFR that are failing to meet Standard 4.

### Joint

Upland vegetation in the Joint allotment consists of native sagebrush communities in various stages of recovery from wildfires in 1960 and 2006. Post-fire rehabilitation efforts following the 2006 Chubby Spain fire included aerial seeding, which was successful and aided natural recovery of plant communities.

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<sup>4</sup> For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.1.

Standard 4 applies to pastures 2 and 4, and is being met in these pastures. Standards 4 and 5 apply to pasture 3, and are not being met due to the lack of shrubs in the seeded areas and general lack of diversity in the intermediate wheatgrass seeding. Current livestock management was not identified as a causal factor for not meeting standards related to upland vegetation. Several occurrences of the noxious weed whitetop have been documented on the allotment.

### ***Watersheds***

#### Ferris FFR

Standard 1 is being met on the Ferris FFR allotment. Watersheds provide for the proper nutrient cycling, hydrologic cycling and energy flow.

#### Joint

The Joint allotment is not meeting Standard 1 for watersheds, and current livestock grazing management practices are significant causal factors in pastures 2 and 3 due to declining conditions in soil and hydrologic function associated with mechanical impacts to soils by livestock hoof action. Post-fire monitoring for pasture 4 indicates that the area burned in 2006 is recovering, but needs to continue to be evaluated over time. Increases in invasive annuals are a concern for watershed function throughout the Joint allotment.

### ***Water Resources and Riparian/Wetland Areas***

#### Ferris FFR

Current livestock grazing management practices are significant causal factors for not meeting Standard 2. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function. The recent grazing schedule has not included rest years, and the spring developments were not designed to protect the ecological function of the riparian-wetland areas. Therefore, current livestock grazing management practices do not conform to Standard 2.

#### Joint

Current livestock grazing management practices are significant causal factors for failing to meet Standards 2 and 3. The reach of Posey Creek that traverses pasture 2 and the reach of Soda Creek that occurs in pasture 3 within the Joint allotment are functional-at-risk, based on issues with channel instability, incision, and over-widening. The springs that occur within the allotment are functional-at-risk or non-functioning due to undesirable species, non-maintained developments, altered flow patterns, and vertical instability. Both Posey Creek and an unnamed tributary within the allotment are on IDEQ's 303(d) list of impaired waters. BLM data indicate that the reach of Posey Creek that traverses pasture 1 exceeded the water temperature criteria set by the state. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function, and the streams lack the hydric vegetative cover and bank-stabilizing species necessary for the maintenance of stable stream channels. The recent grazing schedule has not included rest years, and the spring developments were not designed to protect the ecological function of the riparian-wetland areas. The grazing management practices have not provided for meeting Idaho's water quality standards. Therefore, current livestock grazing management practices do not conform to Standards 2 and 3; the allotment does not meet Standard 7, but not due to temperature.

## *Wildlife/Wildlife Habitats and Special Status Animals*

### Ferris FFR

#### **Upland Habitat**

Pastures 1 and 3 are identified as failing to meet Standard 4 due to changes in the plant community resulting from historic fire and invasion of exotic species. The changes in plant community structure and composition reduce effective nesting, escape, hiding, travel, and foraging cover values for all wildlife associated with sagebrush steppe communities. The Ferris FFR allotment is failing to provide adequate upland habitat values for sagebrush steppe wildlife and therefore is not meeting Standard 8 for upland habitat. The entirety of this allotment falls within modeled preliminary priority habitat (PPH)/priority general habitat (PGH) for sage-grouse. Pasture 1 is not providing habitat due to the absence of sagebrush and dominance of exotic grasses, but pastures 2 and 3 are providing suitable upland summer habitat for sage-grouse.

#### **Riparian Habitat**

Springs and wetlands that are functional at-risk or non-functional are lacking adequate riparian vegetation composition and distribution to support a productive riparian wildlife habitat. Because Standards 2 and 7 are not being met, and absent any information to the contrary, this allotment is failing to provide adequate conditions for aquatic and terrestrial wildlife including Columbia spotted frog, and therefore the Ferris FFR allotment is not meeting Standard 8 for riparian/wetland habitat.

### Joint

#### ***Upland Habitat***

Pastures 2 and 4 are managed as native plant communities and are meeting Standard 4. Because Standard 4 is being met and there is no other information available, the plant community is expected to be providing adequate nesting, escape, travel, and hiding cover and accessible forage for wildlife in general. Pasture 3 is managed as a seeding pasture and is failing to meet Standard 5. As discussed above, the pasture is lacking structure and diversity of vegetation, and therefore is not meeting Standard 8. The entire allotment falls within modeled PPH/PGH habitat for sage-grouse and is providing suitable breeding habitat conditions in pastures 2, 3 and 4, and marginal late brood-rearing habitat conditions in pasture 2.

#### **Riparian Habitat**

Because Standards 2, 3 and 7 are not being met due to current livestock management, as described above, this allotment is failing to provide adequate riparian habitat conditions aquatic and terrestrial species and is therefore not meeting Standard 8. This allotment is within the range of the Columbia spotted frog.

Evaluation of Standards 2, 3, and 7 identified streams and springs that are not properly functioning or meeting water quality parameters due to current grazing practices (Standards 2 and 3). Spotted frogs are usually found along vigorous grassy/sedge margins of streams, lakes, ponds, springs, and marshes not far from sources of quiet permanent water. They migrate along these vegetation corridors between habitats used for spring breeding, summer foraging, and winter hibernation. Because streams and springs are not functioning properly, this allotment is not providing adequate aquatic conditions for this federal candidate species.

#### ***Guidelines for Livestock Grazing Management***

As part of the Rangeland Health Evaluation and Determination process, current livestock grazing management practices have been evaluated relative to the Idaho Guidelines for Livestock Grazing Management in areas where one or more Standards were found to be either not met, or not making

progress toward being met. My decision will, in part, implement livestock grazing management practices that conform to the Guidelines, and correct the deficiencies outlined below.

#### Ferris FFR

The Ferris FFR allotment was determined to not be in conformance with Guidelines 4, 5 and 10, which has resulted in failing to meet or make progress toward meeting Standards 2 and 8, as described above. A description of each of these guidelines follows.

#### Joint

The Joint allotment was determined to not be in conformance with Guidelines 1, 2, 3, 4, 5, 6, 7 and 10, which has resulted in failing to meet or make progress towards meeting Standards 1, 2, 3, 7 and 8, as described above. A description of these guidelines follows.

The BLM's 2013 Determinations for the Ferris FFR and Joint allotments identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

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

*Guideline 2: Locate livestock management facilities away from riparian areas wherever they conflict with achieving or maintaining riparian-wetland functions.*

*Guideline 3: Use grazing management practices and/or facilities to maintain or promote soil conditions that support water infiltration, plant vigor, and permeability rates and minimize soil compaction appropriate to site potential.*

*Guideline 4: Implement grazing management practices that provide periodic rest or deferment during critical growth stages to allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate vegetative cover appropriate to site potential.*

*Guideline 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat appropriate to site potential.*

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

*Guideline 7: Apply grazing management practices to maintain, promote, or progress toward appropriate stream channel and streambank morphology and functions. Adverse impacts due to livestock grazing will be addressed.*

*Guideline 10: Implement grazing management practices and/or facilities that provide for complying with the Idaho Water Quality Standards.*

## *Issues*

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Chipmunk Group allotments. The identified issues that may be applicable to the Ferris FFR and Joint allotments are listed below<sup>5</sup>:

1. **Habitat conditions for greater sage-grouse (*Centrocercus urophasianus*;** from this point on referred to as sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Chipmunk Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.
2. **Riparian vegetation conditions:** Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.
3. **Fish and amphibian habitat conditions:** Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.
4. **Upland vegetation and watershed conditions:** Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.
5. **Noxious and invasive weeds:** Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
6. **Socioeconomic impacts:** Livestock grazing affects local and regional socioeconomic activities generated by livestock production.
7. **Wildfire fuels:** Livestock grazing has the potential to change vegetation that may affect wildfire.
8. **Climate Change:** The issue of climate change and its relationship to the federal action of renewing grazing permits is twofold. Livestock grazing in Owyhee County contributes CO<sub>2</sub> and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

## *Analysis of Alternative Actions*

In response to the current conditions of the Ferris FFR and Joint allotments and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EIS to ensure that any renewed grazing permit would result in maintaining or improving satisfactory conditions and to provide for significant progress toward meeting standards where unsatisfactory conditions were identified on the allotments. Overall, six alternatives were considered and analyzed in the EIS, five of which were considered in detail and analyzed for the Ferris FFR and Joint allotments. The range of alternatives developed include: Alternative 1 - No Action/Current Condition, Alternative 2 - Permittee's Application, and Alternative 6 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints. A summary of the analyzed alternatives for the Ferris FFR and Joint allotments follows:

Alternative 1 would implement a continuation of your current management on the allotments, with the terms and conditions of the current permit, as outlined above. Permitted use would be 150 AUMs for the Ferris FFR allotment and 1,089 AUMs on the Joint allotment.

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<sup>5</sup> Issues identified through the scoping process that are not applicable to these allotments are not listed here. These include bighorn sheep conflicts, special status plant species, Wild Horse and Burro Management Areas, and livestock trailing.

Alternative 2 would authorize the livestock grazing schedule for which you applied on June 3, 2011. Implementation of this alternative would change the season of use on the Ferris FFR allotment to year-round and extend the season of use on the Joint allotment to 4/16-11/15, annually.

Alternative 3 would implement 3-year deferred grazing rotations for the pastures of the Ferris FFR and Joint allotments, which would postpone grazing until after the growing season in each pasture for 1 or 2 years of each 3-year cycle. The season of use would be 5/15-10/29 for the Ferris FFR allotment and 4/16-12/30 for the Joint allotment. Permitted use for the Joint allotment would also be reduced from 1,089 AUMs to 601 AUMs, while permitted use on the Ferris FFR allotment would be maintained at the current level of 150 AUMs. This alternative would also include annual indicator criteria of 6-inch stubble height, 30 percent browse, less than 10 percent streambank alteration in riparian areas, and a 7-inch perennial grass height in uplands as terms and conditions on the permit.

Alternative 4 would implement more conservative deferred-rotation grazing systems for the Ferris FFR and Joint allotments, as compared to Alternative 3. The season of use would be 5/15-2/25 for the Ferris FFR allotment and 4/16-12/30 for the Joint allotment. Permitted use levels would be the same as for Alternative 3. For both allotments, pastures would only be used during the active growing period in 1 of 3 years. All other grazing use on the allotments would occur after the growing season, in late summer through fall.

Alternative 5 does not apply to these allotments.

Alternative 6 is the No Grazing Alternative, and would not authorize grazing for a period of 10 years for the Ferris FFR and Joint allotments.

### **Final Decision**

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EIS, as well as other information, it is my final decision to authorize grazing for a period of ten years as outlined below:

Ferris FFR – Alternative 4 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS, with the following modifications:

- Rather than implementing the proposed 3-year deferred rotation grazing system, constraints will be applied to pastures 1 and 3, based upon riparian resources present that are not meeting the Idaho S&Gs. Therefore, grazing in pastures 1 and 3 must be deferred until September 1 or later in two of each three consecutive years of the permit.

Joint – Alternative 3 as described in EIS number DOI-BLM-ID-B030-2012-0014-EIS, with the following modifications:

- The grazing schedule will be modified to stagger the years in which deferred grazing is prescribed for pastures 2 and 3. The specific grazing schedule is included below in Table 3.
- The season of use for the Joint allotment will end on November 13, instead of December 30, as previously proposed. This is based upon the latest off date in the grazing schedule you included with your protest of the proposed decision, and will not affect authorized AUMs.

