



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

December 30, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Thomas
17947 Shortcut Road
Oreana, ID 83650

Notice of Field Manager's Final Decision for the Alder Creek FFR Allotment

Dear Mr. Thomas:

The BLM remains dedicated to processing your application for permit renewal on the Alder Creek FFR grazing allotment. I signed a Proposed Decision to renew your grazing permit on November 26, 2013. The Proposed Decision included terms and conditions that would 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).

Introduction

As you know, the BLM evaluated current grazing practices and resource conditions in the Alder Creek FFR allotment to ensure that any renewed grazing permit on the allotment is consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, a rangeland health assessment, evaluation and determination for the Alder Creek FFR allotment was completed in 2006. These documents were updated and supplemented, and a new determination of compliance with rangeland health standards was signed October 21, 2013, taking into consideration the updated rangeland health assessment (USDI BLM, 2013). This decision incorporates by reference the information contained in those documents.

The BLM's Owyhee Field Office initiated a public scoping process for renewal of grazing permits on the Group 3, or Toy Mountain Group, allotments by mailing a letter to interested publics and grazing permittees in January, 2013. The letter solicited comments and information to identify resource and management issues associated with the Idaho Rangeland Health Standards and Guidelines (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) (USDI BLM,

1999) for the purpose of developing grazing management alternatives for allotments in the Toy Mountain Group, which includes the Alder Creek FFR allotment.

After evaluating conditions on the land and reviewing comments received during the scoping process, it became clear that resource concerns currently exist on the Toy Mountain Group allotments. You submitted an application for renewal of this grazing permit, which was received by the BLM on May 29, 2013. With respect to the Alder Creek FFR allotment, your application requested a renewed authorization under essentially the same terms and conditions as your previous permit, which allows number of livestock and season of use at your discretion, within authorized AUM levels.

With the focus of addressing livestock grazing's impacts to public land resources, my office prepared an environmental assessment (EA) in which we considered a number of options and approaches to maintain and improve resource conditions for the Toy Mountain Group allotments (NEPA #DOI-BLM-ID_030-2013-0021-EA). The BLM considered and analyzed in detail five alternatives for the Alder Creek FFR allotment, and also considered other alternatives but did not analyze them in detail for various reasons as described in the EA. Our overarching 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 Alder Creek FFR allotment's natural resources conform to the goals and objectives of the ORMP and Idaho S&Gs. The Final Toy Mountain Group 3 EA, which was published on November 26, 2013, incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS # DOI-BLM-ID-B030-2012-0014-EIS and the analysis contained therein. This Final Decision incorporates by reference the analysis contained in those documents (see Appendix K).

On November 26, I issued you a Proposed Decision, which you received on November 27, 2013, and a 15-day protest period was provided. Protests of the Proposed Decision were received from Western Watersheds Project, the State of Idaho Office of the Governor, and on your behalf from Marcus, Christian, Hardee & Davies, LLP.¹ All protest points applicable to the Toy Mountain Group of allotments have been reviewed and addressed by BLM and are discussed in the attached document titled "Protest Responses - Toy Mountain Group Allotments."

Following public availability of the BLM's November 26, 2013, Proposed Decision and review of protest points, I am now prepared to issue a final decision to authorize livestock grazing within the Alder Creek FFR allotment. This decision is the culmination of a comprehensive review of the relationship between resource conditions and livestock grazing practices on the Alder Creek FFR allotment, completed in accordance with the grazing regulations, Idaho S&Gs, the National Environmental Policy Act (NEPA), and the ORMP.

This final decision will:

- Describe current conditions and issues on the allotment;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;

¹ Although the protest submission received from the State of Idaho, Office of the Governor was not received timely, protest points identified were considered and responses are provided in the attached document.

- Respond to the application for grazing permit renewal for use in the Alder Creek FFR;
- Transmit the attached responses to protests received for the Group 3 allotment Proposed Grazing Decisions;
- Outline my final decision to select Alternative 4 in the Alder Creek FFR allotment; and
- Explain my reasons for making this decision.

Background

Allotment Setting

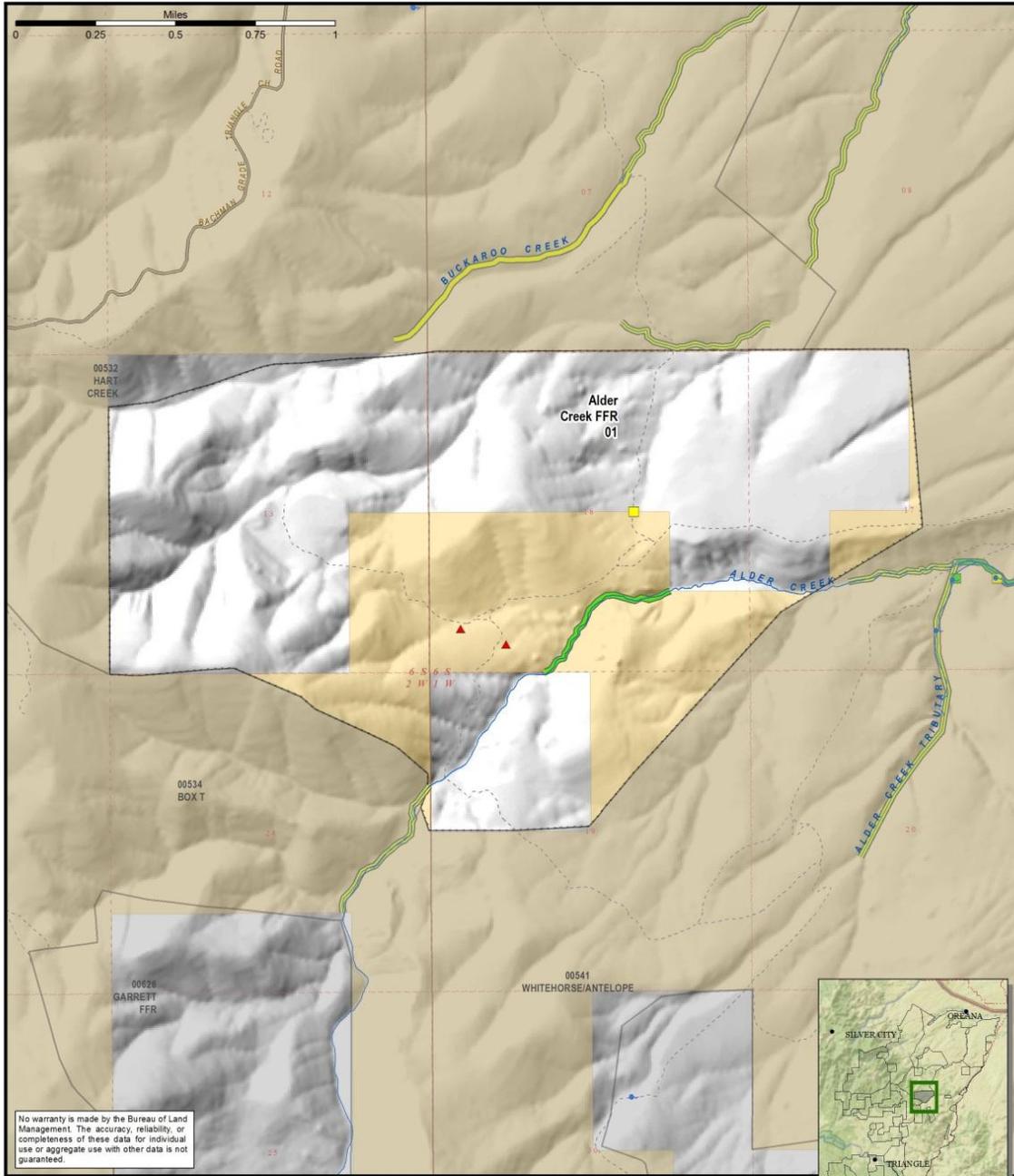
The Alder Creek FFR allotment is situated within the Owyhee Uplands, a sagebrush steppe semi-arid landscape of shrubs and widely spaced bunchgrasses. The allotment is located approximately 12 miles southwest of Oreana, Idaho, and just east of Toy Pass. The elevations in this allotment range from 4,200 to 5,907 feet. Limited precipitation with cold winters and dry summers constrain plant community and wildlife habitat potential. Precipitation ranges from about 12 to 16 inches on the Alder Creek FFR allotment and occurs primarily during the winter.² The allotment is dominated by mountain big sagebrush ecological sites, with potential for bluebunch wheatgrass/Idaho fescue in the understory. The allotment consists of one pasture encompassing approximately 535 acres of BLM lands and 1,238 acres of private lands (Map 1).³

² For more detailed discussion, please refer to the affected environment sections of EIS number DOI-BLM-ID-B030-2012-0014-EIS.

³ 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 ownerships.



Map 1: Alder Creek FFR (00639) Allotment



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

- | | | | | |
|--------------------------------|------------|--------------------------|------------------|-------------------|
| Allotment of Interest Boundary | Stock Pond | Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC | Improved Road | BLM |
| Range Monitoring | Trough | FAR | 4WD Road | State |
| Nestled Plot Frequency Trend | Exclosure | NF | Water Body | Private |
| RHA Point | | | | |

1:25,000

Current Grazing Authorization

You are currently authorized to graze cattle on the Alder Creek FFR allotment in accordance with a permit issued by the BLM. Although the season of use is defined as 12/1-12/31, due to the predominance of private land acreage in the allotment you have been afforded the flexibility to use the Alder Creek FFR allotment at your discretion, so long as animal unit months (AUMs) on public lands are not exceeded, and resource conditions are met. The terms and conditions of the BLM grazing permit are as follows.*

Table LVST-1: Alder Creek FFR current grazing permit

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Alder Creek FFR	59	Cattle	12/01	12/31	100	Active	60

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

Terms and conditions:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment #0606 are at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
4. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
5. Changes to the scheduled use require prior approval.
6. 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.
7. Livestock enclosures located within your grazing allotments are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within wilderness study areas requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, land offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. 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, but 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 schematic(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.
13. United States District Court for the District of Idaho imposed terms and conditions

- 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

The current permit authorizes 60 AUMs annually on BLM lands and a season of use of December 1-31;⁴ however, based upon recent actual use records, the Alder Creek FFR allotment has been used from about April 20 through mid-June in most years, and has occasionally been grazed as late as July 5. In 2012, the allotment was also used for 2 weeks in November. 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 Conditions⁵

The BLM completed a rangeland health assessment, evaluation and determination for the Alder Creek FFR allotment in 2006. These documents were updated and supplemented, and a new determination of compliance with rangeland health standards was signed October 21, 2013, taking into consideration the updated rangeland health assessment. Those document identified resource conditions on the Alder Creek FFR allotment which resulted in the determination that Standards 1, 2, 3, 4, and 8 are not being met and current livestock grazing is a causal factor. Standards 5 and 6 are not applicable to this allotment, and Standard 7 is being met.

