



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

December 30, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Thomas
17947 Shortcut Road
Oreana, ID 83650

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

Dear Mr. Thomas:

The BLM remains dedicated to processing your application for permit renewal on Hart Creek grazing allotment. I signed a Proposed Decision to renew your grazing permit on November 26, 2013. The Proposed Decision included terms and conditions that would make significant progress toward meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP).

Introduction

As you know, the BLM has evaluated grazing practices and conditions in the Hart Creek allotment to ensure that any renewed grazing permit on the allotment is consistent with the BLM's legal and land management obligations. A rangeland health assessment, evaluation and determination were completed in 2006, and subsequently updated in 2013. An evaluation and determination of achieving rangeland health standards was signed October 21, 2013, taking into consideration the updated rangeland health assessment (USDI BLM, 2013). This Final Decision incorporates by reference the information contained in those documents.

The BLM's Owyhee Field Office initiated a public scoping process for renewal of grazing permits on the Group 3, or Toy Mountain Group allotments, by mailing a letter to interested publics and grazing permittees in January, 2013. The letter solicited comments and information to identify resource and management issues associated with the Idaho Rangeland Health Standards and Guidelines, and the Owyhee Resource Management Plan (ORMP) (USDI BLM, 1999) for the

purpose of developing grazing management alternatives for allotments in the Toy Mountain Group.

After evaluating conditions on the land and reviewing comments received during the scoping process, it became clear that resource concerns currently exist on the Toy Mountain Group allotments, which include the Hart Creek allotment. You submitted an application for renewal of your permit to graze on the Hart Creek, Box T, Meadow Creek FFR and Alder Creek FFR allotments, which was received by the BLM on May 29, 2013. With respect to the Hart Creek allotment, your application requested a renewed authorization, removing the term and condition for minimum stubble height along Pickett Creek, and reinstating use of 1,014 AUMs that have been in voluntary non-use since 1997 for a total active use level of 2,365 AUMs from March 1 to June 1, annually (the current permit extends until June 15).

With the focus of addressing the impacts of renewing your livestock grazing permit, BLM prepared an environmental assessment (EA) in which we considered a number of options and approaches to maintain and improve resource conditions for the Toy Mountain allotments (NEPA # DOI-BLM-ID-B030-2013-0021-EA). The BLM considered and analyzed in detail five alternatives for the Hart Creek allotment, and also considered other alternatives but did not analyze them in detail for various reasons, as described in the EA. Our goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the Hart Creek allotment's natural resources conform to the goals and objectives of the ORMP and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs).

The Final Toy Mountain Group 3 EA, which was published on November 26, 2013, incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS # DOI-BLM-ID-B030-2012-0014-EIS and the analysis contained therein. This Proposed Decision incorporates by reference the analysis contained in those documents (see Appendix K).

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

Following public availability of the BLM's November 26, 2013, Proposed Decision, review of protest points and meeting with you to discuss management of your allotments; I am now prepared to issue a Final Decision to authorize livestock grazing within the Hart Creek allotment. This decision is the culmination of a comprehensive review of resource conditions and livestock management in accordance with the grazing regulations, Idaho S&Gs, NEPA, and the Owyhee Resource Management Plan.

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.

This Final Decision will:

- Describe current conditions and issues on the Hart Creek allotment;
- 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 Hart Creek allotment;
- Transmit the attached responses to protests received for the Group 3 Allotment Proposed Grazing Decisions;
- Outline my Final Decision to select Alternative 4 in the Hart Creek allotment; and
- Explain my reasons for making this decision.

