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

Scott and Sherri Nicholson
PO Box 690
Meridian, ID 83680

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

Dear Scott and Sherri:

Thank you for working with the BLM throughout this permit renewal process. I appreciate your interest in grazing the Browns Creek allotment in a sustainable fashion and am confident that this Final Decision achieves that objective. The BLM remains dedicated to processing your grazing permit application for the allotment.

I signed a Proposed Decision to renew your grazing permit on November 26, 2013. The Proposed Decision included terms and conditions that would best meet the Owyhee Resource Management Plan (ORMP) objectives allotment-wide and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs) in locations where standards were not met due to current livestock management practices. You received that Proposed Decision on November 27, 2013. The BLM received protests regarding the Proposed Decision from the Western Watersheds Project and the State of Idaho, Office of the Governor.[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."

Background

The BLM evaluated grazing practices and conditions in the Browns Creek allotment through 2013. The BLM undertook this effort to ensure that any renewed grazing permit on this allotment is consistent with the BLM's legal and land management obligations. As part of the BLM's grazing

[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.

permit renewal process, rangeland health assessments, evaluations, and determinations were completed. This Final Decision incorporates those documents by reference and the information contained therein.

On January 11, 2013, the Owyhee Field Office initiated the public scoping process for the Toy Mountain, South Mountain, and Morgan groups of grazing allotments, Groups 3, 4, and 5 respectively. The Browns Creek allotment is one of twenty allotments within the Toy Mountain Group. A scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with rangeland health standards and the Owyhee Resource Management Plan (ORMP) (USDI BLM, 1999). The letter also served to request additional resources and monitoring information that could help the BLM to complete the permit renewal process. The letter encouraged comments and information to be received by February 25, 2013 for each group of allotments but did not set a closing date for the receipt of public comments. The scoping document was also presented to the Shoshone-Paiute Tribe and Owyhee County Commissioners. This effort helped develop grazing management alternatives for three grazing permit renewal Environmental Assessments (EA), including the Toy Mountain Group 3 EA #DOI-BLM-ID-B030-2013-0021-EA. 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).

BLM mailed you a letter May 25, 2011, summarizing progress and future actions to comply with the 2008 Stipulated Settlement Agreement in renewing your grazing permit. That letter also requested that you complete application for renewal of your permit to graze livestock in the Browns Creek allotment. You submitted an application for renewal of this grazing permit, received by the BLM on June 12, 2011. In late May and early June 2013, two meetings were held with you to discuss allotment conditions, objectives, and livestock management. Additionally, you were asked during the 2013 meetings to update the previously submitted application. Following discussion with the BLM in 2013, you provided an updated application for permit renewal, received by the BLM on June 13, 2013.

After evaluating conditions on the land, meeting with you, and review of information received from the public, it became clear that resource concerns currently exist on the Browns Creek allotment. As a focus of addressing the impacts of renewing your livestock grazing permit, my office prepared and issued the Toy Mountain Group Environmental Assessment[2] (EA) in which we considered a number of options and approaches to maintain and improve resource conditions within the twenty allotments of the Toy Mountain Group. Specifically, the BLM considered and analyzed in detail five alternatives. We also considered other alternatives that we did not analyze in detail. Our objective 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 Browns Creek allotment's natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs. This Final Decision incorporates by reference the analysis contained in the EA.

[2] EA number DOI-BLM-ID-B030-2013-0021-EA analyzed 5 alternatives for livestock grazing management practices to fully process permit renewal within the Toy Mountain Group of 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 renew your permit to graze livestock within the Browns Creek allotment. Upon implementation of the Final Decision, your permit to graze livestock on this allotment will be fully processed using the revisions to the grazing regulations promulgated[3] in 1995, the Idaho S&Gs adopted in 1997, and the ORMP adopted in 1999.

This Final Decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Browns Creek allotment;
- Considers protest points received following issuance of the November 26, 2013, Proposed Decision;
- Outline my Final Decision to select Alternative 3 in the Browns Creek allotment; and
- State my reasons for this Final Decision.

Allotment Setting

The Browns Creek allotment is located approximately 8 miles southwest of Oreana, Idaho (Map 1). The ORMP categorized the Browns Creek allotment as an Improve (I) category allotment with a low priority for management. This two-pasture allotment consists of 3,862 acres of public land, 16 acres of private land, and 11 acres of state land for a total of 3,889 acres (99 percent public land, 0.75 percent private land, and 0.25 percent private land).

The ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified included the high erosion potential, ecological condition of vegetation communities, noxious weeds, perennial surface water, riparian/wetland ecosystems, and special status species (e.g., sage-grouse).

A single grazing permit authorizes livestock grazing use of the Browns Creek allotment with a current total permitted use of 1,410 AUMs, of which 793 AUMs are active use and 617 are suspension AUMs[4]. The authorized season of use for the allotment is April 1 to June 15 annually for 317 cattle. Recent actual use data (2004 to 2012) indicates that the two pastures are typically grazed in a two pasture rest-rotation schedule, with rest of each pasture occurring in alternate years. Actual use reported during the 9-year period between 2004 and 2012 has averaged 199 AUMs, with a maximum of 522 AUMs in 2008.