Vegetation - Uplands

BLM lands in the Alder Creek FFR allotment feature mostly of mountain big sagebrush ecological sites, with smaller acreages of Wyoming, basin, low, and black sagebrush sites. Deep-rooted, mid-stature perennial bunchgrasses, such as Idaho fescue and bluebunch wheatgrass, are the expected understory in these sagebrush ecological sites, and juniper is generally expected to occur in trace amounts, or be absent from these sites, based upon ecological site descriptions.

Standard 4 (Native Plant Communities) is not met in the Alder Creek FFR allotment due to shifts in the relative abundance of the expected plant functional/structural groups. Western juniper is scattered to common, and 7 percent of the allotment is mapped as juniper cover type. There has been a general decrease in deep-rooted, mid-stature bunchgrasses such as Idaho fescue and bluebunch wheatgrass, relative to site potential. In addition, sage-grouse habitat assessment data

⁴ Although the season of use in the grazing permit states 59 cattle and a season from 12/1-12/31 in the Mandatory Terms and Conditions, the permit states that “The number of livestock and season of use is at your discretion” in the Other Terms and Conditions, which allows flexibility.

⁵ For more detailed discussion resource conditions please refer to EA number DOI-BLM-ID-B030-2013-0021-EA.

from 2012 indicate that cheatgrass is now prevalent on the allotment, suggesting deteriorating vegetation conditions. Annual livestock grazing use during the spring growing season has resulted in a decline in the frequency of desirable deep-rooted perennial bunchgrass species. Annual growing season use leads to a determination that in addition to historic livestock use that led to the decline of deep-rooted perennial bunchgrasses, current livestock management practices are a significant causal factor contributing toward not meeting Standard 4. Juniper encroachment is also a causal factor in failure to meet the Standard.

Watersheds

Current livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 in the Alder Creek FFR allotment. Signs of increased erosion, such as water flow patterns and historic and active pedestaling, indicate decreased watershed function. Soil surface resistance to erosion is reduced, especially where native deep-rooted bunchgrasses are missing and where interspaces are not stabilized by persistent cover. This is especially important on erosive granitic soils and steep topography that dominate much of the Alder Creek FFR allotment. Additional declines in soil stability are associated with mechanical damage from hoof action, increased water flow patterns, and reduced microbiotic crusts. Junipers do not appear to be driving negative hydrologic functions at this site, although with continued expansion, their role in hydrologic function would become more significant. At lower elevations, continued increases in cheatgrass have the potential to impact nutrient cycling and energy flow. Livestock management is the primary causal factor for not meeting Standard 1 and ORMP soil management objectives of improving unsatisfactory watershed health/conditions in the Alder Creek FFR allotment due to repeated spring grazing use.

Water Resources and Riparian/Wetland Areas

Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not being met in the Alder Creek FFR allotment; Standard 7 (Water Quality) is being met. The reach of Alder Creek that traverses BLM lands in the allotment was most recently rated as being in proper functioning condition (PFC) overall because the stream is armored with large boulders and dense willows, but livestock impacts were reducing bank stability in accessible portions of the reach. However, short-term indicator data for bank alteration and woody use reflect impacts associated with livestock use exceeding appropriate limits along accessible portions of the reach. One unnamed seep was rated functional at-risk (FAR) in 2013 because the flow patterns had been altered by excessive trampling and there was heavy use of riparian vegetation. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function at the assessed spring and accessible portions of Alder Creek, and the recent grazing schedule has not allowed rest or deferment years.

Special Status Plants

As stated in Section 3.1.4 of EA # DOI-BLM-ID-B030-2013-0021-EA, there are no populations of special status plant species known to occur in this allotment.

Wildlife/Wildlife Habitats and Special Status Animals

The Alder Creek FFR allotment is not meeting Standard 8 (Threatened and Endangered Plants and Animals), and current livestock practices are significant factors. BLM lands within the

allotment are entirely within sage-grouse preliminary priority habitat, and may be used by sage-grouse throughout the year. At least five sage-grouse leks occur within 4 miles of the Alder Creek FFR allotment. Upland habitat for sage-grouse and other sagebrush-obligate wildlife species is limited by encroachment of juniper and cheatgrass, reduced abundance of deep-rooted perennial grasses, and increased shrubs. As described above, under Vegetation – Uplands, reductions in abundance and vigor of desirable mid-stature perennial bunchgrasses is attributed to repeated grazing during the active growth period for those species.

One perennial creek, Alder Creek, occurs on the allotment, and supports redband trout. Alder Creek is in PFC, but habitat quality is limited due to over-utilization of willows and streambank alteration where Alder Creek is accessible to livestock. Streambank alteration is associated with stream sedimentation, which can impact trout redds and fry, while over-utilization willows reduces their ability to expand along the reach and stabilize streambanks and shade the stream.

Guidelines for Livestock Grazing Management

Livestock management practices do 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 3 – Locate livestock management facilities away from riparian areas wherever they conflict with achieving or maintaining riparian-wetland functions.

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 cover appropriate to site potential;

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

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

Guideline 8 – Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, nutrient cycle, and energy flow that will support the appropriate types and amounts of soil organisms, plants, and animals appropriate to soil type, climate, and landform.

Guideline 9-Apply grazing management practices to maintain adequate plant vigor for seed production, seed dispersal, and seedling survival of desirable species relative to soil type, climate, and landform;

Guideline 12-Apply grazing management practices and/or facilities that maintain or promote the physical and biological conditions necessary to sustain native plant populations and wildlife habitats in native plant communities.

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 Toy Mountain Group allotments. The identified issues that may be applicable to the Alder Creek FFR allotment are listed below⁶:

Issue 1: *Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.*

Issue 2: *Improve watershed conditions within upland sites.*

Issue 3: *Limit juniper encroachment into shrub-steppe vegetation types.*

Issue 4: *Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).*

Issue 5: *Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.*

Issue 6: *Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.*

Issue 7: *Consider whether grazing can be used to limit wildfire.*

Issue 8: *Consider the issue of climate change and its relationship to the proposed federal action of renewing grazing permits. Livestock grazing in Owyhee County contributes CO₂ 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.*

Issue 9: *Consider impacts to regional socioeconomic activity generated by livestock production.*

Analysis of Alternative Actions

Based on the current condition of the Alder Creek FFR allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining or improving satisfactory conditions and continuing to provide for significant progress towards meeting standards where unsatisfactory conditions have been identified on the allotment. Overall, five alternatives were considered and analyzed in the EA, each of which was considered in detail and analyzed for the Alder Creek FFR allotment. The range of alternatives developed include: Alternative 1 - Current situation, Alternative 2 - Applicants' Proposed Action, and Alternative 5 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints and grazing strategies. The following section briefly describes each alternative, as it applies to the Alder Creek FFR allotment.

⁶ The issue of maintaining or improving habitat for special-status plant species is not discussed in this decision because no special-status plant species are known to occur on the Alder Creek FFR allotment.

Alternative 1 - Current Situation

This alternative would allow a continuation of your current management on the allotment, authorizing 60 AUMs from 12/1 to 12/31, with flexibility to use the allotment at your discretion, as described above, under the current grazing authorization section of this decision. For analysis purposes, it was assumed that the allotment would continue to be used annually during the spring, as reported on recent actual use reports.

Alternative 2 - Applicant's Proposed Action

This alternative would be similar to Alternative 1, although annual indicator criteria would be removed from the permit's Other Terms and Conditions, and the season of use would be changed to 4/16-6/30 to reflect the season in which you report using the Alder Creek FFR in recent years and consistent with the application received.

Alternative 3

Alternative 3 would implement constraints on the season of use for the Alder Creek FFR to reduce impacts to resources, including sage-grouse habitat, redband trout habitat, vegetation, soils, and riparian areas. Under this alternative, 60 AUMs of forage use would be permitted, and a deferred grazing rotation would be implemented, so that use would be deferred until July 1 at least 1 in 3 years.

Alternative 4

This alternative would constrain the season of use more than Alternative 3 to more conservatively manage resources based upon identified rangeland health resource issues. Under this alternative, 52 AUMs of forage use would be permitted, and a deferred grazing rotation would be implemented, which would limit grazing to 10/1-12/15 in 2 out of 3 years. Livestock numbers would be limited to 69 head of cattle, as opposed to Alternatives 1-3, which allow livestock numbers at your discretion.

Alternative 5 - No Grazing

This alternative would not authorize grazing for a period of 10 years for the Alder Creek FFR allotment.

Final Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, as well as the protests received in response to my Proposed Decision, it is my Final Decision to authorize grazing for a period of 10 years in accordance with Alternative 4, as described in EA #DOI-BLM-ID-B030-2013-0021-EA.

Implementation of this alternative over the next 10 years will allow the Alder Creek FFR allotment to 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: Grazing permit for the Alder Creek FFR allotment

Allotment	Livestock		Grazing Period		% PL *	Type Use	AUMs
	Number	Kind	Begin	End			
Alder Creek FFR	69	Cattle	4/1	12/15	30	Active	52

*The percent public land would be changed from 100% to 30% to accurately reflect the amount of public land on the Alder Creek FFR allotment. Livestock numbers apply to the entire allotment, and permitted AUMs reflect the amount of forage available on the public land portion of the allotment.

The following grazing permit terms and conditions specific to the Alder Creek will be included in the permit offered:

1. Grazing use in the Alder Creek FFR allotment will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated December 30, 2013. Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions.
2. The permitted grazing period includes scheduled spring and fall use. No use is permitted between 6/15 and 9/30.