Implementation of these alternatives over the next 10 years will allow the Ferris FFR and Joint allotments to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the grazing permit(s) will be as follows:

**Table LVST-2:** Final decision for the Ferris FFR and Joint allotments

Allotment	Livestock		Grazing Period		% PL <sup>6</sup>	Type Use	AUMs <sup>7</sup>
	Number	Kind	Begin	End			
Ferris FFR	48	C	5/15	2/25	33	A	150
Joint	285	C	4/16	11/13	85	A	601

**Other Terms and Conditions:**

1. Grazing in pastures 1 and 3 the Ferris FFR allotment will be deferred until September 1 or later in 2 of every 3 years.
2. Livestock numbers on the Ferris FFR allotment will not exceed 147 head, within permitted active AUMs, and are based on 33 percent public land.
3. Grazing on the Joint allotment will follow the grazing schedule in the field manager's Final Decision dated December 13, 2013. Changes to the scheduled grazing use require prior approval.
4. Livestock numbers on the Joint allotment will not exceed 285 head, not to exceed authorized AUMs.
5. For the Joint allotment, AUMs are limited to 293 in pasture 2, 216 in pasture 3, and 92 in pasture 4.
6. A minimum of 6-inch stubble height, 30 percent browse (where applicable), and less than 10 percent bank alteration will be maintained in key riparian when livestock are removed from the Joint allotment.
7. Maintain an average of greater than 18 cm (7 inches) perennial grass height on upland key species on the Joint allotment.

As noted in Term and Condition #2, the following grazing schedule for the Joint allotment must be followed:

**Table LVST-3:** Joint allotment grazing schedule

Pasture	Year 1	Year 2	Year 3
2	10/1-11/13	4/30-6/12	4/16-5/29
3	4/16-5/17	10/1-11/2	5/30-6/30
4	5/18-5/31	4/16-4/29	7/1-7/14

In addition to the above allotment-specific terms and conditions, the following standard Boise District terms and conditions will be applied to your grazing permit:

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated December 13, 2013. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. 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 or water developments. Use of

<sup>6</sup> Percent unfenced public land by allotment

<sup>7</sup> The sum of the AUMs from the permit schedule may not equal the Active Use AUMs due to individual line calculations and rounding in the AUM calculation.

supplements other than the standard salt or mineral block on public land requires prior approval from the authorized officer.

5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
9. 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.
10. 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 § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.

### *Other Notes on the Final Decision*

Finally, it is my decision not to authorize additional projects. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this decision. Implementation of this decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement). The above process shall be followed to address design issues for spring developments on the Ferris FFR allotment that were identified as limiting health of springs or seeps on the allotment in the 2013 evaluation/determination.

### **Rationale**

### *Record of Performance*

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your records as a grazing permit holder for the Ferris FFR and Joint allotments, and have determined that your record of performance is satisfactory and you are a qualified applicant for the purposes of a permit renewal. However, the record indicates that lack of maintenance of certain riparian improvement projects on the Joint allotment are resulting in unsatisfactory conditions. Maintenance of projects that are in disrepair must be completed prior to turnout, as required by the Terms and Conditions of your permit.

### *Justification for the Final Decision*

Based on my review of EIS number DOI-BLM-ID-B030-2012-0014-EIS, the rangeland health assessments/evaluations, determinations for these allotments, and other documents in the grazing files, it is my final decision to select Alternative 4 for the Ferris FFR allotment and Alternative 3 for the Joint allotment, with the modifications described above. Livestock numbers and AUMs, as well as resource constraints will be implemented as analyzed in the selected alternatives in the EIS. Modifications to the grazing schedules, within the applicable resource constraints of Alternative 3 for the Joint allotment, and Alternative 4 for the Ferris FFR allotment will better accommodate your livestock operation while addressing the resource concerns outlined above. I have made this selection for a variety of reasons, but most importantly because of my understanding 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's multiple use and sustained yield mandate, and will result in the Ferris FFR and Joint allotments meeting or making significant progress toward meeting the resource objectives of the ORMP and the Idaho S&Gs. My modifications to Alternative 3, as analyzed for the Joint allotment, and Alternative 4, as analyzed for the Ferris FFR allotment, will not result in environmental consequences not disclosed in EIS number DOI-BLM-ID-B030-2012-0014-EIS. Therefore, the direct, indirect and cumulative effects of this action have been adequately analyzed.

### *Issues Addressed*

Earlier in this decision, I outlined the major issues that drove the analysis and decision making process for the Ferris FFR and Joint allotments. I want you to know that I considered the issues specific to these allotments through the lens of each alternative before I made my decision. My selections of Alternative 4 for the Ferris FFR allotment and Alternative 3 for the Joint allotment, and the outlined modifications, were in large part because of my understanding that these selections best addressed those issues, given the BLM's legal and land management obligations.<sup>8</sup>

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<sup>8</sup> As you know, your allotments are part of a group of allotments that form the Chipmunk Group allotments and the larger Owyhee 68 allotments, and are the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of five EAs and an EIS. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite the efforts of BLM and the ranch operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year, some are severely impaired from historical use. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape. Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern. Nonetheless, as stewards of the land, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipated organizational ability, and which does soon a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that

*Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; from this point on referred to as sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Chipmunk Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.*

AND

*Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.*

The sage-grouse is an indicator species for the sagebrush ecosystem, thus the attributes of suitable sage-grouse habitat provide an effective barometer for health of the sagebrush ecosystems that dominate the Ferris FFR and Joint allotments. Sage-grouse habitat quality is inseparable from the vegetation community conditions discussed in Standard 4 (Native Plant Communities). Therefore, the following is a combined rationale for my alternative selections as they relate to the issues of sage-grouse habitat and upland vegetation and watershed conditions.

#### Ferris FFR<sup>9</sup>

While Standard 4 is currently not being met in pasture 3 of the Ferris FFR allotment, livestock management is not identified as a significant causal factor. However, the allotment has been used at the permittee's discretion, with varying numbers of cattle, and at various times of year. My decision requires deferring grazing until after the growing season in 2 of every 3 years. This grazing system will be in conformance with the Guidelines for Livestock Grazing Management and will result in maintenance or slight improvement of upland vegetation conditions. While significant progress toward meeting standards remains contingent upon the interaction of climatic conditions and identified causal factors, including wildfire and invasive species, this alternative has the potential to enhance the vigor and resilience of the plant communities, and thus improve wildlife habitat on this allotment.

#### Joint<sup>10</sup>

Watershed, vegetative, and upland/riparian wildlife habitat conditions would improve throughout the allotment under Alternative 3 due to this alternative's focus on improving the health and vigor of plant communities. Improvement will be accomplished by limiting the AUMs within each pasture, and providing regular deferment until after the growing season for perennial grasses. Additionally, proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved. Scheduled periodic deferment will provide vegetation on the Joint allotment the opportunity to improve in overall health and vigor. Reductions in AUMs will allow adequate recovery to upland vegetation. While Standard 4 is already being met and sage-grouse habitat is suitable in those pastures analyzed under this Standard (2 and 4) in the Joint allotment, limiting AUMs and regularly deferring use of each pasture (including pasture 3) will result in additional improvements in upland health. Additionally, maintenance of a 7-inch stubble height of

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requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

<sup>9</sup> For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.4 and Appendix E.

<sup>10</sup> For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.6.5 and Appendix E.

herbaceous plants in the uplands will provide for additional concealment cover for sage-grouse and other small animals.

*Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.*

AND

*Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.*

#### Ferris FFR

Implementation of this grazing rotation specified in Alternative 4 is expected to result in significant progress toward meeting Standards 2 and 7. The incorporation of a deferred rotation system would prohibit grazing during the riparian area's most vulnerable time in 2 of 3 years; thus, the Standards (2 and 7) associated with the riparian and water resources would make progress under this alternative while maintaining current levels of permitted use.

#### Joint

As described in Alternative 3, pastures 2 and 3 of the Joint allotment will be under a three-year rotation that would allow grazing during the spring or early summer (4/16-6/30) 2 out of every 3 years and would defer grazing until the fall of the third year. In addition, retention of at least six inches of stubble height, and a maximum streambank alteration of ten percent would limit livestock impacts in riparian areas that are currently not meeting standards. This system is expected to result in significant progress toward meeting the standards associated with the riparian and water resources through increased protection of streambanks and improved cover and vigor of woody and herbaceous hydric species (2, 3, and 7).

*Issue 5: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

#### Ferris FFR and Joint<sup>11</sup>

Both the Ferris FFR and Joint allotments have known occurrences of the noxious weed whitetop. Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use inherent in Alternative 3 for the Joint allotment will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and from the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives 1 and 2, the risk of invasive species spreading will decrease under implementation of Alternatives 3 and 4 as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species.

Although Alternative 6 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to all alternatives that would continue to authorize grazing within the Ferris FFR and Joint allotments, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.

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<sup>11</sup> For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 3.3.2 and Appendix E.

There are several known locations of the noxious species whitetop on each allotment. Both will continue to be monitored and controlled by the Boise District BLM weeds program.

*Issue 6: Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.*

#### Ferris FFR/Joint

During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EIS could impact regional socio-economic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4 for the Ferris FFR allotment and Alternative 3 for the Joint allotment in large part because those selections accomplish those latter goals while minimizing short-term socio-economic impacts.

Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based in unsustainable grazing practices that do not meet rangeland health standards would result in less reliable amounts of forage over the long-term, in addition to reducing economic opportunities from ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

*Issue 7: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.*

#### Ferris FFR/Joint

During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 4 for the Ferris FFR allotment and Alternative 3 for the Joint allotment will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on these allotments at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal process is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternatives retain a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment,

thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.<sup>12</sup>

*Issue 8: The issue of climate change and its relationship to the federal action of renewing grazing permits is twofold. Livestock grazing in Owyhee County contributes CO<sub>2</sub> and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.*

I have made these decisions against the background of uncertainty posed by climate change. The alternatives selected will promote vigor and rangeland health across these allotments, armoring the plant and animal communities with increased resiliency in the face of change.

### ***Additional Rationale***

I did consider selecting Alternative 6 (No Grazing) for these allotments; however, based on all 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 4 with modifications for the Ferris FFR allotment and Alternative 3 with modifications for the Joint allotment, rather than Alternative 6, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 6 on the your operation and on regional economic activity, and (3) your past performance under previous permits. The Ferris FFR and Joint grazing allotments were found to not be meeting or making progress toward meeting applicable Standards for Rangeland Health under current livestock management. Therefore, modifications to recent grazing practices are needed, and will result in making progress towards, or meeting resource objectives while providing for multiple uses of the public lands. By implementing these alternatives, the resource issues identified will be addressed. The suspension of grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.

### **Conclusion**

It is my final decision to select Alternative 4 with modifications for the Ferris FFR allotment, and Alternative 3 with modifications for the Joint allotment, because livestock management practices under this selection best meet the ORMP objectives and make progress toward meeting the Idaho S&Gs allotment-wide, while being consistent with the projected ability of BLM to oversee grazing on these allotments over the next several years. Alternatives 1 and 2 fail to implement livestock management practices on the Joint allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and Standard 8 (Threatened and Endangered Animals). Alternative 6 removes the economic activity of livestock operations from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the alternatives, as supplemented, lead me to believe elimination of livestock grazing from the Ferris FFR and Joint allotments is unnecessary at this point. This grazing decision and subsequent permits are being issued under the authority of 43 CFR 4100 and in accordance with the Owyhee Resource Management Plan (43 CFR 4100.0-8), thus all activity thereunder must comply with the objectives and management actions of the Plan.

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<sup>12</sup> For more detailed discussion, please refer to EIS number DOI-BLM-ID-B030-2012-0014-EIS Section 2.4.

### **Authority**

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

- 4100.0-8 Land use plans; The ORMP designates the Ferris FFR and Joint allotments as available for livestock grazing;
- 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; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This final decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

### **Right of Appeal**

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. 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 above. 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 person 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 Solicitors Office  
University Plaza  
960 Broadway Ave., Suite 400  
Boise Idaho, 83706

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 me at 208-896-5913.