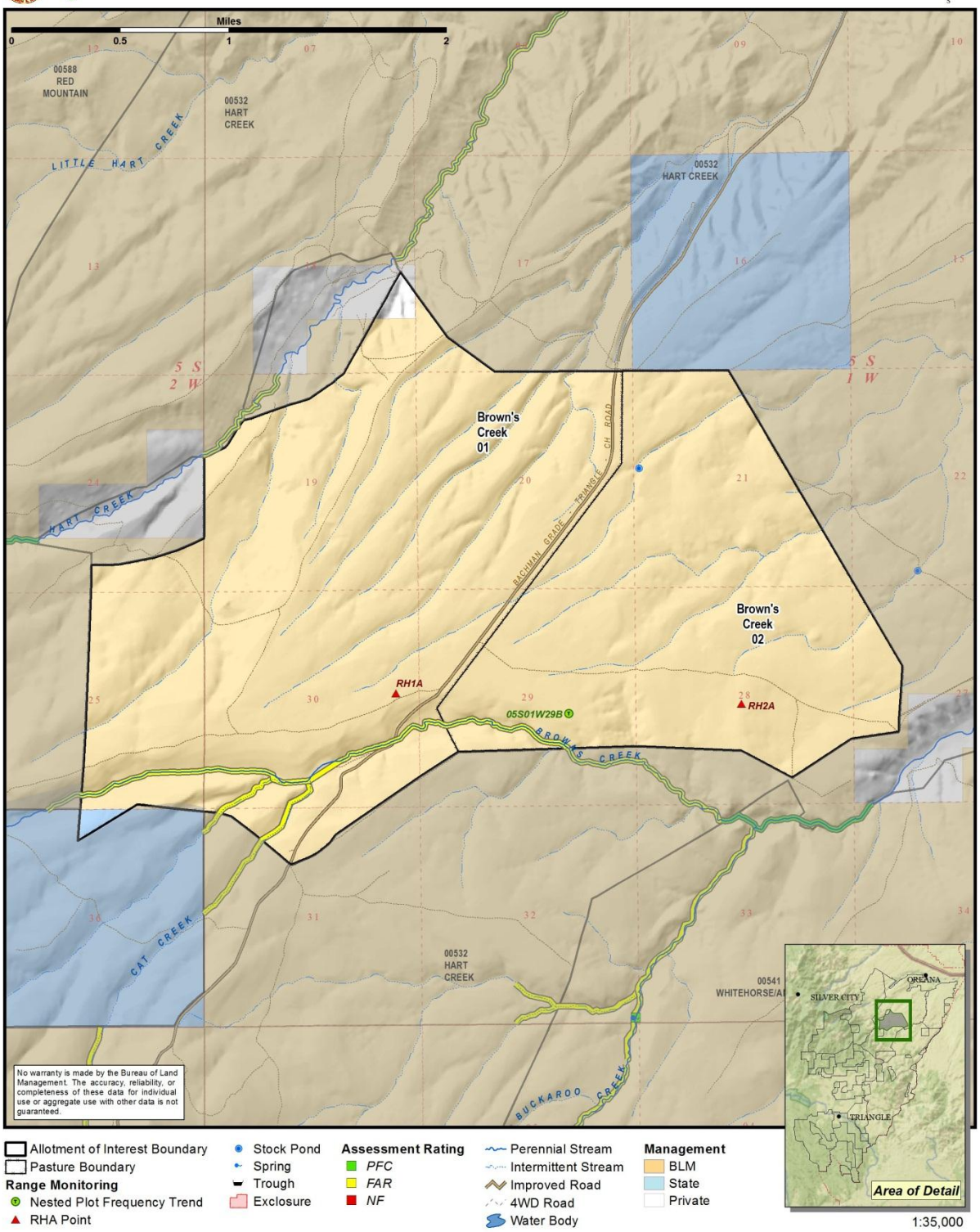
[3] 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.

[4] While a 2012 permit renewal completed in accordance with a rider to the 2012 Appropriations Act identifies no suspension in the Browns Creek allotment, the valid permit for grazing use is the still valid 1997 permit pending its renewal in compliance with the Idaho S&Gs and the ORMP (see the 2/29/2000 Memorandum Decision and Order of the United States District Court for the District of Idaho in IWP v Hahn). During the short term of implementing the revised grazing regulations in 2006, the suspension was likely removed from the record as part of an effort to offer a replacement permit.

The Browns Creek allotment is located on terraces set between Hart Creek and Browns Creek. Slopes range between 2 and 40 percent and the soils are generally deep and well-drained loams. The elevation ranges from 3,200 feet to 4,600 feet. No perennial streams or springs occur on federal range within the allotment. Although 19.8 miles of ephemeral/intermittent stream are found in the National Hydrologic Database for the Browns Creek allotment (13.6 in pasture 1 and 6.2 in pasture 2), only 3.1 of these miles support riparian/wetland vegetation (2.4 miles of Browns Creek, 0.3 miles of an unnamed tributary to Browns Creek, and 0.4 miles of Cat Creek).

The allotment is predominantly situated within the Unwooded Alkaline Hills Ecoregion, with a small portion of the southwest corner of the allotment occurring in the Owyhee Uplands/Canyons Ecoregions. The Unwooded Alkaline Foothills ecoregion occurs at the lowest elevations and is generally the flattest and driest of the ecoregions represented. Salt desert shrub and xeric sagebrush steppe are the dominant vegetation communities. The Owyhee Uplands and Canyons ecoregion is characterized by deep canyons, badlands, and rocky outcrops covered predominantly with low sagebrush steppe and juniper woodland vegetation communities. Although the major habitat type is sagebrush steppe, most has been altered by plowing and seeding crested wheatgrass in the 1960's. Across ecological sites within the allotment, effective average annual precipitation ranges from 7-13 inches. Mapping done by the Pacific Northwest National Laboratory using 2000/2001 Landsat satellite imagery, updated for vegetation treatments and fire, indicate the current vegetation in the Browns Creek allotment is dominated by big sagebrush (50 percent), salt desert shrub (39 percent), bunchgrass (4 percent), and exotic annuals (4 percent).