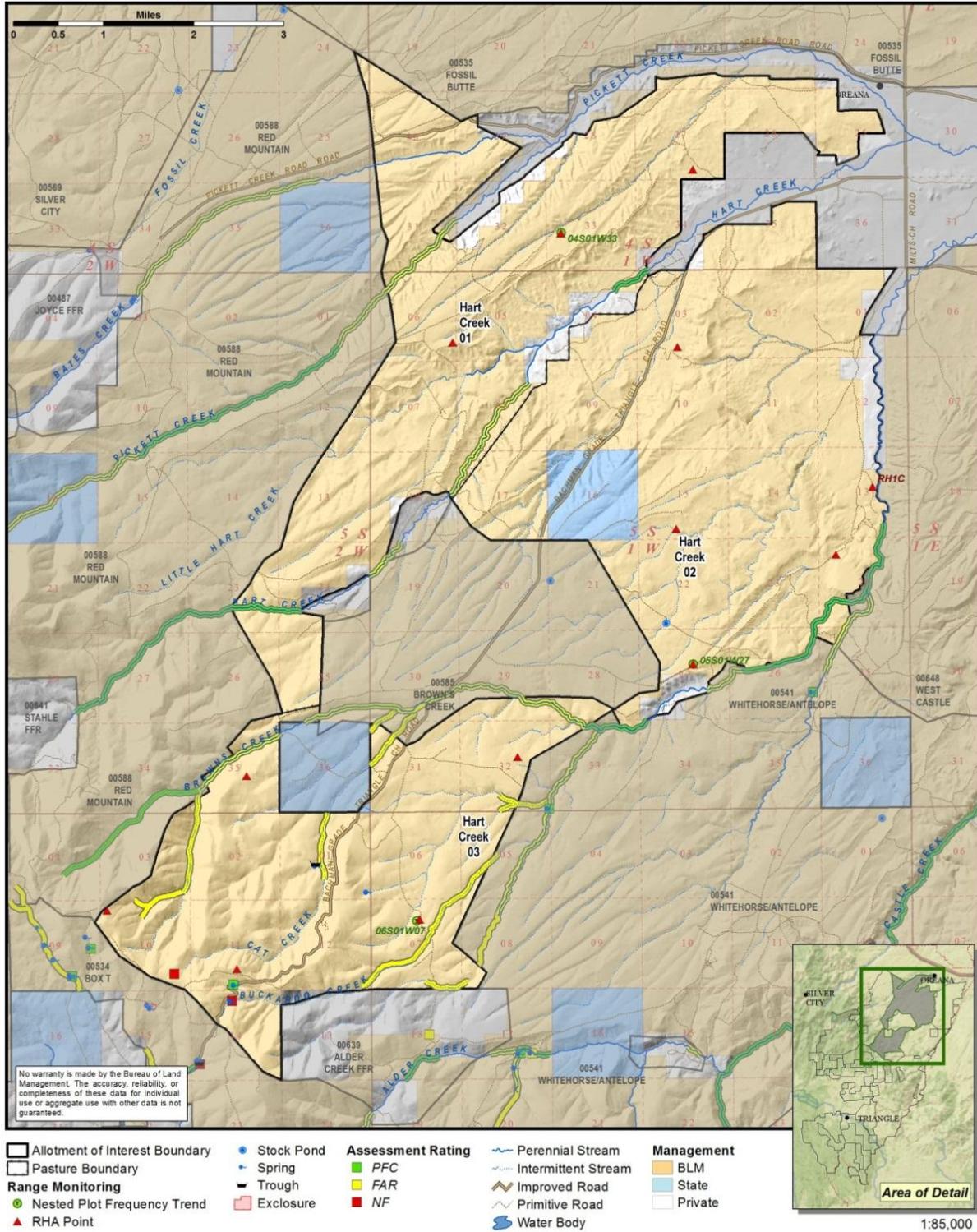
Background

Allotment Setting

The Hart Creek allotment is located about 1 mile southwest of Oreana, Idaho, in Owyhee County. The allotment consists of three pastures encompassing approximately 24,968 acres of public lands, along with 1,078 acres of private lands and 651 acres of state lands (See Map 1). Approximately 50 percent of the allotment area is represented by the Calcareous Loam ecological site, which has expected vegetation of bud sagebrush and shadscale. Much of the remaining area allotment area is represented by loamy and sandy loam sites characterized by Wyoming big sagebrush, and shallow claypan sites characterized by low sagebrush vegetation. The elevations in this allotment range from around 2,800 to 6,500 feet. Limited precipitation with cold winters and dry summers constrain plant community and wildlife habitat potential. High-value resources in the allotment include important sage-grouse habitat, 2.9 miles of perennial streams occupied by redband trout, as well as many miles of intermittent streams and multiple springs that provide valuable wildlife habitat for sagebrush-steppe species, aquatic species, and migratory birds.



Map 1: Hart Creek (00532) Allotment



Current Grazing Authorization

You hold the sole grazing permit on the Hart Creek allotment, which authorizes livestock grazing use with a current total active use of 2,365 AUMs, of which 1,352 have been available for use over the past 10 years, while the other 1,014 have been in voluntary non-use status, according to a term and condition of your permit. Your permitted use also includes an additional 808 AUMs of suspended use. The authorized season of use for the allotment is March 1 to June 15, annually.

The terms and conditions of your BLM grazing permit are as follows. *

Table LVST-1: Hart Creek allotment current permit

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00532 Hart Creek	851	Cattle	4/1	6/15	97	A	2,365

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

Terms and conditions:

1. Minimum 4-inch stubble will be left on herbaceous vegetation within the riparian area along 3.25 miles of Hart Creek and 1.0 miles of Pickett Creek in allotment #0532 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
2. Early use (March 1 to March 31) may be authorized on an annual basis in the Browns Creek and Hart Creek pastures of Hart Creek allotment (#532).
3. Preferred use for the Hart Creek allotment will not exceed 1,351 AUMs each year during the length of this permit.
4. Turnout is subject to the Boise District range readiness criteria.
5. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
6. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
7. Changes to the scheduled use require prior approval.
8. 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.
9. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
10. 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.
11. 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.
12. 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.

13. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
14. Utilization may not exceed 50% of the current year's growth.
15. 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

In accordance with an agreement with BLM, you have taken voluntary non-use of 1,014 AUMs on the Hart Creek allotment since 1997 in order to rest pastures 1 and 2 in alternate years to facilitate recovery from historic grazing impacts that existed when you acquired the operation. Pastures 1 and 2 have been used in alternate years between March 1 and April 15, when the cattle are moved to pasture 3, where they may graze as late as June 15.

Resource Conditions²

A rangeland health assessment, evaluation and determination were completed in 2006, and subsequently updated in 2013. An evaluation and determination of meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (S&Gs) was signed October 21, 2013, taking into consideration the updated rangeland health assessment (USDI BLM, 2013). The findings of the 2013 determination include:

- Standards 1, 2, 3, 4, 7 and 8 are not being met on the Hart Creek allotment.
- Current livestock management practices are significant causal factors in not meeting Standards 2, 3, 7 and 8.
- Current livestock management practices are not significant causal factors in not meeting Standards 1 and 4.
- Standards 5 and 6 are not applicable to this allotment.