Sincerely,

Loretta V. Chandler  
Field Manager  
Owyhee Field Office

Attachments:

Map 1

Group 2 Protest Responses

Cc: Group 2 Mail List

Group 2 Mail List

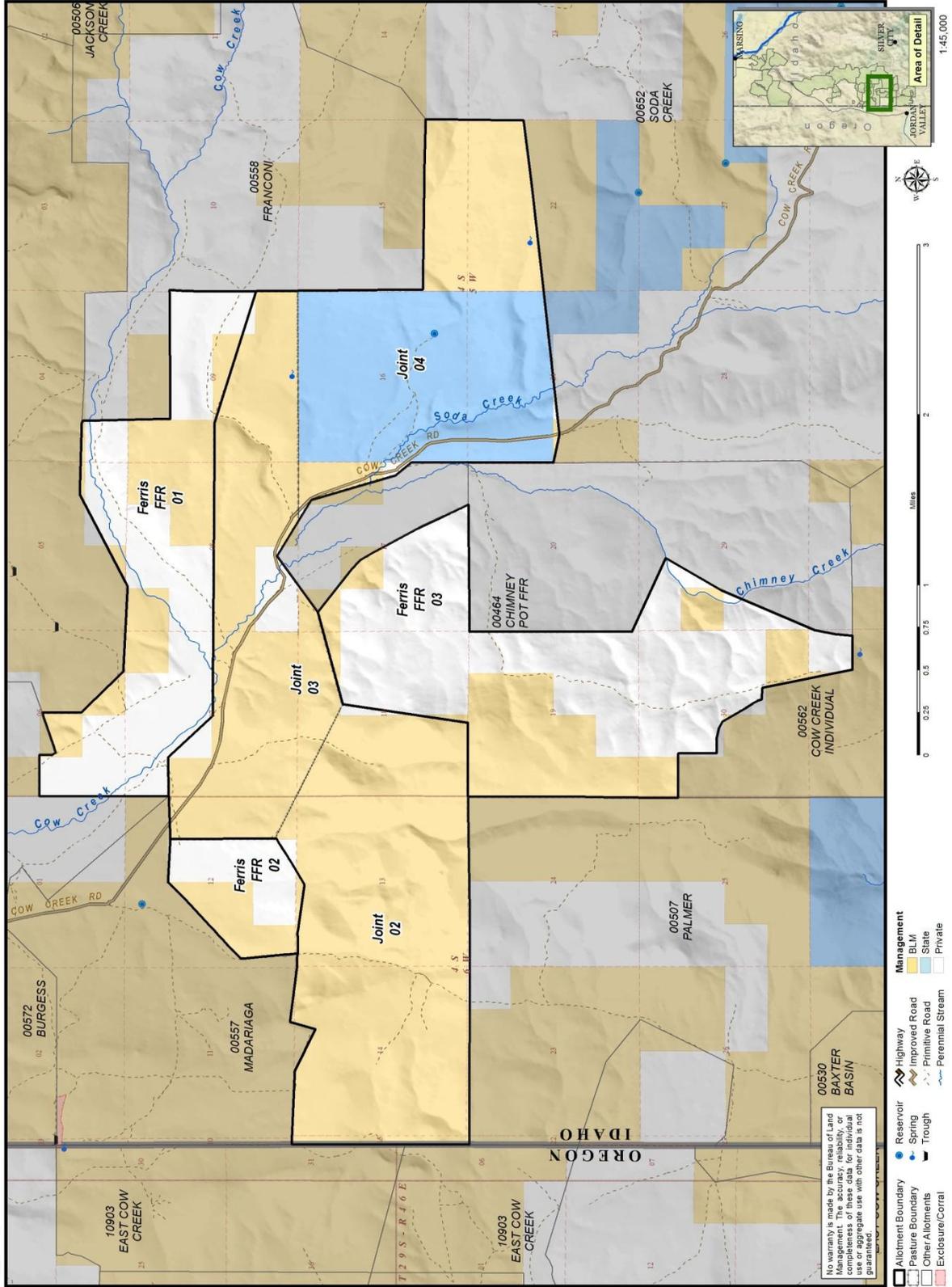
Company Name	First Name	Last Name	Address 1	City	ST	Zip
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Chipmunk Grazing Association	Elias	Jaca	PO Box 175	Marsing	ID	83639
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Elordi Cattle Co.	Jim	Elordi	PO Box 55	Jordan Valley	OR	97910
Elordi Sheep Camp, Inc.	Richard	Elordi	14448 Bighorn Dr.	Nampa	ID	83651
Idaho Wild Sheep Foundation	Herb	Meyr	570 E. 16 <sup>th</sup> N.	Mountain Home	ID	83647
Idaho Wild Sheep Foundation	President Jim	Jeffress	PO Box 8224	Boise	ID	82707
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701
Idaho Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
IDEQ			1410 N. Hilton	Boise	ID	83701
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720
Idaho Dept. of Parks & Recreation	Director		PO Box 83720	Boise	ID	83720
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LS Cattle Co.	Jeff	Stanford	PO Box 217	Jordan Valley	OR	97910
LS Cattle Co.	Jerry	Stanford	PO Box 281	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO Box 415	Jordan Valley	OR	97910
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
Moore Smith Buxton &	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702

Company Name	First Name	Last Name	Address 1	City	ST	Zip
Turcke						
Natural Resources Defense Council	Johanna	Wald	111 Sutter St., 20 <sup>th</sup> Floor	San Francisco	CA	94104
Oregon Division State Lands			1645 NE Forbes Rd., Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Association			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Poison Creek Grazing Association LLC	Tim	Mackenzie	PO Box 443	Homedale	ID	83628
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair Gene	Gray	2393 Watts Lane	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
	Senator Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Senator James E.	Risch	350 N. 9 <sup>th</sup> St., Ste. 302	Boise	ID	83702
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of Nevada Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W. Bannock, Ste. 210	Boise	ID	83702
			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999
The Wilderness Society			1387 S. Vinnell Way, Ste. 368	Boise	ID	83709
U.S.F.W.S. Idaho State Office				Boise	ID	83704
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Western Watershed Projects			PO Box 1770	Hailey	ID	83333
	Doug	Burgess	2725 Mule Springs Rd.	Homedale	ID	83628
	Ted	Blackstock	6754 Opaline Rd.	Given Springs	ID	83641
	Alan	Johnstone	2740 Egurrola Ln.	Homedale	ID	83628
	Tim	McBride	1445 US 95 South	Jordan Valley	OR	97910
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642
	Sean & Andrea	Burch	PO Box 284	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Chad & Dannelle	Hensley	4300 Choctaw Dr.	Nampa	ID	83686
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	Sandra	Mitchell	501 Baybrook Ct.	Boise	ID	83706
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd., Reynolds Creek	Murphy	ID	83650
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639
	Congressman Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	John	Isernhagen	2618 Cow Creek Rd.	Jordan Valley	OR	97910

Company Name	First Name	Last Name	Address 1	City	ST	Zip
	Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 135	Arock	OR	97902
Office of Species Conservation	Cally	Younger	304 N. 8 <sup>th</sup> St., Ste.149	Boise	ID	83702



Map 1, Ferris FFR (00545) and Joint (00531) Allotments



## Group 2 Protest Responses

Protest ID	Protest Point No.	Protest Text	Protest Response
2CDHensley	1	We also request that the correction be made to the Posey Creek statement. This is not a year round creek, but a run off stream only. The de-grade of this creek is also complicated with a road placed on the bank by BLM and needs to be taken into consideration	pg. 177 of EIS: Posey Creek is identified as an intermittent stream as defined on pg. 167: Intermittent: Contains water for only part of the year, but more than just after rainstorms and at snowmelt
2TLowry11222013	17	Given the recognition that in the proposed decision "no substantial improvement in native vegetation species composition and distribution is expected to occur with any certainty" I see no reason to make a change. The proposal states that "Alternative 3 will initiate steps to protect the vegetation we currently have". The current management has maintained and protected the vegetation that currently exists .	The BLM agrees and has made these changes to livestock grazing for protection of riparian and Bighorn sheep issues not upland vegetation. However, the BLM recognized remnant upland communities within the seeded community that this decision will maintain or improve vegetative with increased years of deferment in cattle grazing.
2TLowry11222013	18	The 13.9% of BLM should not negate the use and flexibility of the 86.1% of private. The 266 acres of Lowry FFR are the hay ground, feeding ground, and calving ground for the ranch. It is a balance that cannot be upset without extreme disruption of the ranch's stability.	Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
2TMcBride11252013	19	My cows get there so late in the spring the growing season is over, so there is no effect on young plants.	Opinion noted.
2TMcBride11252013	20	The BLM uses sage hen habitat as a reason to cut the AUMs in this permit. There has never been a study that showed that cows have done more damage than predator numbers. Furthermore, the states and the federal government cannot even agree how to manage sage hen, or whether they are even endangered or not.	On March 5, 2010, the USFWS (2010) published a finding in the Federal Register which found that listing the greater sage-grouse was warranted but precluded by the need to take action on other species facing more immediate and severe extinction threats. The finding has changed the status of sage-grouse from a BLM Type 2 sensitive species to a candidate species under the ESA.(FEIS, page 219)

Protest ID	Protest Point No.	Protest Text	Protest Response
2TMcBride11252013	21	As far as resting 2 fields a year -I don't understand what benefit that would have. It just puts more pressure on the rest of the fields.	The BLM has selected Alternative 4 as the Final Decision. The AUMs will be allocated the same for each field as described in the Final Decision, there will not be additional pressure put on the other pastures when rested, unless it is private land.
2Chipmunk11292013	22	The Proposed Decision states that the Blackstock Springs Allotment will be managed in accordance with Alternative 4 as described in the FEIS (DOI-BLM ID-B030-2012-0014-EIS). However, the grazing schedule presented in the Proposed Decision at page 20 is substantially different from the Alternative 4 grazing schedule presented in the FEIS at page 59. The FEIS failed to complete any environmental effects analysis of an alternative that extends grazing use to 12/18 in all pastures of the Blackstock Springs Allotment. Thus the grazing schedule shown in the Proposed Decision was not analyzed in the draft or final EIS.	BLM agrees and cleaned up these dates in the final decision.
2Chipmunk11292013	23	CGA protests "other terms and conditions" #15 that restricts AUMs of Active Use by pasture and establishes an unmanageable date specific pasture use schedule. The grazing schedule authorizes unusable grazing use in 6,000 foot elevation pastures after the viable grazing season. Cold temperatures and snow cover at these elevations in most years would assure inadequate livestock use distribution and negative effects on livestock health and production. The reality is that most of the late season AUMs simply could not be used. In addition the variation in the number of cattle between pastures and among years as required by the grazing schedule is incompatible with practical and efficient range and ranch management.	Opinion noted. The BLM established stocking rates for the Blackstock Springs allotment at 8.5 acres per AUM as identified in Appendix C of the EIS. The BLM selected this alternative to make progress on standards that are currently not meeting.

Protest ID	Protest Point No.	Protest Text	Protest Response
2Chipmunk11292013	24	CGA protests the absolute fixed dates of use over the term of the permit without any option for adaptive management to accommodate variation in annual climatic conditions. The absolute dates and lack of adaptive flexibility assures periodic improper grazing use and prevents any opportunity to improve grazing management consistent with climatic and vegetative growth conditions in any given year.	Opinion noted. The BLM selected dates that were analyzed in the EIS that considered resources and sustainable grazing over a ten year permit. The BLM also considered the permittees alternative that considered adaptive management and flexibility.
2Chipmunk11292013	25	CGA protests the grazing schedule requiring complete rest of each pasture in one of each three year cycle. The prescribed rest provides no significant benefit over the deferred use identified in the FEIS for alternative 3.	The BLM has selected Alternative 3 with deferred use in the Final Decision.
2Chipmunk11292013	26	CGA protests the absence of a complete analysis in the FEIS of the CGA amended application submitted to the OFO on or about June 15, 2013, which included applications for a fence to split one pasture and for reconstruction of water developments which are needed to achieve the purpose and need of the EIS. CGA protests the absence of a complete analysis in the FEIS of the CGA amended application submitted to the OFO on or about June 15, 2013. The OFO instead relied entirely on the initial application submitted to BLM in July of 2012, which included applications for certain range improvements which are needed to achieve the purpose and need of the EIS. CGA protests the cancellation of their Grazing Permit and Grazing Preference in the absence of any regulatory or statutory requirement.	Construction of new range Improvements were outside the scope of this decision and were not analyzed in detail in the EIS. Range improvements can be analyzed in a separate analysis working with the Owhyee Field Office. See Alternative 7, Section 2.4- Alternatives Considered but Eliminated From Detailed Study, page 76 in the EIS for the rationale for not considering building of new infrastructure in this permit renewal process. Also, 1.4. PURPOSE AND NEED OF ACTION of the EIS states: The purpose of this action is to provide for livestock grazing opportunities on public lands using existing infrastructure where such grazing is consistent with meeting management objectives, including the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (USDI-BLM, 1997) and the ORMP objectives.
2Chipmunk11292013	27	CGA protests the application of "other terms and conditions" #8 and #13 through #17 to the Chipmunk Field FFR Allotment because they are not applicable to any part of the public land within	Those terms and conditions apply to other allotments as identified on the permit.