Map 1: Brown's Creek (00585) Allotment



Current Grazing Authorization

You currently graze livestock within the Browns Creek allotment pursuant to a grazing permit issued by the BLM (Table 1). The current permit includes 617 suspended AUMs. The terms and conditions of that grazing permit are as follows:

Table LVST-1: Browns Creek allotment current grazing authorization

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00585 Browns Creek	317	Cattle	4/1	6/15	100	Active	793

Terms and conditions:

1. The Browns Creek allotment (#00585) is a two-pasture system. A pasture will be grazed one year followed by a year of no grazing (rest).
2. A minimum 4-inch stubble will be left on herbaceous vegetation within the riparian area along 2.0 miles of Browns Creek in allotment #00585 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
3. Turnout is subject to the Boise District range readiness criteria.
4. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
5. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
6. Changes to the scheduled use require prior approval.
7. 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.
8. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
9. 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.
10. 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.
11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of $25.00 or 10 percent of the grazing bill, whichever is greater, 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.

12. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
13. Utilization may not exceed 50 percent of the current year's growth.
14. 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

Since 2004, the Browns Creek allotment has been used primarily from April through June. Typically, livestock have grazed from on-dates as early as 4/15 and as late as 5/27, to off-dates as early as 5/19 and as late as 6/21. During this timeframe, use alternated between pastures on most years. Reported actual use AUMs ranged from a low of 112 to a high of 522, with most use (8 of 9 years) being between 112 and 212 AUMs annually. Average use over the 9-year timeframe was 199 AUMs.

As you know, the current permit authorizes an annual use of 793 AUMs of forage in the Browns Creek allotment and a season of use between April 1 and June 16. It is clear that the timeframes in which use has actually occurred on the allotment are similar to those outlined in the mandatory terms and conditions. It is also clear that during this period fewer AUMs were utilized annually than as identified in the mandatory terms and conditions.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotments. In other words, the current condition of the allotment is not the result of what was authorized under the current permit, but rather is the result of the removal of a varied number of AUMs and seasons of use over the past several years.

Resource Conditions

The BLM completed a Rangeland Health Assessment/Evaluation and a Determination for the Browns Creek allotment in 2013 (USDI BLM, 2013). Those documents concluded that some of the resources on the Browns Creek allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined the allotment did not meet Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 7 (Water Quality), and 8 (Threatened and Endangered Animals). The allotment is making significant progress towards meeting Standard 5. Standards 4 (Native Plant Communities) and 6 (Exotic Plant Communities, other than Seeding) were not applicable. Additionally, current livestock grazing management was identified as

a significant causal factor for Standards 2, 3, 7 and 8 not meeting. Associated Guidelines not in conformance were 5, 7, 8, 10 and 12.

Vegetation - Uplands[5]

Standard 4 (Native Plant Communities) does not apply to the Browns Creek allotment because the plant communities in this allotment were altered in the mid-1960s. Much of the allotment was plowed and seeded to crested wheatgrass.

Standard 5 (Seedings) was not met in the Browns Creek allotment, although significant progress has been made between 2008 and 2011 toward meeting the standard. Rangeland health assessments completed in both pastures in 2002, as well as monitoring completed through 2008 at nested frequency trend sites and photo-plot studies, indicate that limited crested wheatgrass was maintained prior to 2002, following rehabilitation efforts in the 1960s. Remaining native perennial bunchgrass species are limited to weakened Sandberg bluegrass and few, if any, deep-rooted native perennial bunchgrasses (Thurber's needlegrass or Indian ricegrass).

An overall moderate departure of biotic integrity from reference site conditions leads to a conclusion that Standard 5 (Seedings) is not met. This conclusion is supported by photos accompanying the RHAs identifying that perennial herbaceous and shrub species diversity was inadequate to provide appropriate litter and standing dead plant material for site protection and for decomposition to replenish soil nutrients relative to site potential. The qualitative assessment indicates that the vegetation composition of both pastures does not adequately contribute toward nutrient cycling, energy flow, and hydrologic cycling consistent with reference site conditions.

Recent grazing management practices with rest from grazing in alternate years in both pastures has allowed an upward trend in condition of seeded crested wheatgrass and shallow-rooted perennial bunchgrass composition and meeting the ORMP objective to improve unsatisfactory vegetation health/condition in the Browns Creek allotment. Although the allotment is not meeting Standard 5, it is making significant progress towards meeting the standard.

Watersheds/Soils[6]

Past livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 (Watersheds) in the Browns Creek allotment. Signs of soil loss are primarily historic due to water flow patterns and erosion relics that indicate decreased watershed function. Soil surface resistance to erosion is reduced due to a lack of litter, soil organic matter, and adequate persistent cover.

Parts of the allotment were plowed and seeded to crested wheatgrass in the 1960s and actual use shows that the spring grazing is generally alternated yearly between the pastures. Recent monitoring from a nested plot frequency transects and two photo plots indicate a short-term improvement of the non-native crested wheatgrass, Sandberg bluegrass, and litter. Ground cover trend data also shows a slight upward trend and a reduction in bare ground that indicate long-term progress. However, the perennial herbaceous and shrub species diversity indicates that the vegetation composition is inadequate, with altered hydrologic function and lacking soil stability.

[5] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA - Section 3.3.5.1.1
[6] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021- Section 3.3.5.2

Much of the grasses and biological soil crusts grow underneath shrubs while interspaces remain bare, resulting in surface sealing, ponding, and increased water flow. Litter and standing dead plant material for site protection and for decomposition to replenish soil nutrients are available but are reduced and only provide limited protection to erosion; some physical damage is present and has resulted in compaction. The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. While trend data indicate short-term progress toward meeting the ORMP soil management objective, historic livestock management is the primary contributing factor for not meeting Standard 1 (Watersheds) in the Browns Creek allotment.