The following applicable District grazing permit terms and conditions would be included in the permit offered:

1. Livestock turn-out is subject to the District range readiness criteria.
2. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days of the last day of your authorized annual grazing use.
3. 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 supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
4. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. Permittee will notify any/all affected permittees or landowners in advance of crossing.
5. 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.
6. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
7. Prior to turn-out, all range improvements must be maintained and in accordance with the cooperative agreement and range improvement permit in which you are a signatory

or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.

8. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
9. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

The following grazing schedule would be applied to the Alder Creek FFR allotment:

Table LVST-3: Grazing schedule for the Alder Creek FFR allotment

Pasture	Year 1	Year 2	Year 3
1	10/1 to 12/15	10/1 to 12/15	4/1 to 6/14

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 Alder Creek FFR, Hart Creek, Box T, and Meadow Creek FFR grazing allotments, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of permit renewal.

Justification for the Final Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0021-EA, the rangeland health assessment/evaluation, determination, and other documents in the grazing files, it is my Final Decision to select Alternative 4 for the Alder Creek FFR allotment. 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 (FLPMA) multiple use and sustained yield mandate and will result in the Alder Creek FFR allotment meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs. Active AUMs authorized on public land within the Alder Creek FFR allotment would be reduced to 52 AUMs, and the stocking rate for public land in the Alder Creek FFR allotment would be approximately 10 acres per AUM, a conservative stocking rate consistent with ecological site potential within the allotment, as limited by current conditions, water availability, and topography⁷.

⁷ In accordance with regulation pertaining to reducing permitted use (43 CFR 4110.3-2), reductions in active use AUMs to meet Rangeland Health Standards or make significant progress, as well as reductions in active use AUMs to meet ORMP management objectives, would be implemented by reducing permitted use. Active use AUMs no longer available would not be converted to suspension. Suspension AUMs held on permits prior to this planning process would continue to be held on permits as suspension.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Alder Creek FFR allotment. I want you to know that I considered the issues through the lens of each alternative before I made my decision. My selection of Alternative 4 for the Alder Creek FFR allotment was due in large part to my understanding that this selection best addressed those issues and resource conditions on this allotment, given the BLM's legal and land management responsibilities.⁸

Issue 1: Improve upland vegetation plant communities, and in particular, reverse the shift from desirable to undesirable native plant communities.

Under Alternative 4, limits to the season of grazing use and the stocking rate would allow cool-season bunchgrass species to regain health and vigor, and therefore significant progress would be made toward meeting Standard 4 and ORMP objective to improve vegetation health and condition. These improvements in vegetation conditions would be more rapid under Alternative 4 than under Alternative 3 because total livestock numbers would be limited, total AUMs would be decreased by 13 percent, and grazing during the active growth period would only occur once in each three-year period. However, recent sage-grouse habitat assessment data reflect prevalence of cheatgrass on the Alder Creek FFR allotment. In some areas,

⁸ As you know, your allotment is part of a group of 20 allotments that form the Toy Mountain Group allotments and the larger Owyhee 68 allotments, and is 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 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.

cheatgrass is the dominant understory component. Due to the competitive nature of cheatgrass, it is unlikely that deep-rooted perennial bunchgrasses will increase substantially in areas where cheatgrass is now the dominant herbaceous component.

Issue 2: Improve watershed conditions within upland sites.

Alternative 4 would defer grazing until fall in 2 of 3 years, avoiding physical impacts to soils during the wettest and most susceptible period. Additional benefits are provided from reduced critical growing season use and riparian grazing that promotes the ability of native plant communities to improve and respond with increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion, and lessen concentrated use on upland soils that surround riparian areas.

In addition, AUMs would be reduced by 13 percent to protect resource values and livestock numbers would be limited, removing the flexibility that allowed the addition of an unidentified number of livestock over a shorter amount of time. This would reduce the physical impacts of trampling, compaction, and pugging to soils that can increase with elevated livestock numbers. As a whole, Alternative 4 would allow the greatest opportunity for making progress towards maintaining, meeting and improving soil and hydrologic function over the life of the permit compared to Alternatives 1, 2, and 3, though not as rapid as Alternative 5.

Issue 3: Limit juniper encroachment into shrub-steppe vegetation types.

Vegetation treatments to limit juniper encroachment on the Alder Creek FFR allotment are outside of the scope of the current grazing permit renewal action. Juniper control is not consistent with the purpose and need identified in the EA to renew grazing permits. Juniper control may be addressed through separate NEPA analysis specific to proposed project(s), because implementation of actions identified in the permit renewal application is not dependent on the control of juniper.

Juniper encroachment can decrease the shrub, grass, and forb cover and forage that shrub steppe dependent wildlife species rely on for survival and reproduction. Juniper also increases perching sites for raptors and ravens that prey on shrub steppe dependent wildlife species. Juniper is an important source of food and cover for many wildlife species (including mule deer, elk, and many migratory birds). Sage-grouse avoid areas with juniper encroachment. To the extent that juniper encroachment on the Alder Creek FFR allotment is limiting watershed and upland vegetation condition, those effects will continue to occur until such time that vegetation treatments can be designed, analyzed and implemented in a separate, future process.

Issue 4: Prevent introduction and spread of noxious and invasive annual species (e.g., cheatgrass).

Although Alternative 5 would most greatly reduce the potential for livestock to introduce and spread invasive and non-native annual species compared to the other alternatives, 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 even in the absence of livestock grazing in the allotment. Improvements in the health and vigor of native plant communities as a result of modified grazing practices would reduce the competitive ability of noxious and invasive species on the Alder Creek FFR allotment. However, recent sage-grouse habitat assessment data reflect the current prevalence of cheatgrass on the Alder

Creek FFR allotment. In some areas, cheatgrass is the dominant understory component. Due to the competitive nature of cheatgrass, encroachment of this annual grass into the sagebrush community will continue, limiting progress towards site potential, especially in the lower-elevation portions of the allotment.

Issue 5: Improve riparian vegetation and stream-bank stability associated with streams and springs/seeps.

Under Alternative 4, the Alder Creek FFR allotment would be managed with a defined schedule that would incorporate 2 years of growing season deferment over the course of a 3-year rotation and reduce AUMs by 13 percent. Grazing would not occur during the hot season in any year, when livestock make disproportionate use of riparian areas and riparian vegetation. Limiting spring use to one in three years would promote recovery of riparian vegetation health, while establishment of a maximum allowable number of livestock would limit the potential for concentrated use of riparian areas. Therefore, the allotment would make significant progress towards meeting the riparian-wetland related Standards and ORMP objectives under this alternative. While Alternative 3 would also result in significant progress, progress would not be as rapid as under Alternative 4 because livestock numbers would be at the permittee's discretion, and grazing would only be deferred 1 in 3 years.

Issue 6: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.

Upland and sage-grouse habitat

As described under Issue 1, the vigor and reproductive capability of deep-rooted perennial grasses and forbs would improve, and over time abundance of these desirable species would increase as a result of the changes to livestock management on the Alder Creek FFR allotment. Increases in cover and forage from deep-rooted perennial grasses and forbs would improve sage-grouse nesting and brood rearing habitat, as well as general habitat for other sagebrush-dependent upland wildlife species.

Riparian habitat

As described under Issue 5, riparian areas currently not meeting standards would make significant progress under Alternative 4. Healthy, vigorous riparian plant communities exemplified by a diversity of woody and herbaceous hydric species, are expected to stabilize streambanks and provide shading, invertebrate prey habitat and stream channel characteristics appropriate to stream morphology, resulting in suitable aquatic wildlife habitat.

Issue 7: Consider whether grazing can be used to limit wildfire.

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 the Toy Mountain Group 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 Alder Creek FFR 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.

Alternative 4 retains 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.

Issue 8: Consider the issue of climate change and its relationship to the proposed federal action of renewing grazing permits. Livestock grazing in Owyhee County contributes CO₂ 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.

Climate change is another factor I considered in building my decision around Alternative 4 for the Alder Creek FFR allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together—albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. Alder Creek FFR allotment is currently not meeting Standards 1, 2, 3, 4 and 8 due to current livestock management; Alternative 4 combines season, intensity, and duration of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on this allotment will be better armed to survive such changes. The native plant health and vigor protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

Issue 9: Consider impacts to regional socioeconomic activity generated by livestock production.

During the scoping process, concerns were raised about the impacts of modifications to or reductions in grazing to regional socio-economic activity. I share this concern and have taken this

into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit protects resources in a manner consistent with the BLM's obligations under FLPMA, the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4 for the Alder Creek FFR allotment in large part because those selections accomplish those latter goals.

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 on 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 provided by healthy, productive ecosystems and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

Additional Rationale

I did consider selecting Alternative 5 (No Grazing) for this allotment; 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 allotment. In selecting Alternative 4 for the Alder Creek FFR allotment rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on the your operations and on regional economic activity, and (3) your past performance under previous permits. By implementing Alternative 4, the resource issues identified will be addressed. Declining to authorize grazing for a ten-year period is not the management decision most appropriate at this time in light of these factors.

During the public comment period for the Draft EA and the 15-day protest period for the Proposed Decisions, we received comments from members of the interested public stating that the BLM should analyze the effects of livestock grazing in an Environmental Impact Statement (EIS) rather than an EA. The BLM completed EIS # DOI-BLM-ID-B030-2012-0014-EIS that analyzes the effects of livestock grazing in the Chipmunk Group 2 allotments that are associated with the Owyhee 68 permit renewal process. The scope of analysis in this EIS is relevant to all the allotments within the Owyhee Field Office and supports the analysis in the Groups 3, 4, 5, and 6. As stated earlier in this Decision, I am incorporating by reference the analysis in the Chipmunk Group 2 EIS.