Protest ID	Protest Point No.	Protest Text	Protest Response
		the Allotment.	
2Chipmunk11292013	28	CGA protests the grazing schedule and the establishment of grazing date restrictions on the 95% of the 2,000 acre Texas Basin FFR allotment that is private land. There should be no restrictions on the season of use in the allotment because the 88 acres of public land is scattered in 8 discrete locations along fence lines that separate the small parcels from other public land. Only 1 of the 8 public land parcels is greater than 7 acres in size.	Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
2Chipmunk11292013	29	CGA protests the failure of the Proposed Decision to offer a grazing permit to CGA for the 85 AUMs of Permitted Use currently held by CGA in the Elephant Butte Allotment. CGA owns the "base property" for a USDI-BLM Grazing Preference within the Elephant Butte Allotment.	The BLM offered those AUMs in the Wild-Rat allotment as requested by the Chipmunk grazing association.
2Chipmunk11292013	30	CGA protests the terms and conditions in Table LVST-6 that fail to recognize the CGA's Permitted Use of 85 AUMs in the Elephant Butte Allotment.	The BLM offered those AUMs in the Wild-Rat allotment as requested by the Chipmunk grazing association.
2Chipmunk11292013	31	CGA protests the grazing schedule referenced in "other terms and conditions" #12 and depicted in Table LVST-7. The winter use period should be from 1111 to 2/28 since there is no biologically valid reason to restrict the season to 1111 to 12/31.	The BLM agrees and has made that change in the Final Decision.
2Chipmunk11292013	32	CGA protests "other terms and conditions" #13 because the only riparian stream segment in the allotment is already rated at PFC. Current livestock use is meeting applicable Rangeland Heath Standards and Land Use Plan Objectives.	As described on pg. 47-50, Alt. 3 will require riparian monitoring in key riparian areas at the end of the grazing season and/or when deemed necessary by the OFO staff. Since Alt. 3 would allow 2 years of hot season grazing- monitoring will ensure conditions will be maintained and RMP objectives met

Protest ID	Protest Point No.	Protest Text	Protest Response
2Chipmunk11292013	33	CGA protests "other terms and conditions" #14 because none of the pastures of the Elephant Butte Allotment contain occupied sage-grouse habitat and only pasture 2 is noted to have a remnant perennial grass component.	Vegetation communities in the Elephant Butte allotment are very different from north and south as the elevation increases and changes from a desert shrub community to a sagebrush community. The desert shrub community in the northern portion of the allotment does not provide adequate habitat conditions for sage-grouse and was determined (Appendix E, Determination, page 127 FEIS) to be non-sage-grouse habitat. However, current vegetative conditions are not providing adequate upland habitat conditions for wildlife overall. Appendix G, Table G-2 also summarizes the current conditions in the Elephant Butte allotment in regards to sage-grouse.
2Chipmunk11292013	34	CGA protests "other terms and conditions" #15 because the only access to the Alkali-wildcat Allotment is a narrow gap leading to a steep hillside that cattle will not use unless forced to do so.	Opinion noted. The BLM has a term and condition to require riding on the allotment to ensure no cattle will be displaced.
2Chipmunk11292013	35	CGA protests the cancellation of 441 AUMs of Permitted Use (and associated Active Use), and the reduction of 189 AUMs of Exchange of Use AUMs from CGA private and state leased grazing lands within the Sands Basin allotment. All of the 153 AUMs from State grazing lands and the additional 275 AUMs from privately owned and leased property should remain available for use by CGA.	Opinion noted. The BLM selected Alternative 4 for the Sands Basin allotment in the Final Decision to maintain or move towards desired conditions.
2Chipmunk11292013	36	CGA protests the Mandatory Terms and Conditions that decrease our Active Use from 999 AUMs to 558 AUMs.	Opinion noted. See response to protest point 35.
2Chipmunk11292013	37	CGA protests "other terms and conditions" #15 that restricts AUMs of Active Use by pasture. When the AUM by pasture restriction is combined with the grazing schedule only 432 AUMs may be used in year 1 and only 507 in year 2. Thus, the 558 AUMs	Opinion noted. See response to protest point 35.

Protest ID	Protest Point No.	Protest Text	Protest Response
		of Active Use shown in the mandatory terms and conditions is not fully available. The restriction of AUMs by pasture creates an unreasonable management scenario in which different numbers of cattle (as many as 79 head) is necessary to obtain the Active Use allowed in each pasture.	
2Chipmunk11292013	38	CGA protests the Sands Basin Allotment grazing schedule shown in Table LVST-8. When combined with the assignment of AUMs by pasture, the schedule necessitates a different number of cattle each year and in each pasture ranging from 190 to 269 head.	Opinion noted. See response to protest point 35.
2Chipmunk11292013	39	CGA protests the fixed dates of use over the term of the permit without any option for flexibility to accommodate climatic conditions in any given year. The absolute dates and lack of flexibility assures periodic improper grazing use and prevents any opportunity to improve grazing management consistent with climatic and vegetative growth conditions in a given year.	The BLM added a term and condition to allow pasture to pasture move dates to be coordinated with the field office on annual basis.

Protest ID	Protest Point No.	Protest Text	Protest Response
2Chipmunk11292013	40	CGA protests the lack of a monitoring and assessment plan to assure reasonable resource information is available in the future. Furthermore, such plan is needed to document the negative impacts of the excess numbers of wild horses in pastures 2, 3, and 4 of the allotment and to distinguish the effects of livestock grazing from wild horse use	<p>Although the BLM does not have a specific monitoring plan, Section 2.1 of EIS number DOI-BLM-ID-B030-2012-0014-EIS states "Monitoring studies would be conducted during the term of the grazing permits in accordance with guidance provided by the BLM Idaho State Office Instruction Memorandum Monitoring Strategies for Rangelands, IM ID-2008-022 (USDI BLM, 2008b). Monitoring studies conducted during the term of the permits would include, but are not limited to, the following: nested plot frequency, upland utilization, browse utilization, photo plots, Interpreting indicators of rangeland health (USDI BLM, 2000) (USDI BLM, 2005), multiple indicator monitoring (MIM), stubble height measurement, bank alteration, riparian woody browse utilization, water quality testing and sage grouse habitat suitability assessments (USDI BLM, 1999c)." Some of this monitoring will be conducted immediately prior to livestock turnout and immediately following livestock removal to determine, to the extent possible, livestock impacts and use levels.</p> <p>Additionally, a term and condition has been added to the final decision to complete monitoring after cattle leave the allotment to distinguish utilization between cattle and wild horses.</p>
2Chipmunk11292013	41	. CGA protests "other terms and conditions" #14 that limits cattle numbers by pasture. This restriction is unnecessary since the amount of grazing use is already limited by Active Use AUMs in the allotment. The option should remain available for increasing cattle numbers over an abbreviated season of use to improve grazing management in response to annual climatic and	Opinion noted. Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).

Protest ID	Protest Point No.	Protest Text	Protest Response
		vegetative growth conditions on the ground.	
2Chipmunk11292013	42	CGA protests "other terms and conditions" #16 because excessive numbers of wild horses have yearlong access to uplands, spring, and stream riparian areas. CGA should not be held accountable for grazing use made by wild horses which are managed by BLM. Cattle are off the allotment by May 31 which has resulted in conformance with applicable standards.	BLM added a term and condition to the Final Decision that all utilization measurements taken within wild horse herd management areas will be measured at the end of the cattle season to reflect utilization from cattle only.
2Chipmunk11292013	43	CGA protests "other terms and conditions" #17 because the acknowledged presence of excess numbers of wild horses with yearlong access to the Rats Nest pasture can reduce residual vegetation height to less than the 7" standard. CGA cannot be held responsible for grazing use that is beyond its control.	<p>Your protest has been noted. As a result, this term and condition has been rewritten to read "Limit perennial herbaceous vegetation height to not less than 7 inches within PPH/PGH-sagebrush in pastures grazed from March 15-June 15 and not less than 4 inches within PPH/PGH-sagebrush in pastures grazed from June 16-October 31." This has been revised to better reflect the analysis and research supporting sage-grouse cover during nesting and early brood rearing.</p> <p>Additionally, BLM added a term and condition to the Final Decision that all utilization measurements taken within wild horse herd management areas will be measured at the end of the cattle season to reflect utilization from cattle only.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
2Chipmunk11292013	44	CGA protests the grazing schedule requiring complete rest of each pasture in each three year cycle. The prescribed rest provides no biological benefit over the deferred use identified in the FEIS alternative 3.	The BLM agrees and has selected Alternative 3 as analyzed in the EIS with deferment instead of rest in the Final Decision.
2Chipmunk11292013	45	CGA protests the cancellation of 105 AUMs of Permitted Use (and associated Active Use) and the elimination of 457 AUMs of Exchange of Use AUMs on CGA private and state leased grazing lands within the Jackson Creek Allotment. CGA is paying a State lease rate on 658 AUMs within the Jackson Creek Allotment and utilizes a corresponding 169 AUMs from private lands. No change in the exchange of use rate for private and State land has been discussed or approved through the CCC process with CGA. The slight to light use shown by utilization data since 1997 refutes any rationale for the reduction of grazing use on public land and by implication any change in use of CGA controlled private and State lands.	Opinion noted. See response to protest point 41.
2Chipmunk11292013	46	CGA protests "other terms and conditions" #14 that restricts AUMs of Active Use by pasture and establishes an unmanageable and unreasonable date specific pasture use schedule. The date certain grazing prescription precludes any opportunity for adaptive management driven by annual variation in climatic and vegetative growth conditions on the ground. The AUM restrictions by pasture coupled with the dates of use creates a chaotic grazing scheme allowing spring use by 77 cattle in year 1, 111 cattle in year 2, and 122 cattle year 3. The scheme also requires all cattle to be removed from the allotment for 32 days in year 1 before returning	BLM added a term and condition to the Final Decision that allows pasture to pasture move dates to be coordinated with the field office on an annual basis.

Protest ID	Protest Point No.	Protest Text	Protest Response
		to the allotment with 132 cattle for the remainder of the season. In year 2 cattle would be off the allotment for 94 days before returning to the allotment with 189 cattle in years 2 and 3. The additional trailing of livestock required to facilitate this chaotic grazing scheme was not analyzed in the FEIS.	
2Chipmunk11292013	47	CGA protests the grazing schedule requirement for 2 years in 3 of complete rest in each of pastures 1, 2, and 3. Resting the exotic non-native plant community in pasture 1 is biologically contradictory and unreasonable of proper management. Imposing excessive rest to benefit non-native exotic annuals cannot be justified. Two consecutive years of rest in any of the three spring pastures will substantially increase wildfire risk to each pasture and the surrounding native habitat. Furthermore, the utilization data for all pastures show slight to light use since 1997, which wholly refutes any rationale for consecutive years of rest on the spring use pastures 1, 2, & 3.	Opinion noted.
2WWP11292013	48	First, we Protest BLM failing to follow the required regulation procedures related to Proposed Decisions. We found the proposed decision in the mailbox. It is unclear when the Protest period actually started.	The Protestant's filing is within the 15-day protest period. No protest was dismissed due to it being received late or outside the 15-day protest period.