Water Resources and Riparian/Wetland Areas[7]

The BLM's 2013 Rangeland Health Evaluation and Determination for the Browns Creek allotment (USDI BLM, 2013) concluded that Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not being met in both pastures because of current livestock grazing management. Cat Creek and an unnamed tributary combine and form Browns Creek at the lower end of pasture 1, and Browns Creek continues to flow through pasture 2. These two creeks were not identified as fisheries habitat in the 1999 ORMP (USDI BLM, 1999).

Approximately 3.1 stream miles of Browns Creek and its tributaries that support riparian/wetland vegetation occur within the allotment. The most recent assessments identify 3.1 miles of stream are functional at-risk (FAR); however, 2.5 miles were re-visited in 2012 and re-classified as ephemeral. Thus, the PFC protocol was not applied. The remaining 0.6 mile (of the original 3.1 miles) to which the PFC protocol were applicable were rated as FAR; these areas had inadequate deep-rooted hydric vegetation that aid in stabilizing stream banks and dissipating energy during high flows, and there is erosion and deposition occurring. There are areas where the channels are incised skewing the width-to-depth ratios that prevent frequent inundation and development of the floodplains. In some locations, residual vegetation has not been sufficient to maintain or improve riparian-wetland function.

The Browns Creek allotment falls within the Middle Snake-Succor sub-basin, an arid sub-basin characterized by hot summer temperatures. The streams within the watershed are tributaries to the Snake River and are generally low-volume streams that have a combination of high ambient temperatures, poor shading, low flow volume, flow alteration, and naturally warm springs, which often lead to exceedances of the temperature standard. Other issues identified that affect the streams in the watershed are nutrient loading and in-stream channel erosion causing sediment loading.

The Browns Creek allotment is not meeting Standard 7 (Water Quality) because Browns Creek, Cat Creek, and the unnamed creek within the allotment are on the §303(d) list of impaired waters based on sediment. The streams do not meet the ORMP objective for water quality to meet or exceed State of Idaho water quality standards on all federally administered waters.

Special Status Plants[8]

Standard 8 for botany is met in the Browns Creek allotment. There are no federally listed or BLM special status plants that occur in this allotment; therefore, they will not be discussed.

[7] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.3
[8] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.4

Wildlife/Wildlife Habitats and Special Status Animals[9]

Standard 8 for wildlife is not met in the Browns Creek allotment and current livestock management, as related to Standards 2 and 3, is a significant causal factor. As a result of current livestock management practices, riparian areas have inadequate deep-rooted hydric vegetation that aid in stabilizing stream banks and dissipating energy during high flows; erosion and sediment deposition is also occurring. Channels are incised, skewing the width-to-depth ratios that prevent frequent inundation and development of the floodplains. In some locations, residual vegetation has not been sufficient to maintain or improve riparian-wetland function. The allotment lacks lentic areas and the types (i.e., intermittent, ephemeral) and locations (i.e., relatively deep, narrow valleys and canyons; closed riparian canopies) of most lotic systems limit their availability for sage-grouse use and render them marginal sage-grouse habitat at best. In addition, the local sage-grouse population exhibits an elevational migration to moister habitats, which reduces the importance of these areas as late-brood rearing habitat for sage-grouse and their broods.

Standard 4 (Native Plant Communities) does not apply in the allotment because of crested wheatgrass seedings that occurred in the 1960s. Upland habitats in Wyoming big sagebrush ecological sites are not providing adequate conditions for many shrub-obligate and ground dwelling, nesting, and foraging species. Although Standard 5 (Seedings) is not being met, significant progress towards meeting the Standard has been made since 2008; recent trend monitoring indicate a greater frequency and improved health and vigor of the non-native seeded crested wheatgrass and native Sandberg bluegrass.

Although shrub cover has remained consistent and provides adequate woody cover, structure, and forage for shrub-obligate and -dependent species, the quality of the herbaceous understory has not improved. Herbaceous understory conditions in sagebrush communities continue to limit habitat quality for sage-grouse and other upland species. Native, deep-rooted perennial bunchgrasses are generally absent and cheatgrass is locally abundant. Although crested wheatgrass frequency and vigor has improved since 2008, its ability to provide cover and forage for native wildlife species is limited. Sage-grouse breeding habitat conditions, although on the lower end of suitable in pasture 1, were generally marginal overall due primarily to lack of herbaceous perennial cover and forage. Winter habitat conditions are suitable as the shrub component is not a limiting factor within the predominant ecological sites in both pastures.

Because the condition, abundance, structural stage, and distribution of plant communities required for diverse and desired wildlife populations are not maintained or enhanced and because special status species' habitats are inadequate to increase or maintain populations so as to preclude an impetus for listing (for sagebrush and shrub obligates and dependent species in particular), these major ecological site alterations from their reference states discussed above do not conform with ORMP objectives.