The following is a summary of resource conditions on the Hart Creek allotment, including a description of the 2013 determinations for the Standard(s) associated with each resource.

² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA.

Vegetation - Uplands

Based upon soils and ecological site descriptions, expected vegetation in pastures 1 and 2 of the Hart Creek allotment is a mixture of salt-desert shrub and Wyoming big sagebrush communities. The salt-desert shrub sites are characterized by bud sagebrush-shadscale and Indian ricegrass or black greasewood and basin wildrye. The Wyoming big sagebrush sites are characterized by an overstory of Wyoming big sage with an understory of bluebunch wheatgrass, Sandberg bluegrass, and other herbaceous perennials. Wyoming big sagebrush, mountain big sagebrush and low sagebrush are the predominant expected plant communities in pasture 3 based upon ecological sites. Although no juniper woodland ecological sites occur on the Hart Creek allotment, approximately 700 acres of juniper cover type is currently mapped, reflecting some encroachment of western juniper into sagebrush ecological sites at higher elevations in the allotment. An additional 742 acres is mapped as exotic annual grasslands, according to 2000/2001 satellite imagery, reflecting incursions of cheatgrass and other invasive annuals into the native vegetation communities.

Standard 4 (Native Plant Communities) of the Idaho S&Gs is not met in pastures 1 and 2 of the Hart Creek allotment, but is met in pasture 3. The primary causal factor for not meeting the standard in pastures 1 and 2 of the allotment is historic grazing practices that reduced the composition of deep-rooted perennial herbaceous species within the vegetation communities, while shallower-rooted species, such as Sandberg bluegrass have increased. Vegetation trend in pastures 1 and 2 is static to downward, although current management practices conform to the Guidelines for Livestock Grazing Management. As described in the rangeland health assessment, cheatgrass is common in pastures 1 and 2, and has exhibited an increasing trend over the past decade.

Watersheds

Standard 1 (Watersheds) of the Idaho S&Gs is not met in pastures 1 and 2 of the Hart Creek allotment due to historic livestock grazing management practices; pasture 3 is meeting the standard. While soil surface conditions are currently stabilized in a degraded state, hydrologic function is altered and primarily connected with past grazing practices, which resulted in decreased abundance and diversity of perennial bunchgrasses and forbs. Perennial species with a diversity of rooting structures facilitate proper infiltration, stabilize and protect soil surfaces from raindrop impact, and reduce runoff rates.

Much of the impairment in hydrologic function is associated with a shift from deep-rooted perennial bunchgrasses to relatively shallow-rooted bunchgrasses, such as Sandberg bluegrass and squirreltail. The reduced structural diversity of the vegetation community and localized invasions of annuals are limiting watershed functioning, including proper nutrient cycling, hydrologic cycling, and energy flow.

Water Resources and Riparian/Wetland Areas

The Hart Creek allotment includes 2.85 miles of perennial streams in pasture 1, and many miles of ephemeral or intermittent streams in pastures 1, 2 and 3. Perennial reaches in pasture 1 include 2.25 miles of Hart Creek and 0.6 miles of Pickett Creek. Intermittent or ephemeral streams on the allotment include segments of Bates and Little Hart Creeks in pasture 1, Browns Creek in

Pasture 2, and Browns, Buckaroo, Cat and Little Browns Creeks in pasture 3. Several springs also occur in pasture 3.

Standards 2, 3 and 7 are not being met in the Hart Creek allotment, and current livestock management practices are the significant causal factor. The recent grazing schedule has not allowed for rest years in pasture 3, and the spring developments were not designed to protect the ecological function of the riparian-wetland areas. Flow alterations and invasive species have reduced the ability of some riparian areas on the allotment to recover from livestock impacts. Two reaches of Hart Creek that traverse pasture 1 were rated as functional at-risk (FAR). These reaches support woody riparian species, but lack the late-season flow necessary to fully support desirable sedges and rushes, and have patches of Scotch thistle and whitetop, both Idaho noxious weed species. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function; conditions along Hart Creek, including active bank erosion and a straightened, widened channel, are associated with excessive livestock impacts. Vegetation limitations along Hart Creek due to the lack of late-season flow and presences of noxious weeds and upland species make the riparian vegetation and stream conditions more susceptible to livestock impacts, and less capable of recovering following grazing. The reach of Pickett Creek that occurs in pasture 1 supported appropriate woody riparian vegetation, but the stream channel is over-widened and upland species such as Kentucky bluegrass dominated the understory, instead of the expected sedges and rushes, which more effectively stabilize streambanks due to their extensive, binding root masses. For these reasons, Pickett Creek was also rated FAR.

The unsatisfactory conditions, with the exception of flow alterations in Hart Creek from upstream diversions, are attributed to current livestock grazing practices.