Protest ID	Protest Point No.	Protest Text	Protest Response
2WWP11292013	49	<p>We Protest BLM's failure to address the crisis at hand for the sage-grouse, pygmy rabbits, migratory songbirds, and other rare species that rely on the tattered remnant sage habitats in this landscape. BLM does not engage in informed analysis of habitat fragmentation, degree and severity of impacts across an appropriate landscape, and assessment of population viability or persistence.</p>	<p>Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health standards and guide. A range of Alternatives in the FEIS were further developed and an impact analysis was conducted to consider the direct, indirect, and cumulative effects of livestock grazing on focal species and their habitat to the pasture level and within the greater cumulative effects analysis area. The level of the analysis is appropriate for the scope and purpose of this document and to modify grazing practices if needed to progress towards meeting rangeland health standards and guide and ORMP objectives.</p>
2WWP11292013	50	<p>This EIS fails to lay out a valid current baseline of the status of habitats, sage-grouse habitat use and movements, the severe loss and fragmentation in much of adjacent Oregon, range that appears to keep be shrinking, and the viability of populations at local and regional levels, or an effective plan to sustain viable populations of sage-grouse under continued grazing pressure. We Protest this.</p>	<p>Refer to response to protest 2WWP11292013 protest point 49.</p>
2WWP11292013	51	<p>We Protest BLM's greatly inadequate findings, including the many outrageous claims that conditions are just fine - like the claim that so many of the dying, head-cutting springs in Soda Creek are at PFC.</p>	<p>Best available info. used as required by NEPA. All PFC assessment data sheets are part of the project record and are available to the public</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
2WWP11292013	52	A review of how grazing has been conducted shows the ranchers have not even been following simple schedules that are supposed to govern livestock use on the public lands. We Protest BLM failing to adequately address the magnitude of the livestock conflicts with all other environmental values - of wildlife, aquatic species, wild horses, big game, water quality and quantity, rare plants, native vegetation communities, protective microbiotic crusts, soils, recreational uses and enjoyment, cultural sites, paleontological values, ACECs, etc. Time after time in the FEIS and decisions, BLM goes to great lengths to overlook serious ecological harm, and to conduct analysis in a way that protects the rancher interests, and not the interests of the public lands and public resources.	Opinion Noted: This is not a protest point specific to an allotment condition or to a specific decision element. However, the BLM has not overlooked ecological conditions. The Field Manager for the Owyhee Field Office footnoted in the Proposed Decisions that she (and the BLM) has a steward's responsibility to further the health and resilience of this landscape. The BLM recognizes in that footnote, "Despite the efforts of BLM and the ranching operators, resource conditions are not good (Proposed Decision)." The Proposed Decision considers the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EIS, as well as other information.
2WWP11292013	53	BLM continues significant overstocking in several allotments that are crucial for continued sage-grouse occupation of these lands. We Protest this.	Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health standards and guide. A range of Alternatives in the FEIS were further developed and an impact analysis was conducted to consider the direct, indirect, and cumulative effects of livestock grazing on focal species and their habitat to the pasture level and within the greater cumulative effects analysis area. The level of the analysis is appropriate for the scope and purpose of this document in modify grazing practices if needed to progress towards meeting rangeland health standards and guide and ORMP objectives.

Protest ID	Protest Point No.	Protest Text	Protest Response
2WWP11292013	54	We Protest failing across all of these allotments to provide adequate rest, to remove livestock from significant areas so that healing can occur before weeds take over virtually the entire landscape, and species habitats and populations are lost or not able to be recovered.	Opinion noted. Alternative 6 was analyzed in full in the EIS that considered 10 years of rest.
2WWP11292013	55	If BLM is just going to go ahead and authorize grazing on virtually every acre, then it at least has honestly admit and take a hard look at the harms that will be caused. We Protest that BLM does not do this.	<p>This protest point is quoting Section 101 (a) from the National Environmental Policy Act. Section 101 (b) goes on to explain how federal agencies should carry out the policy set forth in the Act. Agencies are “to use all practicable means...to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—</p> <ol style="list-style-type: none"> <li>1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;</li> <li>2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;</li> <li>3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;</li> <li>4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;</li> <li>5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and</li> <li>6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.</li> </ol> <p>The BLM believes that NEPA’s hard look requirement has been fulfilled in this EIS because of the inclusion of all of the Act’s considerations</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			regarding grazing authorizations made to meet Rangeland Health Standards and Resource Management Plan Objectives for the health of multiple resources and their uses. Opinion noted. The EIS analysis and the natural resources Specialist Reports support the NEPA's hard look requirements.
2WWP11292013	56	BLM greatly fails to assess the added stress that climate change places on the landscape and weed invasion risk, loss of perennial waters, loss of sensitive and important species habitats and populations, etc.	Climate Change is Issue #9 in the EIS's issues considered and analyzed, although these are not listed in order of priority. As the issue states; Climate change and livestock grazing are inter-related to the effects of annual grass invasion and wildfire frequency which are expected to worsen as a result of climate change. For further information, please refer to the EIS at section 2.4.
2WWP11292013	57	BLM never bothers to consider closing even a single pasture in any one of the 25 allotments for the term of the permit under any continued grazing alternative. BLM establishes no reference areas at all, and fails to even bother to compare conditions inside vs. outside the tiny exclosures scattered around the landscape.	Opinion noted. Alternative 6 no grazing was considered and analyzed in full in the EIS.
2WWP11292013	58	BLM cannot claim that an alternative that just shuffles cattle and sheep disturbance around in a slightly different manner will adequately address the widespread irreparable damage to critically important resources that is being caused by chronic livestock disturbance, including continued abuse of what BLM claims are "historically" degraded lands. We Protest this. We also Protest that BLM does not adequately define what specific time period is "historical" use, and how it determined this. In fact, pointing nebulously to historic use belies the fact that in exclosures constructed just within the past 20 years, there are striking increase in native vegetation	Opinion noted. The BLMs Alternative selected in the Final Decisions adequately addresses the grazing schematic of sheep and cattle that will maintain or move towards desired conditions on an allotment specific level.

Protest ID	Protest Point No.	Protest Text	Protest Response
		community and wildlife and aquatic species habitat components .	
2WWP11292013	59	BLM failed to take a hard look at sustainability of grazing use, and conduct capability and suitability analysis, as well as a carrying capacity analysis that incorporated all facets of the adverse disturbance footprint of continued livestock grazing. BLM proceeded to structure its grazing analysis as if every single pasture, and every unexclosed acre, was capable of withstanding large-scale chronic grazing disturbance – in the face of weed invasions coupled with climate change. We Protest this, and the arbitrary and limited alternative considerations.	The BLM fully analyzed 6 Alternatives in the EIS which range from renewing permits at current grazing levels to one which removes all grazing from the Group 2 allotments. Action alternatives. In addition to these alternatives, the BLM considered several other alternatives that it did not analyze in detail for differing reasons. Climate change is considered and addressed in the EIS, was identified as an issue for analysis, and is recognized in the Proposed Decision as a factor used in consideration of the selected alternatives.
2WWP11292013	60	On top of this, there is simply not sufficient site-specific detail to understand the baseline including sensitive species habitat quality and quantity, and the status and precarious state of local and regional populations)] to be able to determine if any continued grazing use is sustainable for many sensitive species. We greatly Protest the lack of necessary baseline information.	Please see FEIS, Section 3.7.1 for baseline discussions in addition to BLM response to WWP73.
2WWP11292013	61	It will also very likely cause permanent loss of springs and seeps in many areas, and lengths of perennial segments of streams – which will greatly jeopardize the remnant and now isolated redband trout populations about which no current aquatic	The 'upland utilization' criteria is applied to the <i>uplands</i> . The riparian areas have their own criteria and measurements: 6" SH, 30% browse, and 10% bank alteration as well as the PFC assessment protocol and the MIM process to determine the condition of

Protest ID	Protest Point No.	Protest Text	Protest Response
		habitat condition and population information is provided.	the riparian areas
2WWP11292013	62	BLM must tailor this decision to lay out what needs to be done to conserve, enhance and restore sage-grouse. It cannot kick the can down the road	Refer to response to protest 2WWP11292013 protest point 49.
2WWP11292013	64	This pasture is being managed as an exotic plant community. [WWP believes this violates the RMP. This cannot be the basis for management of important low elevation sensitive species habitat - loggerhead shrike (remaining greasewood, taller salt desert shrubs ARTRWY), sage sparrow, Brewer's sparrow, rare lizards, etc. BLM's flawed Decision perpetuates all of this, as the agency has made minimal changes, and its actions largely appear to have been cast in stone during its many meetings with ranchers. We Protest all of this, as these salt desert shrub and low elevation ARTRWY communities are very important for loggerhead shrike, sage sparrow, rare lizards and other sensitive species, and there remains areas with habitat for these sensitive species in the sites that BLM places in a sacrifice zone category.	The BLM does not disagree with the importance of shrub steppe habitat for a multitude of wildlife species. Focal species (greater sage-grouse, Columbia spotted frog, Columbia redband trout) were selected that best represented the uplands, riparian, spring, and stream habitat. This management approach uses species that define different spatial and compositional landscape features necessary to support functional and healthy ecosystem processes.

Protest ID	Protest Point No.	Protest Text	Protest Response
2WWP11292013	65	Likewise, there is no clear analysis of the effects of the plethora of livestock facilities. Thus, there can be no solid analysis of the direct, indirect and cumulative effects of the EIS and its Proposed Grazing Decisions. We Protest this.	Please see Table CMLV-1 and 2 in section 3.2 of the EIS which contain an inventory of past actions in the analysis area, including the livestock facilities that were built in the Group 2 allotments. By definition, the Affected Environment section of a NEPA document includes those actions that have been taken in the past which have residual effects on the same resources a proposed action would likely affect. The Affected Environment section of the EIS describes in detail the current resource condition--the existing environment--and also describes what past actions contributed to these current conditions. Identifying past and ongoing activities that contribute to existing conditions is helpful for the cumulative effects analysis, which is found in each effects analysis section by resource (3.3 to 3.12). Past actions can usually be described by their aggregate effect without listing or analyzing the effects of individual past actions (CEQ, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, June 24, 2005).
2WWP11292013	66	We Protest BLM claiming that permittees who have routinely failed to submit actual use have an adequate record of compliance to allow BLM to issue a new permit. Likewise with permittees that failed to rest several of the allotments, as shown in the EIS Appendices.	The BLM agrees that the failure to submit a timely actual report reflects negatively on a permittees requirements and performance. However, I don't feel that this infraction rises to the level of an "unsatisfactory record of performance" as per 43 VFR 4110(b)(1), which would result in the BLM denying their application for permit renewal and not issuing them a grazing permit.
2WWP11292013	67	We also Protest that BLM does not reveal how many AUMs are associated with state lands.	The BLM does not manage Idaho State Lands. However, this information can be requested to and provided by the Idaho Department of Lands.
2WWP11292013	68	We strongly Protest the confusing combination of Alkali-Wildcat and Rats Nest into Wild Rat. This appears to be done to cover up needs for large-scale	Opinion noted.

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		reductions in livestock.	
2WWP11292013	69	BLM failed to consider an adequate range of reductions across the allotments, including Baxter Basin and others, and maintaining large-scale grazing levels and causing expanded undue degradation of the public lands.	The 6 fully-analyzed alternatives in the EIS considered a range of livestock grazing levels that included reductions from zero to 100%. There are no proposed decisions that expand grazing levels.
2WWP11292013	70	We strongly Protest the use of uniform stocking rate across many pastures in an allotment - example: Blackstock and other allotments. BLM provides no current adequate information on how it arrived at such rates, given the depletion that has been found. There is a complete lack of a capability and suitability analysis and production studies. So there appears to be no basis, in this ever-increasing weedland setting, to support livestock in many of these allotments based on perennial plant production.	Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).
2WWP11292013	73	BLM must conduct current site-specific surveys for the rare plants across these allotments before it can finalize its decisions. In Soda Creek, for example, the last surveys were long ago.	All available data and information was used as required by NEPA. The NPR Team and OFO visited as many special status plant sites as feasible in the allotted timeframe. The Soda Creek occurrence of phacelia minutissima was revisited in 2013 (FEIS page 272 & Special status plant specialist report Addendum).
2WWP11292013	74	Instead of acting to protect these areas adequately, and ensure conservation of sage-grouse and other sensitive species, BLM is poised to merge Rats Nest with Alkali-Wildcat, and continue high levels of livestock grazing. We oppose any merging of Rats Nest with Alkali-Wildcat. It should be kept distinct and managed for protection of native vegetation through minimization of cattle grazing disturbance.	The selected alternative in the EIS fully discloses the effects for the Alkali-Wildcat and Rats Nest Allotments. The alternative selected will maintain or make significant progress towards meeting desired conditions as rationalized in the Final Decision.