Guidelines for Livestock Grazing Management

The Browns Creek allotment is not conforming to all guidelines. The BLM's 2013 Determination for the Browns Creek allotment (USDI BLM, 2013) identified grazing management practices that

[9] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021-EA Section 3.3.5.1.5 and Appendices E and F.

did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

> *Guideline 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for energy dissipation, sediment capture, ground water recharge, streambank stability, and wildlife habitat appropriate to site potential.*
>
> *Guideline 7: Apply grazing management practices to maintain, promote, or progress toward appropriate stream channel and streambank morphology and functions. Adverse impacts due to livestock grazing will be addressed.*
>
> *Guideline 8: Apply grazing management practices that maintain or promote the interaction of the hydrologic cycle, 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 10: Implement grazing management practices and/or facilities that provide for complying with the Idaho Water Quality Standards.*
>
> *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.*

Since the Browns Creek allotment is not meeting one or more of the Idaho Standards for Rangeland Health and is not in conformance with one or more of the Guidelines for Livestock Grazing Management due to current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schemes to bring the authorized actions within the allotment into compliance with resource objectives.

Issues[10]

Through the scoping process, development of the Rangeland Health Assessment/Evaluation Reports, and Determinations, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Toy Mountain Group allotments:

> 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.*

[10] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021-EA Section 1.6.3

Issue 6: *Protect special status plants and improve the habitats supporting special status plants.*

Issue 7: *Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.*

Issue 8: *Consider whether grazing can be used to limit wildfire.*

Issue 9: *Consider the two-fold 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 10: *Consider impacts to regional socioeconomic activity generated by livestock production.*

Analysis of Alternative Actions

Based on the current condition of the Browns Creek allotment, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered and analyzed in the EA, each of which was considered in detail and analyzed for the Browns Creek allotment. The range of alternatives developed include: Alternative 1 – No Action/Current Condition, Alternative 2 – Applicants' Proposed Action, and Alternatives 5 - No Grazing; Alternatives 3 and Alternative 4 were developed based on resource constraints. The following sections describe the theme of each of the alternatives and the allotment-specific authorizations and actions under each alternative.

Alternative 1 – No Action/Current Condition
The BLM would renew the permit for 10 years consistent with recent livestock grazing management practices. The new permit would define a season of use from April 1 through June 16 and authorize 522 AUMs of livestock use. Use would alternate year-to-year between pastures such that each pasture would be rested every other year.

Alternative 2 – Permittee Applications
The BLM would renew the 10-year livestock grazing permit in accordance with terms and conditions within the application received June 13, 2013. The new permit would define a season of use from April 1 through June 16 and authorize 793 AUMs of livestock use. A rest-rotation grazing system would be implemented; each pasture would be rested every other year.

Alternative 3
BLM would renew the 10-year livestock grazing permit for use in the Browns Creek allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use to a degree necessary to meet, make significant progress toward meeting, or maintain meeting all standards and the ORMP objectives within pastures where identified resources are present.

Alternative 4
BLM would renew the livestock grazing permit for use in the Browns Creek allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use to a degree necessary to meet, make significant progress toward meeting, or maintain meeting all standards and the ORMP objectives within pastures where identified resources are present. In addition, Alternative 4 would implement actions to protect and enhance high value resources, including sage grouse pre-laying/lekking and nesting/early brood-rearing habitats in both pastures 1 and 2.

Alternative 5 - No Grazing
No permit would be issued under this alternative for a 10-year period. This alternative would result in no livestock grazing during the 10-year term.

The draft EA number DOI-BLM-ID-B030-2013-0021-EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 12, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments.

Final Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my Final Decision to renew your grazing permit for ten years consistent with Alternative 3. Implementation of Alternative 3 over the next 10 years will allow the Browns Creek 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 renewed grazing permit will be as follows in Table LVST-2:

Table LVST-2: Terms and conditions on the Browns Creek allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00585 Browns Creek	50	Cattle	4/1	6/15	100	Active	125

The following grazing permit terms and conditions specific to the Browns Creek allotment would be included in the permit offered:

1. Grazing use of the Browns Creek allotment (00585) will be in accordance with the grazing schedule and limits to the intensity of use 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. A minimum 4-inch stubble will be left on herbaceous vegetation within the riparian area along 2.0 miles of Browns Creek in allotment #00585 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.

The following applicable Boise 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 exclosures 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%.

Utilization may not exceed 50 percent of the current year's growth, as limited by management actions defined in the ORMP.

Grazing Schedule

As noted in Other Term and Condition #1, the grazing schedule (Table LVST-3) for the Browns Creek allotment (identified below) must be followed.

Table LVST-3: Terms and Conditions on the Browns Creek allotment

Pasture	Year 1	Year 2
1	4/1 to 6/15*	Rest
2	Rest	4/1 to 6/15*

* Upland utilization limit not to exceed 20 percent at the end of the active growing season (6/30)

Notes on the Terms and Conditions

My Final Decision is to offer you a grazing permit for a term of 10 years for the Browns Creek allotment with 125 active AUMs. Flexibility is not provided within the schedule above for grazing use in the Browns Creek allotment. Implementation of Alternative 3 will result in a reduction of 668 active AUMs compared to your current permit of 793 active AUMs; the elimination of 668 AUMs of active use would not result in a conversion to suspension AUMs[11]. Permitted use within the allotment will be as follows in Table LVST-4:

Table LVST-4: Permitted use on the Browns Creek allotment

Active Use	Suspension	Permitted Use
125 AUMs	617 AUMs[12]	742 AUMs

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 record as a grazing permit holder for the Browns Creek allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a 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, specialist reports, and other documents in the grazing files, it is my Final Decision to select Alternative 3 for the Browns Creek 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 multiple use and sustained yield mandate, and will result in the Browns Creek allotment meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Browns Creek 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 3 for the Browns Creek allotment is based in large part on my understanding that this selection best addresses resource conditions on the Browns Creek allotment, in light of the BLM's legal and land management responsibilities[13].

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[11] [11] The affected reduction in Active AUMs will not be transferred to suspension, as this is not a temporary reduction (see, e.g., 43 CFR § 4100.0-5, Definitions), but a reduction under 43 CFR § 4110.3-2 (b).