Brown's Creek, which traverses pasture 3, was rated FAR because there were not adequate hydric species to stabilize stream banks during high flow events. Also within pasture 3, Buckaroo Creek, Cat Creek, Little Brown's Creek, and tributaries to Buckaroo and Little Browns Creek were most recently rated FAR. Issues identified include inadequate soil moisture and lack of floodplain inundation to support hydric species that would protect the stream banks, a lack of plant composition and vigor, erosion was occurring, the stream was over-widened, and the stream banks and channel were unstable. The unsatisfactory conditions are attributed to current livestock grazing practices. Herbaceous riparian species such as sedges and rushes, which are important for stabilizing streambanks, are lacking along most stream reaches in the allotment

Five assessed springs in pasture 3 were most recently rated as proper functioning condition (PFC) (1), FAR (1), and non-functional (NF) (3). Improperly placed or unmaintained exclosures are the main issue impacting these springs. Photos from Buckaroo Spring show soil trampling attributed to livestock, and poor general vegetation condition. Excessive erosion and over 50 percent bare soil was noted at the spring in pasture 3 that was rated NF.

Streams on the Hart Creek allotment are on the Idaho 303(d) list of impaired waters, and therefore are not meeting Standard 7. Pickett Creek and Brown's Creek are not meeting cold-water aquatic life beneficial use criteria and have listed pollutants of sedimentation/siltation and temperature. Because these streams are also not meeting Standards 2 and 3 due to current livestock management, it was also determined that current livestock management was a causal factor for failing to meet Standard 7, which is closely tied to riparian and stream channel/floodplain

conditions, which regulate stream temperatures and sedimentation. Bank erosion, over-widened stream channels and lack of appropriate herbaceous riparian species capable of capturing sediment and stabilizing streambanks are common characteristics of streams not meeting Standards 2 and 3 on the allotment. Because these conditions are associated with livestock impacts including streambank trampling and removal of vegetation, it follows that livestock are also the causal factor for failing to meet Standard 7.

Special Status Plants

At least five special status plants (SSPs) occur within the Hart Creek allotment: earth lichen, king's eyelashgrass, white eatonella, white-margined wax plant, and stoutstem threadplant. An occurrence of Simpson's hedgehog cactus has also been reported but has not been located again since the original report. The occurrences of these special status plants are meeting Standard 8. Earth lichen, Kings's eyelashgrass, and stoutstem threadplant are located in pasture 2, with white eatonella in pasture 1. White-margined wax plant is located in pastures 1 and 2. Data on these populations are limited, but most of the SSPs in the Hart Creek allotment are reported to be in good condition with low or no threats from livestock or other disturbances. The Rangeland Health Assessments contain additional detail related to the condition of special status plants, as originally compiled in 2006, and supplemented in 2013.

Wildlife/Wildlife Habitats and Special Status Animals

Standard 8 is not met within the Hart Creek allotment and current livestock management practices are significant causal factors for the failure to meet riparian habitat standards. Upland habitats in pastures 1 and 2 are not providing adequate conditions for many ground dwelling, nesting and foraging species, but historic, rather than current grazing practices are the causal factor. Riparian habitats are not providing adequate breeding and foraging conditions for many dependent wildlife species due to current livestock grazing management practices in riparian habitats.

Upland wildlife and sage-grouse habitat

The Hart Creek allotment consists of three pastures and contains two dominant habitat types: salt desert on the northern portions (the calcareous ecological sites), and shrub-steppe on the southern portions (the loamy ecological sites). There are approximately 21,822 acres of preliminary priority habitat (PPH) and 439 acres of preliminary general sage-grouse habitat (PGH) mapped on the Hart Creek allotment. The shrub steppe habitat is used by sage-grouse during the breeding, summer, and winter seasons, and occurs in all three pastures. The salt desert portion of this allotment is not considered sage-grouse habitat, although it is partially within the coarse-level habitat mapping area. Sage-grouse habitat on the allotment is currently limited due to reductions in deep-rooted perennial grasses and forbs, insufficient sagebrush height, decadent sagebrush and occurrence of cheatgrass. Grass height and abundance, forb abundance, and presence of cheatgrass may be limiting habitat values for wildlife in salt desert shrub habitats in pastures 1 and 2 as well.

Riparian wildlife habitat

Riparian wildlife habitat on the Hart Creek allotment occurs along reaches of Hart Creek, Pickett Creek, Little Browns Creek, Buckaroo Creek, Cat Creek, and several springs. These habitats are limited by inadequate riparian vegetation to protect stream banks, while erosion and bank alteration is occurring and channels are over-widened. Redband trout occur in Pickett Creek and

Hart Creek in pasture 1. Livestock can trample stream banks, which increases the width of a stream, decreases water depth, and increases sediment in the stream. Wider and shallower streams with less shading would have warmer water temperatures and could reduce the amount of redband trout habitat in a stream. Fine sediment can settle on redband redds and suffocate eggs or trap newly hatched fry. Livestock can also trample redds, which could reduce recruitment. Columbia spotted frogs are not known to occur on the allotment.

Guidelines for Livestock Grazing Management

As described in the 2013 determination, current livestock management practices on the Hart Creek allotment do 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, promote or progress toward appropriate stream channel and streambank morphology and functions. Adverse impacts due to livestock grazing will be addressed.

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

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

Issues

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the Toy Mountain Group allotments. The identified issues that may be applicable to the Hart Creek allotment are listed below:

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

Issue 2: Improve watershed conditions within upland sites.

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

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

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

Issue 6: 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 Hart Creek allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in maintaining or improving satisfactory conditions and continuing to provide for significant progress towards meeting the Idaho S&Gs where unsatisfactory conditions have been identified on the allotment. Five alternatives were considered and analyzed in the EA, each of which was considered and analyzed in detail for the Hart Creek allotment. The range of alternatives developed include: Alternative 1 - Current situation, Alternative 2 - Applicants' Proposed Action, and Alternative 5 - No Grazing, as well as Alternatives 3 and 4, which were developed based on resource constraints and grazing strategies. The following section briefly describes each alternative as it applies to the Hart Creek allotment.