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2WWP11292013	75	We stress that with the cattle feeding tub and supplement feeding/salting mania that has swept the Owyhee allotments (as ranchers seek to get their cows to subsist on shrubs and minimal dry understory grasses (i.e. essentially mine forage), trampling from a one-time placement of salt supplement or intensive herding event, can significantly damage remaining native sites. Yet there is no adequate limit on this activity to protect upland soils and vegetation. We Protest the failure to fully analyze the adverse impacts of these practices that try to eke out AUMs on depleted range. We Protest that BLM has not banned its use, or considered alternatives like required herding if the aim is really to distribute livestock, rather than to keep them from losing weight on depleted range lands.	The BLM disagrees and has analyzed the effects of salting and or supplementing in Alternatives 1, 2 3, 4 and 5 of the EIS and the Affected Environment sections. A term and condition has been established for these practices as follows: 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 or water developments.
2WWP11292013	76	Jackson Creek pastures show significant watershed problems - and weeds increasing in some pastures. Native unburned sites are in trouble, as well. We Protest that BLM has not adequately addressed and limited soil impacts and soil erosion and loss across the watersheds.	This protest point is unclear as it is embedded within a nonsensical flurry of condition descriptions for the Blackstock allotment (addressed in the preceding paragraph) that are then abruptly tied to the Jackson Creek allotment. Based on both allotments failing to meet Standard 1, the BLM recognizes that upland soil impacts need to be improved (see Section 3.4.2.5) and does so by choosing Alternative 4.
2WWP11292013	77	Certainly the Joint allotment is the type area that BLM should consider resting for the length of the 10 year permit under an expanded range of alternatives so that native understories and bunchgrasses can heal to some degree. We stress that many low sage sites are now suffering medusahead expansion, and this is a VERY unresilient plant community. We Protest that BLM has failed to provide adequate protection and	This protest point actually consists of two additional preceding paragraphs that include an excerpt from 2012 field observations. WWP falsely implies that these field observations pertain to the Joint allotment when, in fact, they address conditions in pasture 2 of the Madriaga allotment (see p. 2 of the complete field report 20120725_grp2_cow_ck_field_trip available in Project Record). However, based on the Joint allotment failing to meet Standard 1, the BLM

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		significant rest to protect watersheds and sensitive species habitats.	recognizes that upland soil impacts need to be improved (see Section 3.4.2.4) and does so by choosing Alternative 3.
2WWP11292013	78	Alkali-Wildcat is dominated by sage-rabbitbrush - and a recent fire - yet BLM fails to address how is failed post-fire grazing policies may have helped cause the sorry state of affairs. Baxter Basin - One pasture is evaluated as an annual grassland. Yet BLM claims the rangeland health standards are met. This is an outrage - BLM proposes to continue beating these lands to death until the entire thing becomes a weedland - as it makes no reductions in Baxter Basin. There is an "unknown" lek right next to Baxter Basin. We Protest the failure to take significant actions to address these concerns. BLM proposes no adequate actions to improve or conserve, enhance and restore these damaged lands.	The selected alternative in the EIS fully discloses the effects for the Alkali-Wildcat and Baxter Basin Allotments. The alternative selected will maintain or make significant progress towards meeting desired conditions as rationalized in the Final Decision.
2WWP11292013	79	We are concerned that BLM concludes in Burgess that in Pastures 1 and 3.....HOW many weeds can be present, yet range staff still claim - because a bunchgrass for a cow to eat is present - that "progress" is being made?....There is no full and fair consideration of the ecological implications of the invasive exotic grasses, and their expected trajectory with continued chronic grazing disturbance being inflicted. We Protest this.	Data showed significant increase in key perennial upland grasses in trend data that was used heavily in making the determination.

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2WWP11292013	80	<p>For Madriaga....We Protest BLM continuing to graze such a weed-infested area. BLM must conduct integrated weed management – for invasive annual grasses and white top, and close this allotment in order to prevent the whole area - in the midst of very important sage-grouse habitat, from turning into a weedland.....Madriaga contains 1 active lek, and 2 inactive leks – it appears BLM is trying to wipe out the lek with its high levels of chronic continued grazing disturbance that are proposed to be imposed under actions BLM is likely to adopt.....These concerns plague the Range Veg report analysis, and EIS throughout, and are carried forward in the harmful Proposed Decisions. We Protest all of these EIS and PD deficiencies.</p>	<p>Based on the allotment failing to meet all Standards, the BLM recognizes that impacts need to be improved and does so by choosing Alternative 3. As discussed in the final decision and FEIS, Alternative 3 will limit AUMs within each pasture, defer grazing during the critical growth periods, and reduce the stocking rate. Available sites for invasive species establishment will be reduced through competition with healthy native perennial species, lowered soil surface disturbance, and supported by BLMs coordinated and ongoing weed control program. Habitat cover and forage conditions will improve for sage-grouse and other species as the community composition and structure improves.</p>
2WWP11292013	81	<p>BLM must provide much more baseline information on the site-specific effects of livestock grazing and trailing on the very important cultural resources. Grazing and trampling disturbance promotes erosion (that may also promote site looting), churns soils, breaks and displaces artifacts, disrupts site stratigraphy, and may ruin the scientific value of sites. Further, given the very significant riparian degradation in this area, and the adverse impacts of spring water developments on cultural sites, and the fact that these projects typically just concentrate extreme disturbance in areas adjacent to springs that have significant cultural values – there are many issues here that need to be addressed so that irreparable harm can be prevented. We Protest the failure to adequately address these very important issues .</p>	<p>As noted in the document for the allotment group, new surveys and cultural site monitoring were conducted in areas identified as potential livestock congregation areas. Sites at these areas were evaluated for impacts that would affect a site's possible eligibility to the National Register of Historic Places. Public disclosure of specific site locations in this process is prohibited by the National Historic Preservation Act.</p>

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2WWP11292013	82	<p>Healthy and viable populations of redband trout and CSF do not merely depend on “properly functioning” wetland and riparian habitat – not as BM defines PFC. We have seen BLM term a coyote willow patch on a bone dry stream as at PFC – after it stomped the drainage to death in early spring year after year – and killed all potential for sustainable perennial flow. We have seen BLM term highly altered and degraded sites as “PFC”. PFC fails to address the actual aquatic habitat conditions – such as sediment load – and MIM does not address aquatic conditions, either. We Protest the EIS and PD deficiencies.</p>	<p>Findings from the PFC and MIM protocols are used in conjunction with available aquatic water quality, habitat conditions and population information to evaluate Standards 2, 3 &amp; 7. Standards 2, 3 &amp; 7 that apply to the riparian &amp; water resources are evaluated in conjunction with Standard 8 (wildlife)</p>
2WWP11292013	85	<p>We Protest the failure to provide adequate assessment of the full footprint of ecological degradation caused by the Chipmunk EIS-associated livestock entities, as well as the full footprint of the weed risk posed by the cumulative effects of the grazing, trailing, management activities across the landscape.</p>	<p>The BLM stands by its rationale for the numerous cumulative effects boundaries defined in the EIS and the rationale stated to support these boundary definitions. Each resource heading in the effects analysis sections (3.2 to 3.12) describes how these boundaries were established. The geographic scope of a cumulative effects boundary will often be different for each cumulative effects issue. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed action and alternatives. In other words, the boundary for a cumulative effects analysis ends where a resource no longer feels any effect from the proposed action.</p>

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2WWP11292013	86	We Protest the failure of BLM to comply with its own GSG National Technical Team report, BLM Instruction Memos for GSG, conservation plans for GSG and for other sensitive species and migratory birds, best available science for GSG, migratory birds, pygmy rabbits, redband trout, Columbia spotted frog, and other wildlife as well as rare aquatic species and rare plants. BLM has failed to fully assess the spectrum of significant harmful direct, indirect and cumulative livestock grazing disturbance load and facility impacts in the allotments and across this bi-state ID-OR landscape critical to sage-grouse persistence .	Refer to response to protest 2WWP11292013, protest point number 64. The greater sage-grouse and bighorn sheep are the two primary focal species guiding the CIAA for wildlife. Considering their regional distribution and relationship with neighboring populations, the Northern Great Basin population of greater sage-grouse encompasses 5.7 million acres of north-central Nevada, southeastern Oregon, and southwestern Idaho (Map CMLV-2) and fits well with what is thought to be likely sage-grouse lek connectivity in the northern Great Basin (Makela & Major, 2012).(FEIS, page 252)
2WWP11292013	87	We Protest that BLM has arbitrarily avoided looking at PFC, FAR, NF in a host of intermittent and other drainages, as well as many very important springs.	All available data and information was used as required by NEPA. The NPR Team did not participate in the design of the data collection, but the OFO visited and assessed as many streams and springs as feasible in the allotted timeframe
2WWP11292013	90	We Protest the lack of critical information water quality, monitoring, and compliance with the Clean Water Act - ranging from bacterial pollution of high recreational uses area waters to sediment, turbidity, temperature, algae, etc.	BLM's Standard (7) is to comply with the State's (IDEQ) water quality standards. BLM primarily relies on IDEQ 303(d) impaired waters information (as identified in their Integrated Report) to evaluate water quality and make a determination on Standard 7. If/ when BLM has contradictory data (ie. water temperatures that exceed cold water criteria), a preponderance of evidence strategy is used to make the determination
2WWP11292013	91	cows and sheep watering at Jump Creek may choke the waters with manure and urine and pathogens, and also pollute waters with other chemicals excreted with livestock waste (such as drugs). Not only are there no water quality monitoring standards to be met and no regularly scheduled monitoring, there are no	BLM's Standard (7) is to comply with the State's (IDEQ) water quality standards. The States WQS are extensive- see: <a href="http://www.deq.idaho.gov/water-quality/surface-water/standards.aspx">http://www.deq.idaho.gov/water-quality/surface-water/standards.aspx</a>

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		riparian standards of any kind. We Protest this.	
2WWP11292013	92	This repeated grazing and trailing use over the year in many of the Chipmunk allotments is very harmful – as it means cows/sheep can eat native grasses to very low levels in spring, then turn around and do the same thing in fall – stripping protective residual cover that has no chance of regrowing before winter precipitation and winter-early spring runoff. Very significant depletion and loss of native species, plus damage to crusts and soils, is highly likely to continue under this scheme. We Protest this.	The overall impacts on upland vegetation and soils due to trailing following or preceding a grazing season are minor because trailing effects occur on a relatively small proportion of the landscape along designated routes that generally follow established roads and trails, and are of very short duration (1 to 3 days), especially with herding and when no overnight stay is required. Consequently, the impacts are not expected to have lasting effects on uplands for the long-term. Trailing is discussed in Sections 2.1.2, 3.3.2, 3.4.2, and also includes, by reference, the 2012 Trailing EA #DOI-BLM-ID-B030-2012-0011.
2WWP11292013	93	We Protest BLM having greatly failed to evaluate the status of public lands resources within the Jump Creek ACEC, including rare plants, sensitive wildlife species, redband trout, scenic and recreational values.	Grazing is prohibited in the Jump Creek ACEC. The special status plant Idaho milkvetch is not accessible to livestock and therefore has no impacts from grazing (FEIS, page 272). Grazing impacts adjacent to the Jump Creek ACEC were found not to be a limiting factor (FEIS, page 289).
2WWP11292013	94	BLM greatly fails to abide by its sensitive species policy, RMP requirements that BLM give priority to sensitive species including to prevent the need for listing, BLM fails to minimize risk to bighorn sheep, sage-grouse, pygmy rabbit, Brewer’s sparrow, sage sparrow, sage thrasher, redband trout, rare pants, etc. Instead, BLM imposes 2 bouts of grazing during very harmful periods for these species – including when all would be nesting/giving birth/have young	Refer to response to protest 2WWP11292013, protest point number 49 and 64.