[12] For more detailed discussion, please refer to EA numberDOI-BLM-ID-B030-2013-0021-EA Section 2.1.2; suspension AUMs held on permits prior to this planning process would continue to be held on permits as suspension.

[13] As you know, your allotment is part of a group of 20 allotments forming 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

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

Under Alternative 3, each pasture will be grazed every other year, resulting in 5 years of rest over the 10-year permit timeframe, which is similar to the current situation. This ongoing rest-rotation scheme, combined with restrictions on use during the critical growth period on grazing years, will result in increased vigor and reproductive success of upland grasses, both seeded crested wheatgrass and remnant native species. The utilization intensity of grazing use will not exceed 20 percent when grazing is authorized between 5/1 and 6/15 and the number of cattle permitted to graze within the allotment will be reduced from 209 under Alternative 1 (the current situation) to 50 cattle. The AUMs authorized for this allotment will be reduced to 125 from 522 under the current situation (Alternative 1), a reduction of 76 percent. The allotment–wide stocking rate will be 12 acres per AUM compared to the current permit stocking rate of 4.8 acres per AUM.

The reduction, especially when it occurs during the active growing season, will provide greater opportunity for introduced cool-season bunchgrass plants to complete their annual growth cycle in the absence of grazing or with limited grazing and the need to regrow. In combination, limits to the intensity of grazing use during the active growing season and one in two years of exclusion of use during the active growing season will allow introduced cool-season bunchgrass species to regain health and vigor as detailed in Appendix E of the EA. Just as the crested wheatgrass in the allotment will see an increase in vigor and productivity, remnant populations of native perennial grasses will see similar benefits over time. Progress will be continued toward meeting Standard 5 and the ORMP objective to improve vegetation health

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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.

and condition.

Issue 2: Improve watershed conditions within upland sites.

The RHAs and determination show that Standard 1 (Watersheds) is not being met due to reasons other than current livestock grazing management practices. The transition of native deep-rooted vegetation to more shallow-rooted bunchgrasses caused by historic grazing practices reduces infiltration, has led to surface runoff, soil surface sealing, and erosion. Standard 1 is not being met because hydrologic function and soil/site stability attributes are not properly functioning. While current management is not a causal factor for the Standard not being met, management under Alternative 3 will improve watershed conditions on upland sites because the reduced intensity of grazing use will provide greater opportunity for introduced cool-season bunchgrass plants to complete their annual growth cycle in the absence of grazing or with limited grazing and the need to regrow. In combination, limits to active growing season intensity of use and rest every other year will allow introduced cool-season bunchgrass species to regain health and vigor. Because less forage will be removed, more residual matter will be left to decompose on the soil's surface. This will slow overland water flow and increase infiltration during high-intensity rainfall events, which will reduce erosion. Soil organic matter inputs will increase, which will improve infiltration capability and soil moisture retention. Overall, soil and site stability will increase because standing dead plant material and surface litter will increase, as will soil organic matter inputs.

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

Juniper encroachment was not identified as an issue in the Browns Creek allotment and is therefore not addressed in Alternative 3.

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

Although any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, the reduction in active use in Alternative 3 will result in proportionally less soil surface disturbance and fewer animals that could carry seed to and from the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives 1 and 2, the risk of invasive species expansion is lower under Alternative 3 as perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Available sites for invasive species establishment will be reduced through competition with healthy introduced crested wheatgrass populations and remnant native perennial species. Although Alternatives 4 and 5 would further reduce or eliminate the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 3, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment. Vegetative community resistance to noxious and invasive annual invasion will increase over time as this more limited grazing strategy is implemented.

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

Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) are not being met because of current livestock grazing management, as evidenced by the condition of the portion of Browns Creek that the PFC protocol were applied; unstable, poorly vegetated banks were

documented, as was an over-widened channel. It was determined that these conditions are due to current livestock management.

Under Alternative 3, pastures 1 and 2 will be grazed in the spring every other year and a minimum 4-inch stubble will be required to be left on herbaceous vegetation within the riparian area along 2 miles of Browns Creek at the end of the growing season; this is similar to what is already occurring under the current situation (Alternative 1) and alone will not move the allotment toward meeting Standards 2 and 3.

With the implementation of Alternative 3, grazing utilization intensity will decrease in the allotment compared to Alternative 1 (current situation); active AUMs will be reduced 76 percent from 522 (the maximum number of reported AUMs over the last 9 years that was used to develop Alternative 1) to 125. We know that continuing management under the current situation will lead to a continued failure of these Standards and that the average actual use of 199 AUMs over the last 9 years has culminated in this situation. Clearly, not only is a reduction from the highest reported actual use (522 AUMs) necessary, but a reduction from the average actual use of 199 AUMs must occur in order to improve riparian conditions; compared to the average actual use of 199 AUMs, active AUMs will be reduced 37 percent to 125. Additionally, the number of cattle authorized will be reduced from 317 to 50, which will reduce alterations along the greenline, thus improving bank stability.

While the selection of Alternative 3 will result in a 76 percent reduction compared to the highest reported use, it is the 37 percent reduction compared to average actual use and reduced cattle numbers that will, in conjunction with the 5 years of rest over the 10-year life of the permit and the 4-inch stubble height requirement, improve riparian condition and move the allotment toward making significant progress and meeting Standards 2 and 3. The reduction will result in an overall stocking rate of 12 acres/AUM, compared to the current permit, which is 4.8 acres/AUM.