Alternative 1 - Current Situation

This alternative would allow a continuation of your current management on the allotment, but remove active AUMs that have been in voluntary non-use since 1996. As a result, active use would be reduced from to 1,351 AUMs, and livestock numbers would accordingly be reduced to 557 head of cattle. Pastures 1 and 2 would continue to be rested in alternating years, while pasture 3 would be grazed annually from April 21 through June 15.

Alternative 2 - Applicant's Proposed Action

This alternative would renew livestock grazing in accordance with your May 29, 2013 grazing application, and would authorized 2,365 active AUMs. A total of 797 head of cattle would be authorized to graze from March 1 through June 1. Pastures 1 and 2 would continue to be rested in alternating years, while pasture 3 would be grazed annually from April 16 through June 1.

Alternative 3

Under Alternative 3, BLM would establish a grazing schedule that would implement season of use constraints based upon the resources present in each pasture. You would be offered a 10-year permit to graze 353 head of cattle from March 1 through June 1, for a total active use of 1,047 AUMs. The three pastures would be used in a rest-rotation cycle, so that each pasture is rested once every 3 years.

Alternative 4

Under Alternative 4, BLM would establish a grazing schedule that would implement additional constraints on use based upon the high-value resources present in the Hart Creek allotment. You would be offered a 10-year permit to graze 243 head of cattle from April 1 to June 15, for a total active use level of 589 AUMs. A 3-year rest rotation schedule would be implemented, so that each pasture would be used only once in each 3-year rotation.

Alternative 5 - No Grazing

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

Final Decision

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

Implementation of this alternative over the next 10 years will allow the Hart Creek allotment to make significant progress toward meeting the Idaho S&Gs where current livestock management practices are resulting in unsatisfactory conditions, and also move toward achieving the resource objectives outlined in the ORMP.

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

Table LVST-2: Robert Thomas permit for the Hart Creek allotment

Allotment	Livestock		Grazing Period*		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00532 Hart Creek	243	C	4/1	6/15	97	Active	589

Terms and Conditions

1. Grazing use of the Hart Creek allotment (0532) 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.
2. A minimum of 4-inch stubble will be left on herbaceous vegetation within the riparian area along 3.25 miles of Hart Creek and 1.0 miles of Pickett Creek in allotment #0532 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 from 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 prior approval from 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. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.
8. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
9. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

The following grazing schedule will apply to the Hart Creek allotment:

Table LVST-3: Hart Creek allotment pasture use schedule

Pasture	Scheduled Use		
	Year 1	Year 2	Year 3
1	4/1 to 6/15	Rest	Rest
2	Rest	4/1 to 6/15	Rest
3	Rest	Rest	4/1 to 6/15

In addition to the 589 Active AUMs specified above, your total permitted use will include 808 AUMs of historic suspended use carried forward from your previous permit³.

³ In accordance with regulation pertaining to reducing permitted use (43 CFR 4110.3-2), reductions in active use AUMs to meet Rangeland Health Standards or make significant progress, as well as reductions in active use AUMs to meet ORMP management objectives, would be implemented by reducing permitted use. Active use AUMs no longer available would not be converted to suspension. Suspension AUMs held on permits prior to this planning process would continue to be held on permits as suspension.

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your records as a grazing permit holder for the Alder Creek FFR, Hart Creek, Box T, and Meadow Creek FFR grazing allotments, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of permit renewal.

Justification for the Final Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0021-EA, the rangeland health assessment/evaluation, determination, and other documents in the grazing files, it is my Final Decision to select Alternative 4 for the Hart 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 Hart 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 Hart Creek allotment. I want you to know that I considered the issues through the lens of each alternative before making my decision. My selection of Alternative 4 for the Hart Creek allotment is based in large part because of my understanding that this selection best addressed those issues, resource conditions and high-value resources on the allotment, in light of the BLM's legal and land management responsibilities¹.

¹ As you know, your allotment is part of a group of 20 allotments that form the Toy Mountain Group allotments and the larger Owyhee 68 allotments, and is the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of five EAs and an EIS. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite the efforts of BLM and the ranch operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year, some are severely impaired from historical use. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape. Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern. Nonetheless, as stewards of the land, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can

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

Although current livestock management practices are not significant factors in failing to meet Standard 4 in pastures 1 and 2, and Standard 4 is met in pasture 3, implementation of Alternative 4 would further reduce and restrict livestock grazing's effects on vegetation resources on the Hart Creek allotment. Completely resting all three pastures in 2 out of every 3 years would provide greater opportunity for cool-season bunchgrass plants to complete their annual growth cycle. Health and vigor of cool-season bunchgrass species would be unimpeded by grazing in 6 to 7 years of the 10-year grazing permit.

Under Alternative 4, progress toward meeting Standard 4 would be unlikely to occur in pastures 1 and 2, because current vegetation lacks the appropriate seed sources and other biotic and abiotic conditions necessary for rapid recovery of these relatively arid, low-elevation sites. However, a conservative approach to grazing these sites would maintain their resilience and resistance to invasion by undesirable species, reducing one of the stressors on vegetation, thereby reducing the likelihood that degraded native sites will become dominated by non-native species. Standard 4 would continue to be met in pasture 3, with its slightly higher elevation and relatively higher biotic integrity.