Finding of No Significant Impact

A finding of no significant impact (FONSI) was signed on November 21, 2013, and concluded that the decision to implement Alternative 4 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0021-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal1.htm

Conclusion

In conclusion, it is my Final Decision to select Alternative 4 over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs, consistent with the projected ability of BLM to oversee grazing on this allotment over the next several years. Alternatives 1 and 2 would implement livestock management practices on the Alder Creek FFR allotment that would allow a continued failure to meet objectives and standards. While Alternative 3 would result in progress towards Standards and objectives, progress would be slower than under Alternative 4 because grazing would not be deferred as frequently and livestock numbers would not be limited as they are under Alternative 4. Alternative 5 would limit the economic activity of your livestock operation in 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 Alternative 4 lead me to believe elimination of livestock grazing from the Alder Creek FFR allotment is unnecessary at this point. This grazing decision and subsequent permit 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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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 Alder Creek FFR allotment 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 for the purpose of a hearing before an administrative law

judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the Final Decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal or the appeal and petition for stay with the BLM officer named above, the appellant must also serve copies on other persons named in the copies sent to section of this decision in accordance with 43 CFR § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

Boise Field 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:

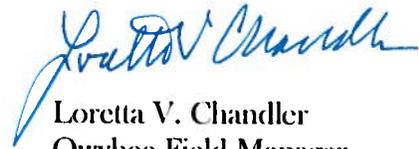
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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
Owyhee Field Manager

Copies sent to:

- See attached Toy Mountain mailing list.

Works Cited

- USDI BLM. (1999). *Owyhee Resource Management Plan*. Marsing, ID.
USDI BLM. (2013). *Final Rangeland Health Assessment for Hart Creek (0532), Box T (0534), and Alder Creek FFR (0639) Allotments, 2013 Supplement*. Marsing, ID.

Copies sent to:

Company Name	First Name	Last Name	Address	City	State	Zip
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Estate of Charles Steiner	John	Steiner	24597 Collett Rd.	Oreana	ID	83650
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
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
ID Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686
ID Wild Sheep Foundation	Director Jim	Jeffress	PO Box 8224	Boise	ID	83707
ID Wild Sheep Foundation	Herb	Meyr	570 E. 16 th N.	Mountain Home	ID	83647
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720-0050
Idaho Farm Bureau Fed			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
Hardee & Davies LLP	Michael & Marcus	Christian	737 N. 7 th St.	Boise	ID	83702
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
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Boise	ID	83712
Juniper Mtn. Grazing Assn.	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO Box 415	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W Bannock, Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St, 20 th Floor	San Francisco	CA	94104
Northwest Farm Credit Services			815 N. College Rd.	Twin Falls	ID	83303
Northwest Farm Credit Services, FLCA	Maudi	Hernandez	16034 Equine Drive	Nampa	ID	83687
Oregon Division State Lands			1645 NE Forbes RD., Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Assn.			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
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
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 NV Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801

Company Name	First Name	Last Name	Address	City	State	Zip
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W Bannock St., Ste. 210	Boise	ID	83702
The Wilderness Society			950 W Bannock St., Ste. 605	Boise	ID	83702-5999
US Fish & Wildlife Service			1387 S Vinnell Way, Rm. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects			PO Box 1770	Hailey	ID	83333
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Zions First National Bank	Bertha	Scallon	500 5 th St.	Ames	IA	50010
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Charles	Lyons	11408 Hwy. 20	Mountain Home	ID	83647
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650
	Martin & Susan	Jaca	21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	John	Edwards	15804 Tyson Rd.	Murphy	ID	83650
	Rohl	Hipwell	18125 Oreana Loop Rd.	Oreana	ID	83650
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650
	Craig & Georgene	Moore	PO Box 14	Melba	ID	83641
	Scott & Sherri	Nicholson	PO Box 690	Meridian	ID	83680
	Joseph	Parkinson	123 W. Highland View Dr.	Boise	ID	83702
	Senator James E.	Risch	350 N. 9th St., Ste. 302	Boise	ID	83702
	Senator Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Congressman Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W. El Gato Ln.	Meridian	ID	83642
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837
	Elmer	Stahle	17965 Oreana Loop Rd.	Murphy	ID	83650
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639
Office of Species Conservation	Cally	Younger	304 N. 8 th St., Ste. 149	Boise	ID	83702

Protest Responses – Toy Mountain Group Allotments

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12132013	1	There are no mathematical equations or explanations on how BLM arrived at the 264AUMS being proposed for the Toy Allotment for the Scott and Sherrie Nicholson grazing permit renewal. The State of Idaho Protest that BLM has not provided exact calculations and explanations on how they actually arrived at their new total of 264 AUMS of active use and how they arrived at the exact figure of 676 AUMS that they are proposing to reduce. BLM must provide this information in order to avoid being arbitrary.	The rationale used to arrive at the authorized active AUMs for each allotment and alternative is provided in the alternative section for each allotment and each alternative in section 2.4 of the Group 3 EA.
3Idaho12132013	2	The State protests the BLM's segmented or piece mill approach in their grazing permit renewals by not including and analyzing range improvements during their permit renewal process. 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 open all parts of the 43 CFR 4100 grazing regulations (specifically 4120.3-1(a) and 4180.2c) for some permittees to use as management tools while other permittees are restricted from using all parts of the grazing regulations (specifically range improvements-43 CFR 4120.3-1(a) and 4180.2c).	The Purpose and Need section of the Group 3 EA (Section 1.4), the Alternative Considered but not Analyzed in Detail section (Section 2.3), and the allotment-specific description for Alternative 2- Applicant's Proposed Action when the existing permittee requested projects in the application received by BLM in combination provide rationale for not analyzing projects as a part of any alternative.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12132013	3	The State of Idaho Protest the fact that BLM has selected an alternative which limits the ability of a permittee to use his private land at his discretion... The permittees have not provided any total available forage production figures to the BLM from their private lands, so the state questions how the BLM has accurately arrived at their percent public land numbers.	The BLM is mandated to manage public land resources and values in accordance with the Taylor Grazing Act, the Federal Land Policy and Management Act, and other legislation. A grazing permit or lease is the document that authorizes livestock grazing on public land. Terms and conditions on grazing permits are the tools that fulfill the BLM's responsibility for applying actions that will allow standards and guidelines, as well as resource management objectives to be met for resources and values on public land. Terms and conditions of grazing permits apply only to use of the public land portion of allotments. Percent public land calculated for allotments with FFR in their names was applied only in Alternative 4 and is described in a footnote attached to the description of Alternative 4 for each allotment. Percent public land for other allotments was carried forward from existing permits or calculated in a manner similar to that used for FFR allotments when permittees identified lands that they control within the allotment.
3EstateSteiner12132013	4	We were told we were not allowed to do any new projects in which to improve conditions.	See the response to protest point number 2.
3EstateSteiner12132013	5	We protest the grazing schedule as it is not workable due to conditions on the ground.	The grazing schedule for the Louisa Creek allotment, Alternative 3, was developed consistent with recent actual use that has occurred within the allotment during recent years, while incorporating constraints to seasons of grazing use that allow land health standards and resource management objectives to be met.

Protest ID	Protest Point No.	Protest Text	Protest Response
3EstateSteiner12132013	6	We protest the trailing routes as they are not complete.	Trailing routes were identified for the Owyhee Field Office trailing EA (DOI-BLM-ID-B030-2012-0011-EA) through coordination with permittees. Those trailing routes identified in the 2012 Owyhee Field Office trailing EA were incorporated in the Toy Mountain Group grazing permit renewal planning process by reference. In addition, permittees authorized to graze livestock within the Toy Mountain Group allotments were asked during meetings in late May 2013 to identify additional trailing needs. One additional trailing route was identified and requested by Robert Thomas (see map RNGE-2 of the EA).
3RThomas12122013	7	The Proposed Decisions follow from a failure to adequately consider severe cumulative social and economic impacts likely from the reductions in utilization across allotments in Owyhee County.	Earlier in the grazing permit renewal process, the BLM prepared an EIS for the Group 2 (Chipmunk Group). The Cumulative Impacts Analysis Area (CIAA) for social and economic resources included Owyhee County Idaho and Malheur County Oregon, because it is reasonable to assume that the economic effects from changes in grazing management could be felt by businesses, local government, and communities in these counties. Later, when the BLM prepared the Group 3 EA, the CIAA for these resources were established at the same boundary as the EIS. The Cumulative Effects Analysis in each of the NEPA documents associated with the Owyhee 68 grazing permit renewal process considers the effects from all of the other groups. Please see section 3.4.2.1.8.1 in this EA for a complete description of the scope of cumulative effects that considers Groups 1-6 grazing management analysis. The 1999 Owyhee RMP and

Protest ID	Protest Point No.	Protest Text	Protest Response
			EIS projected and analyzed grazing reductions of 22%, or 30,000 AUMs over the life of the Plan, and the reductions in the Owyhee 68 renewal process are within those projections.
3RThomas12122013	8	The Proposed Decisions result from a failure in the Final EA to analyze a reasonable range of viable alternatives, including lesser restrictions on grazing, crossings to utilize private land, construction of new improvements, rehabilitation of existing improvements, and elimination of juniper encroachment.	The EA analyzes five alternatives in detail. We believe these to constitute an acceptable range of reasonable alternatives. All viable alternatives must satisfy the agency's Purpose and Need: "to renew grazing permits in the Toy Mountain group of allotments using existing infrastructure and range improvements; the terms and conditions must also be in compliance with the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Appendix A), the Owyhee Resource Management Plan...". The BLM chose to develop a range of reasonable alternatives without using the optional tools of additional infrastructure and reductions of juniper. Grazing constraints are designed to make progress toward healthier range resources. As for utilizing private land for crossings, the BLM does not have the authority to issue crossing permits to applicants who want to cross private lands. If private lands are preferable for crossing events, no permit from the agency is needed.