The allotment is also not meeting Standard 7(Water Quality) because of sedimentation. I expect that as significant improvement is made towards meeting Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain), water quality will improve as well. Reduced grazing intensity, rest every other year, and the 4-inch riparian stubble height requirement will benefit riparian/wetland vegetation, resulting in increased greenline vegetation abundance and stature, which will ultimately help decrease sedimentation in these streams and move the allotment towards meeting Standard 7.

Issue 7: Improve wildlife habitats, and habitats necessary to meet objectives for sagebrush-dependent species, including sage-grouse.

Standard 8 (Threatened and Endangered Plants and Animals) is not being met because of current livestock grazing management impacts to riparian areas and wetlands; and because, overall, upland habitats in Wyoming big sagebrush ecological sites are not providing adequate conditions for many shrub obligate and ground dwelling, nesting and foraging species. With the implementation of Alternative 3, riparian and wetland habitat, as well as upland habitat, conditions will improve throughout the allotment due to this alternative's focus on improving the health and vigor of plant communities.

As described in Issue 6, above, it is the reduction in AUMs, in conjunction with the 5 years of rest over the 10-year life of the permit and the 4-inch stubble height requirement, that will improve riparian condition and move the allotment towards making significant progress and meeting Standards 2 and 3, and consequently Standard 8. Upland plant community improvements, as discussed under Issue 6, above, will also contribute towards meeting Standard 8.

The ongoing rest every other year, combined with the reduction in AUMs and the 20 percent utilization limit during the critical growth period, will reduce the amount of livestock grazing during the active growing season for upland perennial species. There will be greater forage and cover availability for sage-grouse and other sagebrush steppe associated wildlife; healthier and more resilient plant communities will be promoted in the long-term. Additionally, proper nutrient cycling, hydrologic cycling, and energy flow will continue to be maintained or improved. See the discussion under Issue #2.

I expect the quality and quantity of the riparian communities in the Browns Creek allotment to progress steadily toward meeting desired habitat management objectives and, therefore, meeting Standard 8; the combination of the minimum stubble height, rest every other year, and reduction in AUMs will improve stream, floodplain, wetland, and mesic habitat conditions in the allotment.

I believe that additional and sometimes substantial improvement to the upland plant communities can be made by instituting changes to grazing management. In other words, even if a minimal degree of progress was currently being made on the allotment, progress at a faster rate is achievable and more desirable given the long-term potential benefits to plant communities, soils, riparian habitats, and wildlife resources. Moreover, it is within my discretion and responsibility to strive for such improvement based on FLPMA, the objectives described in the Owyhee RMP, and the BLM's 2010 National Sage-grouse Policy with its attendant goal to maintain and enhance sage-grouse populations in the western United States.

Issue 8: 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 these allotments with the intention 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 3 for the Browns Creek 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. While landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types, specifically within seedings of grazing tolerant introduced grasses and annual grasses, these exact conditions do not exist on the entire allotment. I recognize that it is the case that portions of the allotment were seeded with crested wheatgrass in the 1960s, but sagebrush has re-established and these pastures are no longer grass-dominated. 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 is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternative 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.[14]

Issue 9: Consider the two-fold 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 3 for the Browns Creek 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. The selected alternative combines seasons, intensities, and durations of livestock use to promote long-term plant health and vigor on the Browns Creek allotment. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on these allotments 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 10: Consider impacts to regional socioeconomic activity generated by livestock production.

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

Consideration of Alternatives 1 and 2 for the Browns Creek allotment disclosed that neither of those alternatives would allow the allotment to meet Idaho S&Gs or the ORMP resource objectives, and therefore I could not select them despite the lesser economic impacts that they may have. Over the long term, your grazing operation relies upon maintenance of the natural

[14] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.

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

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have minimized reductions in grazing use levels where current levels are compatible with meeting rangeland health standards and ORMP objectives and where not compatible, have attempted to select alternatives designed to meet resource needs. In cases of particular or particularly acute resource needs, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.

Additional Rationale

We dedicated much thought and effort to developing grazing management that is responsive to your allotment's specific resource needs, geography, and size. These considerations were made to address all concerns and requirements mandated to the BLM. Each allotment has different ecology and management capability due to the size and location/topography that result in various issues and priorities. All attempts to coordinate grazing throughout the entire allotment were made by me and my staff with you and the interested public. I recognize the difficulty of not only providing the mandated needs for the resources, but recognizes the needs and capability that you, the permittee have. I believe I have balanced those needs of the resource and your capabilities with the information I have.

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 3 for the Browns Creek 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 your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing these alternatives, the resource issues identified will be addressed. The suspension of grazing for a 10-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 20, 2013 and concluded that the decision to implement Alternative 3 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 ten 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 decision to select Alternative 3 for the Browns Creek allotment over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs in locations where standards were not met due to current livestock management practices. Alternatives 1 and 2 fail to implement livestock management practices on the Browns Creek allotment that would meet the objectives and standards. Specifically, both alternatives fail to implement actions that would meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality), and Standard 8 (Threatened and Endangered Animals). Alternative 5 removes economic activity of one livestock operation from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the alternatives lead me to believe elimination of livestock grazing from the Browns Creek allotment is unnecessary at this point.

This grazing decision and subsequent permits are being issued under the authority of 43 CFR 4100 and in accordance with the Owyhee Resource Management Plan (43 CFR 4100.0-8), thus all activity thereunder must comply with the objectives and management actions of the Plan.

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 (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans; The ORMP designates the Browns Creek allotment 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
Field Manager
Owyhee Field Office

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 Assessments: Whitehorse/Antelope (0541), Toy (0533), Browns Creek (0585), and West Castle (0648) Allotments, 2013 Supplement.* Marsing, ID.