Issue 2: Improve watershed conditions within upland sites.

Alternative 4 would provide a minimum of 2 out of 3 years of rest for all three pastures and thus reduce physical impacts to soils during their wettest and most vulnerable period. While seasons would be expanded in pastures 1 and 2, resting pastures from grazing in 2 out of 3 years, reducing an additional stressor from the system in those years would provide native plant communities the opportunity to improve to some extent, through increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion. Physical impacts from hoof action and utilization of plants would also be reduced over the 10-year permit. This opportunity for maintenance or improvement in soil condition prompted my decision to choose Alternative 4 rather than Alternative 3, which would increase the frequency of use in pastures 1 and 2 as compared to the current management. While AUMs and stocking rates would be lowered, the expected benefits from a reduction in livestock numbers may not be adequate to offset the decreased frequency of rest under Alternative 3. Under Alternative 4, Standard 1 would continue to be met in pasture 3, with its slightly higher elevation and relatively higher biotic integrity.

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.

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

Although some juniper encroachment is occurring at the higher elevations of the Hart Creek allotment, juniper is not a significant causal factor in failing to meet standards, and is not currently driving ecological processes on the allotment. Juniper distribution may be limiting wildlife habitat quality in some areas, and approximately 1,700 acres of sage-grouse PPH are mapped as conifer encroachment areas. Treatment of juniper is outside the scope of the current action, and may be analyzed, designed and implemented through a separate, future process.

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

Although Alternative 5 would most greatly reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to all alternatives that would continue to authorize grazing within the Hart Creek allotment, 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. Improvements in health and vigor of native plant communities as a result of modified grazing practices would reduce the competitive ability of noxious and invasive species on the Hart Creek allotment. In addition, livestock would only be permitted in each pasture in 1 of 3 years, reducing the frequency of opportunities to introduce and spread seeds or plant parts on hooves, hair, or in manure.

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

Under Alternative 4, pasture 1 of the Hart Creek allotment would be fully rested from grazing more frequently than in the past. In years when pasture 1 is used, grazing would occur in the spring, providing adequate time for riparian vegetation to recover and regrow over the summer; however, recovery would be somewhat limited along portions of Hart Creek due to lack of late-season flows. Kentucky bluegrass, cheatgrass and the identified noxious weeds present would continue to compete with more desirable species to some extent. Noxious weeds would continue to be treated in accordance with the Boise District BLM's weed program. Pasture 3, which is also currently not meeting riparian standards, would be rested in 2 of 3 years, as opposed to current management, under which the pasture and associated riparian areas are grazed annually. In addition to the total reductions in grazing, and incorporation of rest in two years of each three-year period would allow adequate time for riparian vegetation to recover vigor and expand, improving streambank stability and eventually improving overall stream characteristics. Therefore, riparian areas would make progress towards PFC, and meeting Standards 2 and 3, and ORMP objectives under Alternative 4. Pasture 2 is currently meeting Standards 2 and 3, and would be expected to continue to meet these standards, and possibly improve further, under this alternative.

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

Standard 8 relative to special-status plants is being met on the Hart Creek allotment. However, under Alternative 4, threats to the five special-status plants known to occur on the allotment from livestock grazing and trampling would be further reduced. Standard 8 relative to special-status plants would continue to be met under Alternative 4.

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

Pastures 1 and 2

Upland and sage-grouse habitat

While some improvements in abundance and vigor of perennial grasses and forbs may occur, progress towards site potential is unlikely to occur in the lower elevations of the allotment due to current biotic and abiotic conditions, which are the result of historic grazing practices. Resting pastures 1 and 2 in 2 out of 3 years would increase the amount of residual cover from perennial forbs and grasses available for sage-grouse hiding, nesting and escape cover the spring following the rest year. Rest would allow wildlife to breed, reproduce, and raise young without competition or disturbance from livestock in 2 out of 3 years. Habitats would have more cover and forage which would increase reproductive success.

Riparian habitat

Woody and herbaceous vegetation would increase in vigor and reproductive capability. Seedlings would successfully establish, stabilize stream banks, and increase cover and forage for riparian dependent wildlife species. As described under Issue 5, riparian habitat would expand, providing improved habitat for redband trout and other riparian dependent species such as sage-grouse and migratory birds as a result of fully resting riparian habitats from grazing in 2 years out of each 3-year grazing rotation. Habitat improvements would be somewhat limited along Hart Creek due to lack of late-season flow, which limits development of herbaceous hydric vegetation.

Pasture 3

Upland habitat and Sage-grouse habitat

This alternative would allow upland vegetation to grow, reproduce, and establish without disturbance from livestock for 2 of 3 years. This would maximize residual cover of perennial grasses for sage-grouse nesting each spring following a rest year. Forbs that are selectively grazed by cattle could increase in abundance where seed sources are present and when favorable climatic conditions occur.

Riparian habitat

This alternative would allow riparian vegetation to grow, reproduce, and establish without disturbance from livestock for 2 of 3 years. Riparian habitat would be able to expand to its potential and provide improved habitat for riparian dependent wildlife including redband trout, sage-grouse and migratory birds. Under Alternative 4, this allotment would make progress toward meeting Standard 8 relative to the livestock-caused riparian habitat issues described in the Rangeland Health Determination.