Protest ID	Protest Point No.	Protest Text	Protest Response
3RThomas12122013	9	While the EA states that its evaluated Alternative 2 was the "Applicants' Proposed Action," in fact because the applicant's proposed action in many instances includes improvements, and BLM refuses to analyze any improvements, it effectively declines many of the applicants' proposed actions without analysis. This is arbitrary and a violation of NEPA. In particular, the EA does not appear to discuss the pasture scheduling proposals from Thomas, as discussed in his letter of May 27, 2013, at all.	See the response to protest point number 2.
3RThomas12122013	10	As applied to the Hart Creek allotment, the grazing season requirements of Alternative 4 would require Thomas to graze the pastures in that allotment in reverse order, i.e., they would require him to: (i) graze the highest elevation pasture in April, when the ground is still largely covered with snow, or if not covered is very boggy; and (ii) graze the lower pasture into June, when no water remains and much of the feed is burned up. Normal grazing management practice is to graze lower elevations early in the spring, and move up in elevation as the growth of vegetation moves up in elevation. It is effectively impossible to comply with the proposed schedule under Alternative 4 for the Hart Creek allotment.	As identified in section 3.3.7.2.1.1 of the EA, progress toward meeting Standard 4 would not occur in pastures 1 and 2 with frequent active growing season use under the continuation of current livestock management practices, given the current composition of vegetation that lacks significant components of the potential vegetation for these low elevation sites.
3RThomas12122013	11	BLM appears to have evaluated range health, and selected alternatives based on that evaluation, using "pristine" range in an ungrazed state as the baseline or sought-after result. If so, this is an unrealistic and arbitrary basis for evaluation. The Owyhee range has been ranched since the 1860s, for much at that time in a manner much more intensive than that presently practiced. A goal of complete return to pre-grazing conditions is likely not achievable even with the complete cessation of grazing, and is inconsistent with FLPMA's directive of multiple and sustained use.	The baseline that was used to compare the current functionality for nutrient cycling, hydrologic cycling, and energy flow was the degree of departure from reference site conditions, consistent with technical guidance in Interpreting Indicators of Rangeland Health-Version 4. Reference site conditions are those that occur under natural disturbance regimes and as such are not a comparison against an ungrazed state.

Protest ID	Protest Point No.	Protest Text	Protest Response
3RThomas12122013	12	<p>The statement in the EA regarding Alternative 2, that "[t]erms and conditions for stubble height, woody browse, utilization, and stream bank alteration imposed on the grazing permit by the United States District Court for the District of Idaho would not be included in terms and conditions of the offered permits," is false. Thomas does not have the option of excluding court-ordered terms from his permit application. Also, as noted, the EA indicates that the improvements included in Thomas' application will not be evaluated. (See, e.g., § 2.4.3.2, p. 52, § 2.4.7.2, p. 85). Thus, Alternative 2 has been incorrectly described as it relates to Thomas. Apart from the alternative actually not having been evaluated in the Draft 2, it could not be appropriately evaluated because it is incorrectly characterized in the document. The EA is arbitrary as a result.</p>	<p>The terms and conditions included in all permits by the court were to remain in place until the BLM fully processed grazing permit renewal. Alternative 1, the current condition and baseline against which all other alternatives would be compared, would continue to include the terms and conditions included by the court. Livestock management practices under Alternatives 2 through 5 would be implemented upon fully processing grazing permit renewal and the court's terms and conditions would no longer apply.</p>
3RThomas12122013	13	<p>There is no explanation of the science or methodology behind the utilization levels and grazing periods and dates chosen for Alternatives 3 or 4, making them almost impossible to evaluate fully. In particular, the EA acknowledges that the stocking rates for the Alder Creek and Hart Creek allotments are "conservative stocking rate[s] consistent with ecological site potential within the allotment, as limited by inventoried condition, water availability, and topography." (§ 2.4.1.3, p. 42; § 2.4.7.4, p. 91). However, under Alternative 4 for each of those Allotments, the Proposed Decisions impose even more conservative stocking rates, without explanation of the calculation of or basis for the stocking rates imposed. While Alternative 4 for the Hart Creek allotment purports to maintain the stocking rate for all pastures at 12 acres per AUM, BLM calculates that rate by excluding the pasture it is requiring to be rested. Id., p. 91. Inclusion of that area reflects a true stocking rate that is far more conservative.</p>	<p>See the response to protest point number 1 and the general description and allotment-specific descriptions of Alternatives 3 and 4 in the EA.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
3RThomas12122013	14	<p>The assertion in the EA that there are 2.9 miles of perennial streams in the Hart Creek allotment (§3.1.3, p. 231) is false. Based Thomas' experience over the last 17 years, there is no segment which runs year round on a consistent basis. Thomas has not seen evidence of fish presence anywhere in the allotment.</p>	<p>Per BLM IM 2005-009- The National Hydrography Dataset is the standard and the base for streams. However, as is amply disclosed in the EA, the NHD is not 100% accurate and some mileage of perennial may be intermittent on the ground and vice versa. Edits can be submitted to the USGS who maintain the NHD by any entity. Further, there were 3.3 miles of Hart Creek that had been assessed, adding to the accuracy and validity of the mileage estimated from the NHD.</p>
3RThomas12122013	15	<p>The EA acknowledges that average feed utilization across Thomas' allotments has been approximately 10-20% annually (at least using years where data is available), indicating no degradation of available forage. (Appendix B). The EA also acknowledges that "[t]he light level is a class of utilization between 21 and 40 percent whereas the slight level is a class of utilization between 5 and 20 percent." (§ 2.2.3, p. 27 n. 19). Elsewhere, it states: "Conservative stocking is a term commonly used by range researchers to define a level of grazing between light and moderate, generally involving about 30 to 40 percent use of forage." (§ 3.1.1, p. 216). Thus, by BLM's own measure, Thomas utilization is "light" and "conservative." Thomas has consistently met stubble height requirements imposed by BLM. However, Thomas is being subjected to drastic reductions, particularly in the Hart Creek and Box T allotments, based in part on the assertion that his grazing practices are a substantial causative factor in the failure to meet standards. While the current stocking rate for the Hart Creek allotment is light in comparison to the average (see § 3.1.1, p. 216, Table VEG-3), the EA excludes pasture in rest mode in its calculation. If all of the acreage in the allotment is included, the stocking rate over time is actually even lighter. Additionally, the Draft EA indicates that the stocking rates included in Table VEG-3 are calculated</p>	<p>As identified in the evaluation and determination, Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the applicable Standards for Rangeland Health are not being met in the Hart Creek allotment. Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, 7, and 8. The decision to implement Alternative 4 for the Hart Creek allotment will lead to meeting these standards.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
		<p>assuming "utilization at either 50 or 35 percent of grass and grass-like species, respectively." (Id, p. 216). However, Thomas' average utilization has been substantially lower. This means that the stocking rate calculations are not correct as they relate to Thomas' allotments. Selection of alternatives based on those stocking rate calculations is necessarily arbitrary as a result.</p>	
3RThomas12122013	16	<p>With respect to the Alder Creek FFR allotment, the Proposed Decision for it provides under Table LVST-2 that "[l]ivestock numbers apply to the entire allotment," including private land. Thus, by the Proposed Decision for Alder Creek FFR, the BLM is improperly attempting to extend its jurisdiction to non-federal land and dictate Thomas' utilization of his own private property. This is error. As indicated in Appendix B, available data for Alder Creek in 2012 showed 11% utilization; between 8% and 28% in the Box T pastures; and between 20% and 24% in the Hart Creek pastures.</p>	<p>See the response to protest point number 2 and the description for the allotment-specific alternative.</p>
3WWPA12112013		<p>Box T - We Protest the failure to consider closing the pasture with two leks to all grazing use, and other areas of critical importance - while continuing to graze other areas. BLM never considered applying significant rest to heal damaged understories, help prevent cheat and medusahead expansion, and protect very critical and vulnerable sensitive species habitats.</p>	<p>BLM considered a reasonable range of alternatives including a no grazing alternative. An alternative to close certain pastures to grazing while allowing grazing in other pastures would have impacts similar to the applicable portions of Alternatives 1-5. Habitat within the closed pasture would respond similar to what is described in Alternative 5 while habitat in other grazed habitats would respond similar to what is described in the chosen alternative. The impacts of closing a single pasture within an allotment while continuing to graze in the remaining pastures falls within the range of impacts analyzed under the five alternatives.</p>

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3WWPA12112013	17	Hart Creek - In Table LVST-1, why does the Table say 2,065 AUMs with none suspended, when the text says 1352 AUMs have been "available"? Was this another inexplicable midnight change in 2006 when the Bush grazing regulations were never in effect?	An inconsistency was made in the text of the proposed decision, when one compares the narrative and Table LVST-1. A transfer of 300 AUMs of active use was not included in the narrative description of the existing permit, while it was included in the table. As noted in that description, 1,352 AUMs have been available for use over the past 10 years, while the other 1,014 AUMs have been in voluntary non-use status, according to a term and condition of the permit.
3WWPA12112013	18	Whitehorse - We Protest the lack of necessary science-based analysis and mandatory measurable standards of use and de-stocking necessary to conserve, enhance and restore sage-grouse, red band trout, watersheds, water quality and other resources of the public lands, as described above.	BLM used the best available data and current scientific literature to analyze the proposed alternatives. See the Rangeland Health Assessment for the Whitehorse/Antelope allotment and the EA for the Toy Mountain Group sections 3.1.3, 3.1.5, 3.2.3, 3.2.5, 3.3.20. The seasons of use under Alternative 4 were designed with deferment and rest to accomplish resource objectives with minimal monitoring.
3WWPA12112013	19	Morgan Group - We Protest the lack of necessary science-based analysis and mandatory measurable standards of use and de-stocking necessary to conserve, enhance and restore sage-grouse, red band trout, watersheds, water quality and other resources of the public lands, as described above.	The Morgan Group of allotments is not part of the Toy Mountain Group EA; therefore this protest point is not applicable.
3WWPA12112013	20	In all of these Proposed Decisions, we protest that BLM has not provided necessary protective measures as mandatory measurable use standards to provide for residual cover for sage-grouse, for watershed protection, for clean water, for hiding cover for a broad range of microfauna, to enable sufficient healing to meet the requirements of abundant native grasses and forbs in interspaces for sage-grouse, and to aid (along with intact microbiotic crusts) in armoring the native plant community against highly invasive cheatgrass, medusahead, bulbous bluegrass, and other invasive grasses and exotic weeds.	BLM adjusted season and intensity of use on each allotment. These adjustments are expected to reduce pressure on wildlife habitats when they are most vulnerable. When it was not feasible to fully implement the season of use adjustments as described in the EA Section 2.2 then measurable use standards were used to offset some of the impacts of grazing more frequently during a vulnerable period than was recommended in section 2.2. Each Alternative