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		present, and again in the fall when several of these species may be at special risk due to nearly unregulated levels of grazing use Manager Chandler would allow to occur. We Protest this.	
2WWP11292013	95	Adding further to the confusion and highly uncertain effects of the Chipmunk Decisions on bighorn sheep, sage-grouse pygmy rabbit, sage sparrow, nesting golden eagles and prairie falcons, etc. as well as wild horses, is the large-scale trailing burden that is imposed. BLM never provides a shred of info showing that it has ever monitored trailing impacts, or on how it will ever be able to separate trailing from grazing. We Protest this.	Review page 22 of the FEIS for the scope as well terms and conditions of trailing. Trailing routes that were not discussed in the 2012 Owyhee Field Office Livestock Trailing Environmental Assessment (2012 Trailing EA)(USDI BLM, 2012c) were analyzed in the FEIS. Each discipline analyzed the direct, indirect, and cumulative effects of trailing. Trailing was analyzed in detail in regards to bighorn because of the significant impacts of disease transmission from domestic sheep to bighorn sheep. Spatial and temporal trailing terms and conditions are required in areas of sensitive species.
2WWP11292013	96	We Protest the lack of clarity and consideration of all direct indirect and cumulative effects to the Rockville allotment, and other allotments in this landscape. BLM provided last spring a Rockville schedule in relation to the Owyhee GBSG allotments. The EIS greatly ignores the footprint, and direct, indirect and cumulative adverse impacts, of the Mackenzie sheep in Rockville - which now appears to be tied even more with Poison Creek and sands basin since BLM has imposed a harmful new trailing route there.	The EIS fully analyzes the effects from trailing livestock, both cattle and sheep. The EIS incorporates the trailing analysis in an Environmental Assessment completed by the Owyhee Field Office in 2012. The EIS identified four new trailing routes that were not included in the EA analysis and fully analyzed the effects of these new routes (EIS at 3.2 to 3.12). Terms and conditions that limit trailing effects to resources were adopted by the EIS from the Owyhee EA.

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2Isernhagen12032013	97	The decision recently released on the Joint and Ferris FFR allotment is not feasible to work with our grazing situation along with the reduction in AUMs would severely decrease our ability to run a business.	As noted in the FEIS response to comments, comments CA03, CA04, and CA05 recognize that there could be some impacts to the ranchers and to the economy due to changes in grazing management. As noted on page 291 of the DEIS, the values presented in the document represent the fixed costs for sample ranches because the BLM ID team does not know the enterprise budget for each ranch associated with the Group 2 allotments and cannot know or anticipate how each ranch will respond to changes in allotment management. Each ranch can make a variety of choices, including how they acquire replacement feed (hay/state or private grazing lands), whether to keep, sell, or purchase new animals, how the animals will be managed (transportation, herding, etc.). The DEIS makes clear that the actual values associated with changes in AUMs may be very different for each rancher than what is described in the document.
2IdahoA11272013	98	The State finds these statements (reasons) to not be consistent or fair to the Group 2 permittees. The recent Trout Springs EA and Decision which was also part of the June 26, 2008 Order Approving Stipulated Settlement Agreement did allow for numerous range improvements that were all specifically intended to improve future grazing management. These project proposals were analyzed in the Trout Springs EA. It would seem if BLM could find time for project proposals on some of the Owyhee 68 allotments, they should find the time to address all range improvement projects received on permit renewal applications. ISDA questions why some of the permittee's allotments (i.e. Trout Springs) in the June 26, 2008 Order	There are very few grazing decisions included in the "68 Permit Litigation" that implement range improvements, such as the Trout Springs Allotment. The permit renewals for those allotments that include range improvements were initiated in January of 2009 (Trout Springs and Pole Creek Allotments). The Fossil Butte Allotment permit renewal initiated in 2008, also included in this litigation, proposes water haul sites, which requires the same process as other range improvements. This earlier initiation provided the BLM the opportunity to complete all of the necessary steps to include the implementation of range improvements in those decisions. All other permit renewals associated with this litigation were initiated no earlier than January 27, 2012 (Group 1

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		<p>Approving Stipulated Settlement Agreement are allowed to have and use range improvements as a tool and means to move towards meeting Standards while other allotments/permittees (Group 2, allotments) are not allowed to have range improvements in their respective permit renewal proposal as a tool to move towards meeting Standards. While the State realizes that BLM is under a tight time frame to meet court order deadlines, the State still believes that it is not consistent or fair for BLM to allow for some permittees to use all parts of the grazing regulations including 4180.2c and 4120 (Range Improvements) and a full range of management tools to assist in moving towards meeting standards while other permittees are restricted from using all parts of the grazing regulations (specifically Range Improvements-43 CFR 4120) and limited management tools to assist them in moving towards meeting Standards in their respective allotments.</p>	<p>Scoping Document). This timeframe does not provide the BLM the ability to complete the process necessary to include construction of range improvements in the decisions.</p> <p>Additionally, the BLM is not required to include range improvements in the alternatives within the NEPA documents. There are no references in 43 CFR 4100 requiring the BLM to construct range improvements in conjunction with or instead of other tools to modify livestock management on public lands. Finally, there are already hundreds of miles of fence, hundreds of water troughs, and several miles of pipeline serving grazing systems on these allotments, so these tools have been used extensively.</p> <p>The Owyhee RMP also states "Use a minimal level of rangeland developments (e.g., fences, water facilities) to adjust livestock grazing practices to achieve multiple use resource objectives and meet standards for rangeland health" (Page 24, ORMP). My decision to include only a minimal number of new range improvements is consistent with the Owyhee RMP and grazing regulations.</p>
2IdahoA11272013	99	<p>In the EIS and the proposed decision, there is no clear rationale on how the BLM arrived at the total of the 808 AUM reductions in the Blackstock Springs Allotment. There are also no mathematical equations on how BLM arrived at the AUMS being reduced by each of the permittees. The EIS and decision do not go into detail how BLM actually arrived at the number of livestock and associated AUM reduction they are proposing to reduce which results in the a total of 808 AUMS (415 for Ted</p>	<p>Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, &amp; Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).</p>

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		<p>Blackstock; 78 for chipmunk Grazing Association; and 315 AUMS for Alan Johnston) in the Blackstock Springs Allotment. The EIS or in the proposed decision does not identify any forage production data or information (i.e. grams of forage by species that has been clipped and weighed) by pasture that the BLM should have collected according to the process identified by BLM as the method that was used in estimating Initial Stocking Rates (footnote on page 23 of proposed decision). Page 3 of the USDA Technical Reference also states "setting the appropriate initial stocking rate consists of determining (1) how much forage is required by the type and class of animals raised (forage demand); (2) how much forage is produced during the year and how much is available for livestock consumption (available forage); and (3) how long will animals be using the area (duration of grazing). " The EIS and proposed decision fails to identify number 2 above in determining the stocking rate.</p>	
2IdahoA11272013	100	<p>Alternatives 3, 4, and 6 all identify reductions in AUMS and the AUMs are cancelled and not placed into suspension. During the 1995 Department of Interior rule making process, the Department commented as to what might happen to the reduction in permitted grazing use under section 411 0.3-2(b), as well as under Section 4110.4-2 (relating to decrease in land acreage within an allotment). See 9894 Federal Register I Vol. 60, No. 35 I Wednesday, February 22, 1995 I Rules and Regulations. The department states "others stated that reductions should be placed in suspended use rather than eliminated .... Although in some cases reductions made under this Section of</p>	<p>The BLM is following the 9894 Federal Register I Vol. 60, No. 35, which clearly states that the Department does not believe that it is appropriate to add or carry suspended AUMs on a renewed grazing permit unless there is a reasonable expectation that the AUMs will be returned to active use in the foreseeable future. The EIS and determinations provided a thorough explanation of resource conditions and causal factors for the BLM to make clear decisions on whether the reduction in Active AUMs were likely to be re-activated in the foreseeable future. Reductions in Active AUMs were made on allotments that were not meeting or making significant progress due to current livestock grazing. Clearly, in</p>

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		<p>the Rule may be carried in temporary suspension, the Department does not believe that it serves in the best interest of either the rangeland or the operator to carry suspended numbers on a permit, unless there is a realistic expectation that the AUMs can be returned to active livestock use in the foreseeable future....." The Final EIS fails to make a determination or analyze what, if any expectations exist in which the AUMS would not be available in the foreseeable future and could returned to active use.</p>	<p>these situations, resource conditions were impacted to the point that our minimum requirements (Idaho Standards for Rangeland Health and ORMP objectives) could not be achieved. This provided me the information to know with certainty that in order to meet or make significant progress towards the standards, the selected reductions were required for the term of the permit. There was no way to predict if any increases would be possible following the ten-year term, nor would it be appropriate for me to expect or predict that information. Also, see Response to Protest # 102.</p> <p>Additionally, regardless of whether the reduced Active AUMs were placed in suspension or eliminated, the exact same process to re-activate those AUMs would be required (43 CFR 4110.3-1).</p>
2IdahoA11272013	101	<p>In the EIS and the proposed decision, there is no clear rationale on how the BLM arrived at the total of the 488 AUM reductions in the Joint Allotment. There are no mathematical equations on how BLM arrived at the AUMS being reduced by each of the permittees. The EIS and decision do not go into detail how BLM actually arrived at the number of livestock and associated AUM reduction they are proposing to reduce which results in the a total of 488 AUMS to the permittee John Isernhagen in the Joint Allotment. Neither in the EIS, appendices, or in the proposed decision is there any forage production data or information (i.e. grams of forage by species that has been clipped and weighed) by pasture which the BLM has referenced to in the Ogle and Brazee USDA Technical Note of June 2009 titled Estimating Initial Stocking Rates. Page 3</p>	<p>Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, &amp; Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).</p>

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		<p>of the USDA Technical Reference further states "setting the appropriate initial stocking rate consists of determining (1) how much forage is required by the type and class of animals raised (forage demand); (2) how much forage is produced during the year and how much is available for livestock consumption (available forage); and (3) how long will animals be using the area (duration of grazing)." The EIS and proposed decision fails to clearly identify number 2 above in determining the estimated stocking rates for the Ferris FFR and the Joint Allotments.</p>	
2IdahoA11272013	102	<p>BLM has selected Alternatives 3 for the Joint Allotment. This alternative identifies a 488 reduction of AUMS and these 488 AUMS would be cancelled and not placed into suspension. During the 1995 Department of Interior rule making process, the Department commented as to what might happen to the reduction in permitted grazing use under section 4110.3-2(b), as well as under Section 4110.4-2 (relating to decrease in land acreage within an allotment). See 9894 Federal Register I Vol. 60, No. 35 I Wednesday, February 22, 1995 I Rules and Regulations.</p>	<p>See Response to Protest # 100. Additionally, I disagree that you believe improvement of resource conditions and making significant progress toward the standards is "a realistic expectation that the AUMs can be returned to active livestock use in the foreseeable future and that if any AUM reduction is warranted, the AUMs should be placed into suspended use." When the new grazing management is implemented and significant progress towards the standards is being achieved, it is not in accordance with 43 CFR 4180 or realistic to conclude that AUMs should return to levels that caused the unattainment of standards. However, if after the new ten year permit expires, analysis shows that an increase in AUMs on a sustained yield basis is compatible with meeting or making significant progress towards the standards, AUMs could be increased at that time.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
2IdahoA11272013	103	<p>The proposed decision claims on page 17 that the selected Alternative 3 for the Joint Allotment retains a level of grazing that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. The State believes that the selection of Alternative 3 for the Joint Allotment will not reduce fuel loads but in fact will lead to increase fuel loading with the prescribed reductions in AUMS. The State questions why the BLM would want to increase fuel loads by reducing 488 AUMS in an allotment that the proposed decision states on page 7 as "the entire allotment falls within modeled PPHIPGH habitat for sage-grouse and is providing suitable breeding habitat conditions in pastures 2, 3, and 4 and marginal/ate brood-rearing habitat conditions in pasture 2. "</p>	<p>The Joint allotment is managed as a native plant community. The BLM wants to promote healthy native vegetation communities and wants to improve habitat composition, structure, and distribution within PPH/GPH habitat. The selection of Alt. 3 will provide desired perennial grass a period to grow during the critical growth period and promote the reestablishment of a desired native community.</p>
2IdahoA11272013	104	<p>) In the EIS and the proposed decision, there is no clear rationale on how the BLM arrived at the total of the 218 AUM reductions in the Madriaga Allotment. There are no mathematical equations on how BLM arrived at the 218 AUMS being reduced in the Madriaga Allotment. The EIS and proposed decision do not go into detail how BLM actually arrived at the number of livestock and associated AUM reduction they are proposing to reduce (218 AUMS) in the Madriaga Allotment. While BLM claims that stocking rates were based on all available monitoring data, including current utilization data, actual use, production data from ESDs and based it on percent public land production (Estimating Initial Stocking Rates NRCS Tech Ref. 2009) the EIS and appendices do not reveal this numerical data.</p>	<p>Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, &amp; Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).</p>