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 hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of

Alternative 4 for the Hart 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. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on these allotments at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal process is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternatives is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.

Issue 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 4 for the Hart 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 alternatives combined seasons, intensities, and durations of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on these allotments will be better armed to survive such changes. The native plant health and vigor protected under these alternatives will provide resistance and resilience to additional stressors, including climate change.

The reduction of stressors to biotic function induced by livestock management practices following implementation of Alternative 4's terms and conditions is anticipated to mitigate the additive stressors induced by climate change, primarily altered precipitation and temperature regimes. Vegetation communities that retain resistance and resilience to stressors would be more likely to persist in the face of a changing climate.

Issue 10: Consider impacts to regional socioeconomic activity generated by livestock production.

During the scoping process, concerns were raised about the impacts of modifications or reductions in grazing to regional socio-economic activity. I share this concern, and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit(s) protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 4 for the Hart Creek allotment in large part because those selections accomplish those latter goals.

Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based 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 healthy, productive ecosystems 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 avoided reductions in grazing use levels on allotments 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 the case of the Hart Creek allotment, which is failing to meet Standards 2, 3, 7, and 8 due to current livestock management, and which is home to several high-value resources and BLM Special Status Species (redband trout, sage-grouse), this has meant selecting that alternative which best responds to those resource needs, balanced by your operational needs to the extent possible.

Additional Rationale

I did consider selecting Alternative 5 (No Grazing) for this allotment; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 4 for the Hart 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 the your operations and on regional economic activity, and (3) your past performance under previous permits. By implementing these alternatives, the resource issues identified will be addressed. Declining to authorize 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 21, 2013 and concluded that the decision to implement Alternative 4 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0021-EA is available on the web at:

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

Conclusion

In conclusion, it is my decision to select Alternative 4 over other alternatives because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs, while sustaining a reasonable level of livestock grazing. Specifically, Alternative 4 best addresses the riparian condition issues identified in pastures 1 and 3 of the Hart Creek allotment, while maintaining or improving resource conditions elsewhere on the allotment. Alternatives 1 and 2 would implement livestock management practices on the Hart Creek allotment that would allow a continued failure to meet objectives and standards. While Alternative 3 would sustain upland vegetation conditions, upland watersheds would be at risk of continued degradation, and progress towards Standards 2, 3 and 8 would be marginal, because frequency of rest in pasture 1 would be less frequent than in the past. Alternative 5 would curtail the economic activity of your livestock operation in Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the alternatives, as supplemented, lead me to believe elimination of livestock grazing from the Hart Creek allotment is unnecessary at this point.

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

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 Hart Creek allotment as available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;

- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Appeal

Any applicant, permittee, lessee or other person whose interest is adversely affected by the Final Decision may file an appeal in writing for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the Final Decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

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

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

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

Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.

- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,



Loretta V. Chandler
Owyhee Field Manager

Copies sent to:

- See Attached Toy Mountain mailing list.

Works Cited

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

Copies sent to:

Company Name	First Name	Last Name	Address	City	State	Zip
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604
Estate of Charles Steiner	John	Steiner	24597 Collett Rd.	Oreana	ID	83650
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
ID Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686
ID Wild Sheep Foundation	Director Jim	Jeffress	PO Box 8224	Boise	ID	83707
ID Wild Sheep Foundation	Herb	Meyr	570 E. 16 th N.	Mountain Home	ID	83647
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720-0050
Idaho Farm Bureau Fed			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
Hardee & Davies LLP	Michael & Marcus	Christian	737 N. 7 th St.	Boise	ID	83702
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Boise	ID	83712
Juniper Mtn. Grazing Assn.	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO Box 415	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W Bannock, Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St, 20 th Floor	San Francisco	CA	94104
Northwest Farm Credit Services			815 N. College Rd.	Twin Falls	ID	83303
Northwest Farm Credit Services, FLCA	Maudi	Hernandez	16034 Equine Drive	Nampa	ID	83687
Oregon Division State Lands			1645 NE Forbes RD., Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Assn.			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair Gene	Gray	2393 Watts Lane	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
Shoshone-Bannock Tribes	Tribal Chair Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of NV Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801

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

Protest Responses - Toy Mountain Group Allotments

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

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			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

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			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.

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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.

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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.

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		<p>be appropriately evaluated because it is incorrectly characterized in the document. The EA is arbitrary as a result.</p>	
3RThomas12122013	13	<p>There is no explanation of the science or methodology behind the utilization levels and grazing periods and dates chosen for Alternatives 3 or 4, making them almost impossible to evaluate fully. In particular, the EA acknowledges that the stocking rates for the Alder Creek and Hart Creek allotments are "conservative stocking rate[s] consistent with ecological site potential within the allotment, as limited by inventoried condition, water availability, and topography." (§ 2.4.1.3, p. 42; § 2.4.7.4, p. 91). However, under Alternative 4 for each of those Allotments, the Proposed Decisions impose even more conservative stocking rates, without explanation of the calculation of or basis for the stocking rates imposed. While Alternative 4 for the Hart Creek allotment purports to maintain the stocking rate for all pastures at 12 acres per AUM, BLM calculates that rate by excluding the pasture it is requiring to be rested. Id., p. 91. Inclusion of that area reflects a true stocking rate that is far more conservative.</p>	<p>See the response to protest point number 1 and the general description and allotment-specific descriptions of Alternatives 3 and 4 in the EA.</p>
3RThomas12122013	14	<p>The assertion in the EA that there are 2.9 miles of perennial streams in the Hart Creek allotment (§3.1.3, p. 231) is false. Based Thomas' experience over the last 17 years, there is no segment which runs year round on a consistent basis. Thomas has not seen evidence of fish presence anywhere in the allotment.</p>	<p>Per BLM IM 2005-009- The National Hydrography Dataset is the standard and the base for streams. However, as is amply disclosed in the EA, the NHD is not 100% accurate and some mileage of perennial may be intermittent on the ground and vice versa. Edits can be submitted to the USGS who</p>