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			was analyzed for each allotment to determine if the adjustments would allow the allotment to make progress towards meeting standards see the EA sections 2.4, 3.1, 3.2, and 3.3.
3WWPA12112013	21	We Protest the failure of BLM to comply with watershed, water quality, sensitive species (habitats and viable populations), big game, recreation, ACEC, and other requirements of the RMP.	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 EA 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. Based on the current condition of the allotment and the level of progress required to meet range health standards and guidelines, an appropriate alternative was selected that modified grazing systems intended to maintain and improve upland/riparian composition and habitat structure and function for all wildlife largely based on the needs of selected focal species.
3WWPA12112013	22	We Protest the failure to take a full and fair hard look at current ecological science, as well as the historical record and plant ecology.	All available data and information was used as required by NEPA. The most recent current vegetation data from PNNL that is approximately 12 years old remains the best available information and remain valid for sagebrush steppe vegetation types that change slowly. This data along with recent land health assessments were used to analyze the current condition when measured against past ecological condition (ecological site descriptions). The EA analysis

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			and the natural resources Specialist Reports support the NEPA's hard look requirements.
3WWPA12112013	23	BLM allows increased herd size in some areas, so ranchers can readily make up any AUM cuts by over-staying a few days with larger sized herds. It is taken to the extreme in some of the Morgan allotments. We Protest this.	Terms and conditions of decisions issued do not include the flexibility identified in the protest point.
3WWPA12112013	24	BLM never looked at all the conflicts and made a rational decision about whether some lands within a pasture or allotment and no longer withstand grazing disturbance for the next 10 years. We Protest this.	This protest point does not address which pastures and allotments are of concern, but we are attempting to address this within the context of the entire statement which alludes to the no-grazing alternative, and states that this was not considered for specific pastures. When analyzing the effects of each alternative (including the no-grazing alternative), the analysis applies to all allotments. This does not bind the BLM to select one alternative as a blanket prescription for every allotment as the protest point suggests. The BLM is choosing different alternatives for specific allotments based upon the resource needs. The no-grazing alternative was fully analyzed as to what the effects may look like on the allotment scale. The BLM stands behind this analysis of the no-grazing alternative.
3WWPA12112013	25	We Protest lack of necessary detailed analysis of these matters of concern. Full analysis and a site specific hard look is necessary to prevent undue degradation to all the affected resources, apply necessary mitigation, and understand what actually needs to be done to minimize grazing disturbance bans in the Owyhee landscape.	We stand by the site-specific analysis which starts in section 3.3 in the EA and continues for more than 250 pages with the effects analysis presented in allotment- specific subsections. Each alternative management action and the environmental effects that would result are explained at a site-specific (allotment) level.

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3WWPA12112013	26	And how much worse will climate change make all of this? BLM has not taken a hard, site-specific look at the sustainability of grazing use here in any of the allotments. We Protest this.	We stand by the site-specific analysis which starts in section 3.3 in the EA and continues for more than 250 pages with the effects analysis presented by allotment specific subsections. As for climate change, we recognized this as an issue (#9) to be considered (EA at section 1.6.3). Sections 3.2 and 3.4 of the EA discuss the potential effects from climate change, and the BLM uses several reference sources to aid in the consideration of climate change in the analysis process (see section 6 of the EA)
3WWPA12112013	27	BLM has failed to assess and adequate range of livestock avoidance of grazing sensitive areas with many conflicts, use level control alternatives, full seasonal avoidance during sensitive breeding spawning periods, and adequate mitigation measures for imposing grazing.	In addition to analysis of the consequences of constraints to seasons and intensities of grazing use proposed in Alternatives 3 and 4, the maintenance or improvement of resource values listed in the protest point would not be affected by authorized grazing under Alternative 5. As a result, the analysis was completed and the decisions considered that analysis.
3WWPA12112013	28	This also highlights a glaring scientific error BLM makes in how it applies and interprets soils/watershed information.	Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health Standard 1 and ORMP objectives. As required by NEPA, BLM conducted site specific inventory, monitoring, and analysis for upland soils and watershed as thoroughly explained in the RHAs, Determinations, and in the EA (Sections 3.1.2, 3.2.2, 3.3, and 3.4.2.1.2). For Standard 1, the interdisciplinary process evaluates a spread of quantitative and qualitative data and observations simultaneously to assess the ecological condition of the landscape holistically and

Protest ID	Protest Point No.	Protest Text	Protest Response
			incorporates more than just "moderate" or "slight" calls to come to a conclusion.
3WWPA12112013	29	There is no evidence that these small sensitive species populations (note loss of pygmy rabbit for example in some 68 permit allotments, and the large number of leks that are no longer active in some areas) can tolerate any additional stress at all.	BLM used the best available data to guide the analysis of alternatives. Each alternative was compared to the current condition (Alt 1) to evaluate habitat responses. Site specific Rangeland Health Assessments were completed for each allotment and can be referred to understand the current habitat conditions on each allotment. Available site specific data and current scientific literature guided the analysis of each alternative in the EA. BLM has adjusted the timing, intensity, and duration of grazing as necessary to allow allotments to make progress towards meeting standards for rangeland health when livestock have been identified as being a causal factor for not meeting the standards. The proposed decisions do not add stress to the sensitive species populations but rather reduce stress compared to the current situation in allotments where livestock have been identified as a causal factor for not making progress towards meeting the Standards.
3WWPA12112013	30	And even if BLM claimed they could tolerate this stress, BLM has no current, adequate data on sensitive species population, aquatic system healthy, etc. The FRH info at times was a decade ago, and some areas still have not been examined.	See Response # 29

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3WWPA12112013	31	Passive restoration encompasses a broad range of standard grazing actions. This includes rest to jump start recovery, significant cuts in cattle impacts, etc. This all comprises passive restoration. Yet BLM rejected any alternatives analysis that examined this, and wrongfully cast aside WWP's alternative. See Manier et al. 2013.	Please see the description of Alternative 10 in section 2.3 of the Group 5 EA. The BLM did consider alternative management actions proposed by the Protestant. The BLM's Purpose and Need does not accommodate landscape level restoration projects or designations of special management areas such as ACECs. There are specific needs and specific purposes for this agency's actions and these are clearly defined in the Purpose and Need statement in section 1.4 of the EA. If alternatives are proposed that do not satisfy the agency's purpose and need, the BLM will likely consider them, but is not obligated to implement them.
3WWPA12112013	32	For Alts 2 through 4, BLM has not provided necessary science-based analysis so that it can even begin to determine the degree of mitigation actions that are necessary in order for the lands, water, wildlife, aquatic species, to withstand any additional grazing disturbance load. Plus BLM abandons even minimal monitoring of many livestock damage components in parts of the Alternatives.	See Response # 29. BLM is required by regulation and the Oyhce RMP to monitor each allotment on a priority basis. The permittee is not required to perform the monitoring therefore it is not a term and condition on the permit, rather monitoring is the method by which the BLM may ascertain whether changes in grazing management result in progress towards or away from meeting Idaho's Standards for Rangeland Health.

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3WWPA12112013	33	BLM ignores any full and fair consideration of WWP's alternative and mitigation actions. BLM never met with us, never asked us for any clarification of alternative and mitigation actions for this current spate of EAs. BLM marched blindly on, with a series of highly flawed alternatives and near-boilerplate EAs with the same stacks of paper and minimal change actions the minimal Alternative Constraints, and lists of "Or" actions, that often put one resource in conflict with another. Plus this scheme is based on artificial wire fence lines rather than the full array of jeopardized resources in a land area.	Please see the description of Alternative 10 in section 2.3 of the Group 5 EA. The BLM did consider alternative management actions proposed by the Protestant. The BLM's Purpose and Need does not accommodate landscape level restoration projects or designations of special management areas such as ACECs. There are specific needs and specific purposes for this agency's actions and these are clearly defined in the Purpose and Need statement in section 1.4 of the EA. If alternatives are proposed that do not satisfy the agency's purpose and need, the BLM will likely consider them, but is not obligated to implement them.
3WWPA12112013	34	At the heart of the issue of developing suitable alternative actions in these lands is the loss of riparian potential - and loss of sustainable flows, loss of surface areas capable of producing mesic or riparian vegetation. Plus, the inundation of upland communities by shallow-rooted exotic invasive species, including the upland areas right next to, and at times on the banks of the highly degraded streams, springs, seeps and meadows, is further destabilizing these watersheds.	BLM protocol (PFC and MIM) was used to assess current conditions- see site specific evaluations in the RHAs. Based on these evaluations and the best and most recent available information as well as current literature, determinations as to whether Standards are or are not being met were made. Those determinations, along w/ current and relevant literature drove the Alternative development. BLM alternatives aim to minimize impacts on important and affected resources- particularly during the vulnerable time periods (ie. for riparian- no use from 6/15-9/30) was incorporated. Poor and unacceptable riparian conditions were disclosed throughout the process, Alternatives were developed to reach objectives, and impacts were analyzed as compared to the current situation- for all Alternatives. Objectives would,

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			in time, allow riparian areas to reach their potential.
3WWPA12112013	35	There is a profound lack of adequate current baseline information on sensitive species occurrence and habitat quality and quantity, habitat fragmentation and dispersion of habitats in the landscape- i.e is the drainage network, sagebrush uplands, juniper forest so chopped up, degraded and fragmented that species values are lost, or the population is in jeopardy, or vast areas of lands are unoccupied?	BLM used the best available data and current scientific literature to analyze the proposed alternatives. See the Rangeland Health Assessments and the EA.
3WWPA12112013	36	BLM chases to ignore a broad range of current sage-grouse science -see Gregg et al. 1994, Connelly et al. 2004, describing the need for adequate tall residual herbaceous cover to protect nests, for example. Owyhee BLM is going backwards, not forwards- enshrining the same level of use that was known to be a problem in the Old MFP.	See EA at 3.1.5 and 3.2.5 and the Rangeland Health Assessments
3WWPA12112013	37	The full range of adverse direct, indirect and cumulative impacts on sensitive species habitats and population viability must be fully assessed in a supplemental EIS for South Mountain, Morgan and Toy allotment groups, and Trout Springs.	Impacts to sensitive species habitats from each alternative was considered on a site specific basis see EA section 3.1.5, 3.2.5, 3.3, and 3.4. The protest point calls for a Supplemental EIS (SEIS). An SEIS is appropriate when an EIS has already been prepared. The NEPA analysis supporting Decisions for the Group 3 permit renewal process is an EA. Once again, the BLM stands behind the EA's analysis and is comfortable that the NEPA's hard look requirement has been met.
3WWPA12112013	38	We Protest the failure of the EIS to take a hard look at the large body of threats, habitat losses, habitat fragmentation and indirect and cumulative impacts to sensitive species habitats and population viability, as well as clean water, recreation, etc. across this landscape. It is necessary to understand the magnitude of threats, and whether important sage-grouse, pygmy rabbit, redband, etc. habitats can withstand ANY continuing livestock disturbance, and also the degree to which any continued disturbance must be mitigated.	BLM took a hard look at the impacts associated with implementing each of the alternatives in the EA sections 2 and 3. The protest point refers to the failure of the EIS to take a hard look. However, the NEPA document used to support this decision is an EA.