Copies sent to:

Company	Name		Address	City	ST	Zip	#
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709	1
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604	2
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126	3
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918	4
Idaho Dept. of Agriculture	John	Biar	PO Box 790	Boise	ID	83707	5
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701	6
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642	7
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604	8
	Senator Mike	Crapo	251 East Front Street STE 205	Boise	ID	83702	9
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 38	Murphy	ID	83650	10
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701	11
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701	12
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	13
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676	14
Resource Advisory Council	Chair Gene	Gray	2393 Watts Lane	Payette	ID	83661	15
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	16
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	17
Idaho Wild Sheep Foundation	President Jim	Jeffress	PO BOX 8224	Boise	ID	82707	18
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	19
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	20
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	21
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	22
	Lloyd	Knight	PO Box 47	Hammett	ID	83627	23
	Congressman Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	24
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	25
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	26
Idaho Wild Sheep	Herb	Meyr	570 E 16th N.	Mountain	ID	83647	27

Company	Name		Address	City	ST	Zip	#
Foundation				Home			
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	28
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644	29
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	30
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	31
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650	32
-	John	Richards	8933 State Hwy. 78	Marsing	ID	83639	33
	Senator James E.	Risch	350 N 9th Street STE 302	Boise	ID	83702	34
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701	35
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	36
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	37
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	38
	Congressman Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	39
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203	40
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	41
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	42
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	43
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20th Floor	San Francisco	CA	94104	44
Office of Species Conservation	Cally	Younger	304 N. 8th STE 149	Boise	ID	83702	45
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650	46
Holland & Hart LLP			PO Box 2527	Boise	ID	83701	47
Idaho Cattle Association			PO Box 15397	Boise	ID	83715	48
IDEQ			1410 N. Hilton	Boise	ID	83701	49
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720	50
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701	51
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636	52
Oregon Division State Lands			1645 NE Forbes Rd., Ste. 112	Bend	OR	97701	53

Company	Name		Address	City	ST	Zip	#
Owyhee Cattlemen's Association			PO Box 400	Marsing	ID	83639	54
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701	55
Sierra Club			PO Box 552	Boise	ID	83701	56
State Historic Preservation Office			210 Main St.	Boise	ID	83702	57
State of Nevada Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801	58
The Nature Conservancy			950 W. Bannock, Ste. 210	Boise	ID	83702	59
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999	60
U.S.F.W.S. Idaho State Office			1387 S. Vinnell Way, Ste. 368	Boise	ID	83709	61
USDA Farm Services			9173 W. Barnes	Boise	ID	83704	62
Western Watershed Projects			PO Box 1770	Hailey	ID	83333	63
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Bosie	ID	83712	64
	John E	Edwards	15804 Tyson Rd	Murphy	ID	83650	65
Northwest Farm Credit Services, FLCA	Maudi	Hernandez	16034 Equine Drive	Nampa	ID	83687	66
	Rohl	Hipwell	18125 Oreana Loop Rd.	Oreana	ID	83650	67
	Marti & Susan	Jaca	21127 Upper Reynolds Cr. Rd.	Murphy	ID	83650	68
Lequerica & Sons Inc.	Tim	Lequerica	PO Box 113	Arock	OR	97902	69
	Charles	Lyons	11408 Hwy 20	Mountain Home	ID	83647	70
	Craig & Georgene	Moore	P.O. Box 14	Melba	ID	83641	71
	Soctt & Sherri	Nicholson	P.O. Box 690	Meridian	ID	83680	72
	Joseph	Parkinson	123 W. Highland View Dr.	Boise	ID	83702	73
Zion First National Bank	Bertha	Scallon	500 5th St.	Ames	IA	50010	74
	Elmer	Stahl	17965 Oreana Loop Rd.	Murphy	ID	83650	75
Estate of Charles Steiner	John	Steiner	24597 Collett Rd.	Oreana	ID	83650	76
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650	77
Idaho Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686	78
Northwest Farm Credt Services			815 N. College Rd	Twin Falls	ID	83303	79

Company	Name		Address	City	ST	Zip	#
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632	80

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-l(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.
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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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.
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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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 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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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.
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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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.
3RThomas12122013	12	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	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.

Protest ID	Protest Point No.	Protest Text	Protest Response
		be appropriately evaluated because it is incorrectly characterized in the document. The EA is arbitrary as a result.	
3RThomas12122013	13	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.	See the response to protest point number 1 and the general description and allotment-specific descriptions of Alternatives 3 and 4 in the EA.
3RThomas12122013	14	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.	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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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.
3RThomas12122013	15	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 degredation 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 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.	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.

Protest ID	Protest Point No.	Protest Text	Protest Response
		Selection of alternatives based on those stocking rate calculations is necessarily arbitrary as a result.	
3RThomas12122013	16	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.	See the response to protest point number 2 and the description for the allotment-specific alternative.
3WWPA12112013		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.	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.

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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 rm1ge 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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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 banns 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

Protest ID	Protest Point No.	Protest Text	Protest Response
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 Altematives.	See Response # 29. BLM is required by regulation and the Oyhee 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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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 de-stabilizing 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,

Protest ID	Protest Point No.	Protest Text	Protest Response
			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. haibtats 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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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 tum in to 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 entrenclm1ent 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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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 section1.7 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 ldaho 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	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.	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: *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.*
3Idaho12192013	80	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.	See the response to protest point number 57.
3Idaho12192013	81	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 _____. 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. "	The protested term and condition is incorporated into the permit in accordance with 43 CFR 4130.3-1 and 43 CFR 4180.2(c).

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	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 _____. Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions."	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.