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			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	<p>The EA acknowledges that average feed utilization across Thomas' allotments has been approximately 10-20% annually (at least using years where data is available), indicating no degradation of available forage. (Appendix B). The EA also acknowledges that "[t]he light level is a class of utilization between 21 and 40 percent whereas the slight level is a class of utilization between 5 and 20 percent." (§ 2.2.3, p. 27 n. 19). Elsewhere, it states: "Conservative stocking is a term commonly used by range researchers to define a level of grazing between light and moderate, generally involving about 30 to 40 percent use of forage." (§ 3.1.1, p. 216). Thus, by BLM's own measure, Thomas utilization is "light" and "conservative." Thomas has consistently met stubble height requirements imposed by BLM.</p> <p>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.</p>	As identified in the evaluation and determination, Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the applicable Standards for Rangeland Health are not being met in the Hart Creek allotment. Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, 7, and 8. The decision to implement Alternative 4 for the Hart Creek allotment will lead to meeting these standards.

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		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 range of microfauna, to enable sufficient healing to meet the requirements of abundant native grasses and forbs in interspaces for sage-grouse, and to aid (along with intact microbiotic crusts) in armoring the native plant community against highly invasive cheatgrass, medusahead, bulbous bluegrass, and other invasive grasses and exotic weeds.	BLM adjusted season and intensity of use on each allotment. These adjustments are expected to reduce pressure on wildlife habitats when they are most vulnerable. When it was not feasible to fully implement the season of use adjustments as described in the EA Section 2.2 then measurable use standards were used to offset some of the impacts of grazing more frequently during a vulnerable period than was recommended in section 2.2. Each Alternative

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			was analyzed for each allotment to determine if the adjustments would allow the allotment to make progress towards meeting standards see the EA sections 2.4, 3.1, 3.2, and 3.3.
3WWPA12112013	21	We Protest the failure of BLM to comply with watershed, water quality, sensitive species (habitats and viable populations), big game, recreation, ACEC, and other requirements of the RMP.	Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health standards and guide. A range of Alternatives in the EA were further developed and an impact analysis was conducted to consider the direct, indirect, and cumulative effects of livestock grazing on focal species and their habitat to the pasture level and within the greater cumulative effects analysis area. Based on the current condition of the allotment and the level of progress required to meet range health standards and guidelines, an appropriate alternative was selected that modified grazing systems intended to maintain and improve upland/riparian composition and habitat structure and function for all wildlife largely based on the needs of selected focal species.
3WWPA12112013	22	We Protest the failure to take a full and fair hard look at current ecological science, as well as the historical record and plant ecology.	All available data and information was used as required by NEPA. The most recent current vegetation data from PNNL that is approximately 12 years old remains the best available information and remain valid for sagebrush steppe vegetation types that change slowly. This data along with recent land health assessments were used to analyze the current condition when measured against past ecological condition (ecological site descriptions). The EA analysis

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

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

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

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

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

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

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

Protest ID	Protest Point No.	Protest Text	Protest Response
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 section 1.7 of the EA for a list of ORMP goals and objectives and how this action is in conformance with the ORMP and FLPMA. Again, please see section 2.3, Alternative 10 where alternative management methods were considered but not analyzed in detail.
3WWPB12112013	49	We also Protest BLM splitting off the Red Mountain, Boone Peak et al. allotments in Toy, and Feltwell in Morgan, making this process more cumbersome than it was already. Dramatic de-stocking is essential in the Red Mountain, Boone et al. lands, and BLM has failed to consider a reasonable range of alternatives there.	The Red Mountain, Boone Peak, Bridge Creek, Quicksilver FFR and Stahle FFR allotments were not subject to the settlement agreement defining a date for completion of permit renewal for a number of allotments included in the Owyhee 68. Proposed decisions for grazing permit renewal associated with these allotments were not issued with the protests and responses covered by this document.

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

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

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

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

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

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

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

Protest ID	Protest Point No.	Protest Text	Protest Response
3Idaho12192013	82	Louisa Creek - Yet BLM, without following their process in 43 CFR 4130.2 (b) in consulting and coordinating with the permittee, has now developed a grazing system (pg. 20, Table LVST- 1) that will restrict the time and the number of livestock a permittee can run on his private lands in the Louisa Creek Allotment.	See the response to protest point number 3.
3Idaho12192013	83	Louisa Creek - BLM must disclose these calculations of livestock forage available on both the public and the private lands in order to arrive at a percent public land and not be arbitrary in the calculations of percent public land.	See the response to protest point number 1.
3Idaho12192013	84	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.