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3WWPA12112013	39	Highlights the failure of this series of EAs and EIS to deal with drought, and develop alternatives and Decisions to stock lands based on drought, remove livestock from areas at risk of significant degradation and/or with many conflicts with grazing, etc.	The Group 3 EA considered the consequences of additional stress to vegetation resources imposed by climate change (Section 1.6.3 and within analysis of vegetation and soils resources) and that information contributed toward the decisions issued.
3WWPA12112013	40	BLM's Alternative "Constraints" Lack Adequate Scientific Basis. Here are some of many examples and concerns. What scientific basis is BLM using to claim that it can graze sage-grouse breeding habitats 2 out of 3 years in any area with such extreme upland utilization in this highly fragmented landscape -and let alone in this environment where there is only a single known lek right on the state line- and several leks appear to have become inactive. In the SW, there may be a lek with only a hand full of birds, as well.	BLM explained the rationale for each constraint in footnotes in the EA section 2.2. Additionally each alternative was analyzed for each allotment to compare impacts of the current situation to impacts of each alternative.
3WWPA12112013	41	A critical and hard look at opposing science and a full and fair analysis of competing views - such as the need for significant rest to jump start recovery and/or protect remaining better condition native vegetation communities so that they do not turn into a weed lands is not undertaken. It is essential.	The BLM has accepted, considered, and used many scientific sources for this analysis, including scientific articles critical of certain livestock grazing practices. Please see EA analysis regarding livestock grazing as a tool for fuels treatment and effects relating to climate change.
3WWPA12112013	42	A Supplemental EIS must be provided to take the careful hard look at ecological conditions, and ensure that sensitive species, watersheds, water flows, clean water, etc. are conserved, enhanced and restored.	The protest point calls for a Supplemental EIS (SEIS). An SEIS is appropriate when an EIS has already been prepared. The NEPA analysis supporting Decisions for the Group 5 permit renewal process is an EA. Once again, the BLM stands behind the EA's analysis and is comfortable that the NEPA's hard look requirement has been met.
3WWPA12112013	43	BLM has failed to address the erosion, downcutting, headcutting that is killing all perennial surface flows, increasing stream entrenchment and headcutting, and resulting in loss of mesic areas.	See response to Protest #34. BLM PRC protocol utilizes 17 indicators to determine PFC condition ratings. Three of them specifically address erosion, bank shearing, and headcuts.

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3WWPA12112013	44	BLM ignored alternatives that rely on use standards as triggers for livestock removal and that applied the mandatory measurable use standards that are required under the Owyhee RMP.	While any limitations to intensity of grazing use within resource-specific management actions of the ORMP apply in the absence of repeating them within permit-specific terms and conditions, limitations to seasons and intensity of grazing use are included within allotment-specific decisions to meet the Idaho S&Gs and ORMP objectives.
3WWPA12112013	45	BLM fails to take the necessary hard, site-specific, on-the ground and in-the-water site-specific look at the critical and often limiting habitat and resource conditions in each stream. This is necessary to prevent degradation and protect riparian habitats from deterioration and to improve all degraded areas, as required by the Owyhee RMP. The RMP requires improvement/habitat protection across all riparian areas. BLM sensitive species policy is forsaken in this series of generic mile high "fix" EAs. BLM cannot just apply generic programmatic measures to these stressed and unraveling watersheds, which is what these lists of actions do. Needs of all sensitive species are not balanced.	BLM used the best available site specific data and the current scientific literature to analyze each alternative for each allotment. See EA sections 2 and 3.
3WWPA12112013	46	BLM forsook ever actually going out and looking at the streams and flows and impacts on spawning habitats, or other crucial specific habitat attributes, as any responsible land management agency would do in the only supposedly intensive hard look ever taken at the impacts of grazing and ecological conditions in these lands and landscape. Essential site-specific baseline data to determine habitat quality and quantity is essential in this VERY complicated mix of state and private land and BLM land spanning state lines affecting resources streamflows, etc. Spawning habitats for redband trout are not just any old length of stream, yet BLM feels free to not even consider possibly essential habitats for any protection at all.	BLM used the best available site specific data and the current scientific literature to analyze each alternative for each allotment. See EA sections 2 and 3. See also the Rangeland Health Assessments for each allotment within the Toy Mountain Group.