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2IdahoA11272013	105	<p>On page 18 of the Proposed Decision, the Owyhee Field Manager admits that there was some minimum degree of progress that was currently being made on the allotment, however, progress at a faster rate was achievable and more desirable given the long-term potential benefits to native plant communities and the greater sage-grouse. Current grazing regulations do not require that significant progress has to be made at a faster rate. The grazing regulations only require significant progress (measurable and/or observable) to be made, not progress to be made at the faster rate the field manager is referring to on page 18 of the proposed decision.</p>	<p>The Alternative selected will continue to maintain or move towards desired conditions as analyzed in full in the EIS. A range of alternative was created that provide the BLM with management flexibility to select an option that will best progress conditions towards meeting range health standards and guides and ORMP objectives. Any alternative selected will maintain or move soils, upland vegetation community, riparian vegetation community, sensitive plants, and wildlife habitats towards desired conditions. The selection of an alternative and the rate of progress towards meeting desired conditions will depend on the existing conditions of the allotment/pasture.</p>
2IdahoA11272013	106	<p>The State also questions the accuracy on page 12 of the EIS where BLM identified that the Madriaga Allotment was not meeting Standards 1,2,3, and 8 due to current livestock grazing then in their proposed decision BLM admits on page 18 that there was some minimum degree of progress currently being made on the allotment. If there is progress being made on the allotment as the proposed decision identifies, why does the EIS (page 12) claim Standards 1, 2, 3, and 8 on the Madriaga Allotment are not being met due to current livestock grazing management?</p>	<p>Minimal progress doesn't constitute meeting standards. Please see affected environment in EIS and determination.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
2IdahoA11272013	107	<p>In the EIS and the proposed decision, there is no clear rationale on how the BLM arrived at the total of the 420 AUM reductions in the Jackson Creek Allotment. There are no mathematical equations on how BLM arrived at the AUMS being reduced by each of the permittees. The EIS and decision do not go into detail how BLM actually arrived at the number of livestock and associated AUM reduction they are proposing to reduce which results in the a total of 420 AUMS (128 AUMS reduced for Tim McBride; 105 AUMS reduced for Chipmunk Grazing Association; and 187 AUMS reduced for LS Cattle Company in the Jackson Creek Allotment.</p>	<p>Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, &amp; Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). The AUMs in the Final Decision were also considered by the average actual use by pasture that the permittees have used.</p>
2IdahoA11272013	108	<p>The proposed decision claims on page 25 that the selected Alternative 4 for the Jackson Creek Allotment retains a level of grazing that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. The State believes that the selection of Alternative 4 for the Jackson Creek Allotment will not reduce fuel loads but in fact will lead to increase fuel loading with the prescribed reductions in AUMS and the two years of rest (in some instances rest in back to back years) in some of the pastures in the Jackson Creek Allotment. The State questions why the BLM would want to increase fuel loads in an allotment that has 92 percent of the allotment located in preliminary priority habitat for greater sage-grouse (proposed decision pg. 11). The Idaho Governor's Sage-Grouse Task Force Recommendation states that lowering utilization or reducing spring grazing must be weighed against the increase risk of wildfire.</p>	<p>As noted in the EIS (Section 2.4; pages 74-77), livestock grazing can be used as a tool to reduce fuels and limit fire behavior. Fuel reduction resulting from livestock grazing is most effective in grass-dominated vegetation types and when weather and fuel moisture do not contribute to extreme fire behavior. Also as identified in the EIS in this section, the grazing prescriptions to implement fuel reduction on a landscape scale are not conducive to the implementation of appropriate seasons and intensity of grazing that lead to meeting the Idaho S&amp;G and the ORMP management objectives. Although targeted grazing to provide fuel breaks is also an effective tool to limit the spread of fire, actions to create fuel breaks through grazing or other techniques are outside the scope of this decision to renew livestock grazing permits.</p>

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2IdahoA11272013	109	BLM's EIS fails to conduct an adequate and thorough analysis with the reductions in AUMs along with significant increases in rest and how this increase in fuel loads will reduce the accumulation of fine fuel loads as BLM claims.	The BLM did carefully consider and dismissed fuel loading from the analysis. See response to 108 above.
2IdahoA11272013	112	On page 8 of the proposed decision under riparian habitat, BLM claims that standards 2 and 3 are making significant progress, yet then BLM claims that current livestock grazing is not providing adequate habitat for aquatic wildlife species (redband trout).	Correction made to wildlife issue rationale and reflected in the Final Decision
2IdahoA11272013	113	Page 125 of the Final EIS states "reductions in AUMs are based on average actual use and rest and will allow adequate recovery to upland vegetation" yet Standards 1 and 5 are currently already being met and Standard 4 and 6 are not applicable. The State questions what recovery is necessary when the Standards are currently already being met for uplands?	This language was cleared up in the Field Managers Final Decision; however the recovery referred to remnant upland communities and maintained or improved seeded communities.
2IdahoB11272013	118	The Proposed Decision (pg. 8 and pg. 23) identify that Standards I, 4, and 8 are already currently being met and Standards 2, 3, 5, 6, and 7 do not apply to the Texas Basin FFR. The proposed decision on page 33 further states and clarifies that the Texas Basin Allotment is currently meeting Standard 4 for uplands. In the case of the Texas Basin Allotment, the standards are achieved and are being met or the standards are not applicable to the allotment. The permittee should be allowed to continue to graze as he has been in the past and as he has requested in his grazing permit renewal application since no changes are required based on 43 CFR 4180.2c.	Alternative 2 was carefully considered and analyzed in the EIS. However the Alternative 3 was my Final Decision and rationalized in the decision.

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2IdahoB11272013	119	In the EIS and the proposed decision, BLM has provided no clear rationale on how they arrived at the total of the 486 AUM reductions (Proposed Decision Current Situation Table LVST-1 and Table LVST-2 vs. Table PROP 1.6: Permitted Use) for the Jump Allotment(s) from the current situation.	Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). The AUMs in the Final Decision were also considered by the actual use that the permittees have used.
2IdahoB11272013	120	In the case of the Trout Creek Allotment, the standards are either being achieved, making significant progress towards being met, are not applicable to the allotment, or BLM has determined that grazing was not a significant causal factor in the allotment for those standards not being met. BLM is not required by regulation to make any management changes in the Trout Creek allotment since the standards are either being achieved, making significant progress towards being met, are not applicable to the allotment, or BLM has determined that grazing was not a significant causal factor in the allotment for those standards not being met. However, in the case of the Trout Creek Allotment, on page 21 of the Proposed Decision, the Field Manager has chosen to select Alternative 3 described on page 22 of the proposed decision. Alternative 3 reduces total active AUMS from 726 to 342 active AUMS and has removed all early spring grazing and growing season grazing (Proposed Decision pg. 23). BLM Owyhee Field Manager is proposing a 384 AUM reduction of active AUMS in the Trout Creek Allotment. The State strongly opposes this reduction in active AUMS and the	Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). The AUMs in the Final Decision were also considered by the actual use that the permittees have used. Average actual use in Trout Creek allotment was 342 AUMs so those were also taken into considering how the current condition and were carefully considered in the Final Decision.

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		<p>elimination of early and growing season grazing at certain levels. BLM even claims that the Trout Creek Allotment is conforming to all guidelines. Based on conditions described in the proposed decision and as listed above, the State believes no reduction is warranted in the Trout Creek Allotment and protests the proposed reduction in active AUMS for the Trout Creek Allotment.</p>	
2IdahoB11272013	121	<p>In the EIS and the proposed decision, BLM has provided no clear rationale on how they arrived at the total of the 384 AUM reductions (Proposed Decision Current Situation Table LVST-1 vs. Table L VST - 3) for the Trout Creek Allotment from the current situation. There are no mathematical equations on how BLM arrived at the AUMS being reduced by each of the permittees. The ETS and decision does not go into detail how BLM actually arrived at the number of livestock and associated AUM reduction they are proposing to reduce in the Trout Creek Allotment.</p>	<p>Opinion noted. Stocking rates were developed for alternatives 3, 4 and 5 by allotment in Appendix C-2 and used ESDs production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, &amp; Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). Each allotment was carefully considered using current actual use reports and current condition to adjust to appropriate levels that would move resources towards desired conditions.</p>

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2IdahoB11272013	122	<p>BLM's selection for Alternative 3 for the Trout Creek Allotment eliminates early and critical growing season grazing in all years in addition to reducing active AUMS by 384 AUMS in the Trout Creek Allotment. With lower utilization levels identified in the proposed decision (13- 37 percent) along with elimination of early and critical growing season grazing in all years, with a reduction in active AUMS by 384 AUMS, the State believes this is not reducing fuel loads as BLM states on page 30 of their proposed decision when the Field Manager claims the selected alternative retains a level of grazing use that somewhat reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. The State believes that by implementing Alternative 3 for the Trout Creek Allotment, BLM has put at risk the uplands and the riparian areas in this allotment to significant and catastrophic wildfire events.</p>	<p>The Final Decision for Trout Creek was Alternative 2, as modified, with reductions in AUMs. This decision was carefully considered in the analysis in the EIS and best meets the needs of the resources and permittee.</p>

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2IdahoB11272013	123	<p>The State questions the Field Manager authority to arbitrarily decide to "considered modifications to management to provide additional improvements in habitat conditions or to provide for faster progress toward meeting rangeland health standards on the allotments. " The regulations clearly state in 43 CFR 4180.2c that: "the authorized officer shall take appropriate action as soon as practicable ... upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards ....." This is not the case in the Soda Creek and Baxter Basin Allotment as the Field Manager has clearly and correctly stated on page 8 of the proposed decision; "the evaluations and determinations for the Soda Creek and Baxter Basin allotments found that all Standards were either met, or significant progress was being made toward meeting the Standards, it follows that livestock management on the two allotments is in conformance with the Idaho Guidelines for Livestock Grazing Management (proposed decision pg. 8)." On page 10 of the proposed decision, the field manager states that "implementation of these alternatives over the next 10 years will allow the Baxter Basin and Soda Creek allotments to meet or make significant progress toward meeting the Idaho S&amp;Gs while also moving toward achieving the resource objectives outlined in the ORMP. " This statement conflicts with the Field Manager's statement on page 8 when she states "because the evaluations and determinations for the Soda Creek and Baxter Basin allotments found that all Standards were either met. or significant progress</p>	<p>Site-specific analysis of modifications to management was made at the allotment level see Alternatives 3, 4 and 5 and Appendix C for detailed analysis. Alternatives selected for Soda Creek and Baxter Basin allotments will maintain or move towards desired conditions on the allotments as rationalized in the Final Decision.</p>

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		<p>was being made toward meeting the Standards. it follows that livestock management on the two allotments is in conformance with the Idaho Guidelines for Livestock Grazing Management." The State questions how the permittees or for that matter the general public can understand this confusion in BLM 's Proposed Decision. How can you meet or make significant progress towards meeting the S&amp;Gs when as the Field Manager has described on page 8 that the permittee is already there, meeting or making significant progress on the standards. If this is the case (pg. 8's statement) BLM is not required or bound by regulation to make management changes to the Soda Creek and the Baxter Basin Allotments in accordance to 43 CFR 4180.2c as described above.</p>	