



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
4160 ID130

March 28, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rohl Hipwell
18125 Oreana Loop Road
Oreana, ID 83650

Notice of Field Manager's Final Decision for the Red Hill FFR Allotment¹

Dear Mr. Hipwell:

Thank you for working with the BLM throughout this permit renewal process. I appreciate your interest in grazing the Quicksilver FFR and Stahle FFR allotments in a sustainable fashion and am confident that this Final Decision² achieves that objective. The BLM remains dedicated to processing your grazing permit application for the allotment.

I signed a Proposed Decision to renew your grazing permit on January 24, 2014. 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). You received that Proposed Decision on January 28, 2014.

In addition to your notice of protest to that Proposed Decision received on February 11, 2014, BLM received other protest submissions for the Red Hill FFR allotment from the State of Idaho - Office of the Governor, and from Western Watersheds Project (WWP). Your protest letter included a modified grazing permit renewal application (Exhibit A) that updates, consolidates, and supersedes all prior applications. We also met with you and your range consultants on March 7, 2014 to discuss your protest letter. Additionally, a protest meeting requested by WWP was held at the BLM Idaho State Office on March 25, 2014 regarding the most recent Toy Mountain Group proposed grazing decisions.

¹ The three pastures of the Quicksilver FFR and one pasture of the Stahle FFR allotments are consolidated by this decision to create the new Red Hill FFR allotment.

² Alternative livestock grazing management practices for permit renewal within the Boone Peak, Bridge Creek, Red Mountain, Quicksilver FFR, Stahle FFR, and Moore FFR allotments were analyzed through the NEPA process associated with Toy Mountain Group of the Owyhee 68. Similarly, the Dougal, South Dougal, and Sheep Creek allotments were analyzed with Group 4 and the Feltwell allotment was analyzed with Group 5. They were not themselves part of the 2008 Stipulated Settlement Agreement nor subject to its completion deadlines, and Final Decisions addressing them are now being issued. These allotments were included and analyzed in the relevant NEPA documents because of their location in the watersheds.

BLM acknowledges receipt of your application and the portions of your application that have been analyzed and discussed in the EA and in this Final Decision. We recognize your protest regarding the allotment naming convention and your preference of retaining the Quicksilver FFR name rather than calling the new consolidated allotments/pastures Red Hill FFR. However, BLM chooses not to utilize the same past name(s) for the proposed consolidated allotment to reduce future confusion about the old vs. proposed allotment, especially since no rationale other than a desired name preference by the permittee was provided for this protest.

In your modified grazing permit renewal application, you also requested for BLM to address seeding of deep-rooted bunchgrasses, juniper control, and a riparian livestock enclosure in pasture 2. As noted in the Toy Mountain Group EA, vegetation treatments are not consistent with the purpose and need identified in this NEPA document and are not a livestock management project required to facilitate the application of grazing management practices that promote significant progress toward, or the attainment and maintenance of, the standards. Juniper control will be addressed through separate NEPA analysis specific to the proposed project(s) because implementation of actions identified in the permit renewal application is not dependent on the control of juniper. Your request for a riparian livestock enclosure was received subsequent to prior applications and was not included in the analysis of Alternative 2 - Applicants' Proposed Action.

Several protest points raised by the State of Idaho refer to a "severe" restriction of the grazing schedule, supporting your request that the livestock numbers and season of use should be at your discretion to provide maximum management flexibility, and to allow for adjustment to annual variables. Flexibility to graze at any time during the year would continue to allow frequent use of riparian vegetation communities in Quicksilver FFR (pasture 2 specifically) during mid-summer. This is an apparent disregard of BLM's determination of the allotment's failure to meet riparian standards, and the Toy Mountain Group EA analysis that indicated that current grazing management would not make progress towards meeting the standards.

BLM is required to address resource issues and did so with the new grazing schedule (Table LVST-5) identified in this Decision, along with other terms and conditions. Such action 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 used to fulfill the BLM's responsibility for taking actions that will allow standards and guidelines, as well as resource management objectives, to be met for resources and values on public land.