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3WWPA12112013	47	We Protest the failure to assess the sound science-based components of WWP's alternative, and to allow us to tailor it to this process. Instead, we submitted it and BLM slammed the door on consideration -without ever communicating with us.	Please see section 2.3 of the EA, Alternative 10. A request to designate new ACECs was considered but was not analyzed in detail, per Section 202(c) of FLPMA (43 U.S.C.1712).Designation of a new ACEC is a land use planning-level decision that would require an amendment to the existing Owyhee RMP. Passive and active restoration proposals are outside the scope of this proposed action and Purpose and Need.
3WWPB12112013	48	We Protest BLM failing to prepare an EIS and comply with the Owyhee RMP and FLPMA requirements, including sensitive species habitat and population protections in all of the allotments described below. We Protest Owyhee BLM's failure to consider all of the alternative measures and mitigation actions in these Scoping Comments and Alternative suggestions.	Please see the Finding of No Significant Impact for the rationale that determined that an EIS is not needed to analyze the effects described in the EA. Please see section 1.7 of the EA for a list of ORMP goals and objectives and how this action is in conformance with the ORMP and FLPMA. Again, please see section 2.3, Alternative 10 where alternative management methods were considered but not analyzed in detail.
3WWPB12112013	49	We also Protest BLM splitting off the Red Mountain, Boone Peak et al. allotments in Toy, and Feltwell in Morgan, making this process more cumbersome than it was already. Dramatic de-stocking is essential in the Red Mountain, Boone et al. lands, and BLM has failed to consider a reasonable range of alternatives there.	The Red Mountain, Boone Peak, Bridge Creek, Quicksilver FFR and Stahle FFR allotments were not subject to the settlement agreement defining a date for completion of permit renewal for a number of allotments included in the Owyhee 68. Proposed decisions for grazing permit renewal associated with these allotments were not issued with the protests and responses covered by this document.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	50	Alder Creek - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land to 30% public land.	Standards 1, 2, 3, 4, and 8 are not being met and current livestock grazing is a causal factor within the Alder Creek FFR allotment. Terms and conditions of the permit under Alternative 4 will implement livestock management practices that limit seasons of use during critical periods for upland and riparian resources and limit the intensity of grazing use by defining livestock numbers authorized to graze within the allotment. Actions under Alternative 4 will allow progress to be made toward meeting all standards not met due to current livestock management practices. In the absence authorizing livestock numbers within the allotment based on percent public land, the permittee would be burdened with the responsibility to control livestock numbers that are present on the public land portion of the allotment at all times.
3Idaho12192013	51	Alder Creek - BLM must disclose these calculations of livestock forage available on both the public and the private lands in order to arrive at a percent public land and not be arbitrary in the calculations of percent public land.	See the response to protest point number 1.
3Idaho12192013	52	Alder Creek - BLM cannot set stocking rates and livestock numbers on a permittees private ground nor can BLM state when and how a permittee uses his private land.	See the response to protest point number 3.
3Idaho12192013	53	Alder Creek - When BLM states this in a term and condition by putting limits on livestock heads and seasons of use in the single pasture made up with mostly private lands in the Alder Creek Allotment, the State does not believe this is regulatory correct, appropriate.	See the response to protest point number 3.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	54	Alder Creek - The State protest the fact that BLM did not adequately follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessee's, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases."	Consultation, cooperation, and coordination with permittees and other interested members of the public are summarized in sections 1.3 (Background) and 1.6.1 (Scoping).
3Idaho12192013	55	Alder Creek - The State protests the reduction of 8 AUMS in the Alder Creek Allotment.	See the response to protest point number 50.
3Idaho12192013	56	Alder Creek - How can BLM warrant that a reduction is necessary in the Alder Creek FFR Allotment with such light use occurring over the past 10 years? BLM has not shown any mathematical equations or provided any explanation on how they arrived at the reduction of 8 AUMS.	As Determined in the Rangeland Health Assessment for Alder Creek FFR, and described in both the Toy Mountain Group EA (Section 3.3.1) and in the Proposed Decision for Alder Creek FFR allotment, Standards 1, 2, 3, 4, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.
3Idaho12192013	57	Alder Creek - Although in some cases reductions made under this Section of 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.	Suspension AUMs on existing permits were retained through the permit renewal process, while active authorized use that can no longer be supported in the allotment were not maintained as a portion of permitted use. Suspension AUMs are summarized in the alternative description for each allotment when the alternative would reduce active authorized use.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	58	Box T - The State of Idaho protests the 1,038 reduction in AUMS in the Box T Allotment.	As Determined in the Rangeland Health Assessment for Box T, and described in both the Toy Mountain Group EA (Section 3.3.3) and in the Proposed Decision for Alder Creek FFR allotment, Standards 1, 2, 3, 4, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.
3Idaho12192013	59	Box T - The State questions why BLM is proposing the severe reductions in AUMS identified in alternative 3 when the utilization levels over the past few years (since 2008) have been within the allowable use levels identified in the ORMP.	See the response to protest point number 58.
3Idaho12192013	60	Box T - The State continues to remain concerned that BLM is not allowing some of the permittees the option to use the management tools of rangeland improvements [43 CFR 4120.3-1(a)] in order to move towards meeting Idaho Standards and Guidelines.	See the response to protest point number 2.
3Idaho12192013	61	Box T - If the objective of BLM's Proposed Decision is to improve the rangelands and move the Box T Allotment towards meeting Idaho Standards, the State questions how can BLM deny juniper control projects submitted in the permittees application and then turn around and claim in their proposed decision that juniper control does not meet the purpose and need of the grazing permit renewal action?	The purpose and need stated in this planning process is to renew grazing permits and does not include actions that resolve failure to meet land health standards caused by factors other than current livestock management practices. Although juniper encroachment is a factor contributing to failure to meet a number of Standards in the allotments of the Toy Mountain Group, reduction in juniper dominance on the landscape is not addressed at this time.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	62	Box T - The State believes that BLM did not adequately and thoroughly follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessee's, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases. "	See the response to protest point number 54.
3Idaho12192013	63	Box T - The State believes the actual use and utilization data since 2008 does not warrant or support a reduction of AUMS in the Box T Allotment.	See the response to protest point number 58.
3Idaho12192013	64	Box T - 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.	See the response to protest point number 57.
3Idaho12192013	65	Hart Creek - The State of Idaho protests the 1,776 reduction in AUMS in the Hart Creek Allotment.	As Determined in the Rangeland Health Assessment for Hart Creek allotment, and described in both the Toy Mountain Group EA (Section 3.3.7) and in the Proposed Decision for Hart Creek allotment, Standards 2, 3, 7, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.
3Idaho12192013	66	Hart Creek - The State questions why BLM is proposing the severe reductions in AUMS identified in alternative 4 for the Hart Creek Allotment when the utilization levels over the past 10 years have been within the allowable use levels identified in the ORMP.	See the response to protest point number 65.
3Idaho12192013	67	Hart Creek - The State does not believe that BLM can incorporate the permittees State Lands and his 1,078 acres of private lands into their grazing schedule without the permittees consent.	The inclusion of percent public land in the permit for grazing use within the Hart Creek allotment is unchanged from the existing permit.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	68	Hart Creek - The State believes that BLM did not adequately and thoroughly follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessee's, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases."	See the response to protest point number 54.
3Idaho12192013	69	Hart Creek - The state protests alternative 4 where the active use AUMS will no longer be made available and will not be converted to suspension.	See the response to protest point number 57.
3Idaho12192013	70	Hart Creek - the State believes the actual use and utilization data over the past 10 years does not warrant or support a reduction of AUMS in the Hart Creek Allotment.	As Determined in the Rangeland Health Assessment for Hart Creek allotment, and described in both the Toy Mountain Group EA (Section 3.3.7) and in the Proposed Decision for Hart Creek allotment, Standards 2, 3, 7, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.
3Idaho12192013	71	Hart Creek - 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.	See the response to protest point number 57.
3Idaho12192013	72	Brown's Creek - BLM has provided no clear rationale on how they arrived at the total of their 668 AUM reduction in the Browns Creek Allotment.	See the response to protest point number 1.
3Idaho12192013	73	Brown's Creek - BLM has failed to show or explain adequately how they arrived at their AUM reduction or setting their stocking rate.	See the response to protest point number 1.
3Idaho12192013	74	Brown's Creek - The state protests alternative 3 where the active use AUMS will no longer be made available and will not be converted to suspension.	See the response to protest point number 57.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	75	Brown's Creek - the State believes the actual use and utilization data since does not warrant or support a reduction of AUMS in the Browns Creek Allotment.	As Determined in the Rangeland Health Assessment for Brown's Creek allotment, and described in both the Toy Mountain Group EA (Section 3.3.5) and in the Proposed Decision for Brown's Creek allotment, Standards 2, 3, 7, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.
3Idaho12192013	76	Brown's Creek - 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.	See the response to protest point number 57.
3Idaho12192013	77	Louisa Creek - BLM has provided no clear explanation or calculations on how they arrived at the total of their 840 AUM reduction in the Louisa Creek Allotment.	See the response to protest point number 1.
3Idaho12192013	78	Louisa Creek - The State questions how utilization at mostly light levels of use warrants an 840 AUM reduction in active AUMS for the Louisa Creek Allotment?	As Determined in the Rangeland Health Assessment for Louisa Creek allotment, and described in both the Toy Mountain Group EA (Section 3.3.10) and in the Proposed Decision for Louisa Creek allotment, Standards 2, 3, 7, and 8 are not met and current livestock grazing has been identified as a causal factor. Utilization data are not an objective, but only one of many pieces of data that are used to determine if Standards are being met and by itself is insufficient to make any determination about meeting or making progress towards meeting Standards.

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	79	<p>Louisa Creek - "Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the applicable Standards for Rangeland Health are being met in the Louisa Creek allotment. Standards 5 (Seedings) and 6 (Exotic Plant Communities, other than Seedings) are not applicable to this allotment." Then, in the very next sentence BLM states that "Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, and 7, whereas current livestock management practices are not significant factors toward not meeting Standards 1, 4, and 8." In various other portions of the EA, BLM states and claims that Standards are not being met in the Louisa Creek Allotment. It would seem that BLM is unsure in their EA analysis (pages 110 - 111) on what the current conditions of the Louisa Creek Allotment are just by what they claim in these two sentences above.</p>	<p>Thank you for pointing out this error. This statement was fixed in the Final Determination Document for Louisa Creek but was somehow missed in the EA. It should read as follows: <i>Standards 1, 2, 3, 4, 7, and 8 of the applicable Standards for Rangeland Health are not being met in the Louisa Creek allotment. Standards 5 and 6 are not applicable to this allotment. Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, 7, and 8, whereas current livestock management practices are not significant factors toward not meeting Standards 1, and 4. Livestock management practices do not conform with the applicable Livestock Grazing Management Guidelines 5, 7, and 10 for several Standards.</i></p>
3Idaho12192013	80	<p>Louisa Creek - 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.</p>	<p>See the response to protest point number 57.</p>
3Idaho12192013	81	<p>Louisa Creek - The State protest Term and Condition 1 of the Louisa Creek Allotment Proposed Decision which states "Grazing use of the Louisa Creek allotment (0601) will be in accordance with the grazing schedule and limits to the intensity of use identified in Tables LVST-5 and -6 of the final decision of the Owyhee Field Office Manager dated _____.</p> <p>Flexibility in dates of moves between pastures is provided to meet resource management and livestock management objectives, as long as move dates adhere to seasons of use constraints identified in the decision. Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions."</p>	<p>The protested term and condition is incorporated into the permit in accordance with 43 CFR 4130.3-1 and 43 CFR 4180.2(c).</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	82	Louisa Creek - Yet BLM, without following their process in 43 CFR 4130.2 (b) in consulting and coordinating with the permittee, has now developed a grazing system (pg. 20, Table LVST- 1) that will restrict the time and the number of livestock a permittee can run on his private lands in the Louisa Creek Allotment.	See the response to protest point number 3.
3Idaho12192013	83	Louisa Creek - BLM must disclose these calculations of livestock forage available on both the public and the private lands in order to arrive at a percent public land and not be arbitrary in the calculations of percent public land.	See the response to protest point number 1.
3Idaho12192013	84	<p>Brown's Creek - The State of Idaho protests Term and Condition 1 of the Garrett FFR Proposed Decision which states "Dates of availability of the pastures of the Garrett FFR allotment (0626), utilization limits within upland vegetation communities following use during the active growing season, and limits to the intensity of grazing use within riparian areas will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated</p> <p>----- Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions."</p>	See the response to protest point number 81.
3Idaho12192013	85	Brown's Creek - The State of Idaho does not believe that BLM should have the authority to control when and how an individual uses their private lands in Idaho. As stated earlier, in order for BLM to correct this, they simply need to state in their Term and Condition # 1 that it only applies to the public lands portions within the Garrett FFR Allotment.	See the response to protest point number 3. If the BLM were to include a mandatory term and condition establishing livestock numbers authorized to use only the public land portion of an allotment that includes significant private or state land, the workload of the permittee would be great to ensure that the number allowed to use public land was never exceeded on the public land portion of the allotment.

Appendix K

This appendix hereby incorporates by reference the below language in its entirety into the DOI-BLM-ID-B030-2013-0021-EA Final Environmental Assessment (EA).

During public scoping and comment periods for the Toy Mountain Group permit renewal process, suggestions were received from interested publics that the BLM's NEPA process would be better served if the agency would prepare an Environmental Impact Statement (EIS) rather than an EA and Finding of no Significant Impacts (FONSI) to identify and analyze the geographic extent of the environmental impacts of livestock grazing activities in these allotments.

The BLM published a Final EIS (DOI-BLM-ID-B030-2012-0014-EIS) on October 4, 2013, that analyzed the renewal of grazing permits on twenty-five allotments (known as Group 2) in the Jump Creek, Succor Creek, and Cow Creek watershed areas in the northern part of the Owyhee Field Office. This EIS defined Cumulative Impacts Analysis Areas (CIAAs) for social and economic effects and for the Owyhee subpopulation area, including, but not limited to (Connelly, Knick, Schroeder, & Stiver, 2004) sage-grouse habitat.

The BLM subsequently prepared three EAs (for the Toy Mountain Group, South Mountain Group, and the Morgan Group of allotments). When the CIAAs were defined, the boundaries were the same as the Group 2 EIS CIAA boundaries. The BLM found that the geographic boundary beyond which impacts to resources and habitat would no longer be measurable is the same for all groups. The rationale for establishing these boundaries is found in Section 3.4 of the Toy Mountain, South Mountain, and Morgan EAs where cumulative effects analysis begins; the cumulative effects analysis that resulted from the EIS did not unveil any effects not also recognized in the cumulative effects analyses in the EAs.