Another point raised in protests of the proposed decision was the BLM's failure to analyze projects as a portion of actions within alternatives of the NEPA document and/or the lack of adoption of projects in the decision. A number of projects proposed in the application for permit renewal received or other correspondence through the permit renewal process are not consistent with the purpose and need for the NEPA analysis of permit renewal stated in the EA. That purpose and need is to renew permits in compliance with the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management, as well as the management objectives within the ORMP, using existing infrastructure.

Rationale for not considering additional infrastructure is provided in the "Alternatives Considered but Not Analyzed in Detail" section of the EA and also within the description of Alternative 2 - Applicants' Proposed Action and in the proposed decision specific to the projects that were identified in the application received. As a result, new projects were not included within analyzed alternatives during the permit renewal process and were not authorized in the proposed decision. All protest points raised within the protest submissions were considered and my responses are provided in the attached section titled "Protest

Responses - Toy Mountain Group Non-Owyhee 68 Allotments.” I am now prepared to issue a Final Decision.

Introduction

In 2003, the BLM completed a Rangeland Health Assessment/Evaluation and Determination for the Quicksilver FFR and Stahle FFR allotments; and recently supplemented these same RHAs in 2013³ (USDI BLM, 2013b). The BLM undertook this effort to ensure that any renewed grazing permit on these allotments is consistent with the BLM’s legal and land management obligations. This Final Decision incorporates those documents by reference and the information contained therein.

On May 25, 2011, the BLM mailed you a letter summarizing progress and future actions to comply with the 2008 Stipulated Settlement Agreement in renewing your grazing permit. That letter also requested that you complete an application for renewal of your permit to graze livestock in the Quicksilver FFR and Stahle FFR allotments. You submitted an application for renewal of this grazing permit, received by the BLM on June 24, 2011. In late May 2013, you met with BLM to discuss allotment conditions, objectives, and livestock management. Additionally, you were asked during the 2013 meetings to update the previously submitted application. Following discussion with the BLM in 2013, you provided an updated application for permit renewal, received by the BLM on July 29, 2013, and a subsequent e-mail on August 2, 2013, that clarified footnotes.

The Owyhee Field Office initiated by letter the collective public scoping process for Groups 3 through 5 of the Owyhee 68 grazing permit renewal process on January 11, 2013. These groups are referred to as the Toy Mountain, South Mountain, and Morgan groups, respectively. The Quicksilver FFR and Stahle FFR allotments are two of 20 allotments within Group 3, the Toy Mountain Group. The scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) (USDI BLM, 1999). The scoping document was also presented to the Shoshone-Paiute Tribe and Owyhee County Commissioners.

The scoping outreach served to request additional resources and monitoring information that could help the BLM to complete the permit renewal process and helped develop grazing management alternatives for three grazing permit renewal Environmental Assessments (EA), including the Toy Mountain Group EA #DOI-BLM-ID-B030-2013-0021-EA.

With a focus on addressing the impacts of renewing your livestock grazing permit, my office prepared the Toy Mountain Group Environmental Assessment⁴ (EA) in which we considered a number of options and approaches to maintain and improve resource conditions within the 20 allotments of the Toy Mountain Group. Specifically, the BLM analyzed in detail five alternatives and also considered other alternatives that we did not analyze in detail. Our objective in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the natural resources in the Quicksilver FFR and Stahle FFR allotments conform to the goals and objectives of the ORMP and the Idaho S&Gs.

³ Rangeland health assessments for the Toy Mountain Group allotment are available on the web at http://www.blm.gov/id/st/en/prog/grazing/owyhee_grazing_group.html

⁴ EA number DOI-BLM-ID-B030-2013-0021-EA analyzed five alternatives for livestock grazing management practices to fully process permit renewal within the Toy Mountain Group of allotments.

On October 25, 2013 the Preliminary EA was issued for a 15-day review period. Along with your comments e-mailed on November 12, 2013, BLM received additional combined comments from the Idaho Cattle Association, Public Lands Council, Owyhee Cattlemen's Association, National Cattlemen's Beef Association, and Idaho Farm Bureau⁵, as well as the State of Idaho – Office of the Governor, Western Watersheds Project, Scott Nicholson, and Robert Thomas.

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

Upon review of the protest statements received, I found that no modifications to the Final EA and FONSI are needed. I also reconsidered the Proposed Decision in light of the protest statements and resource concerns that currently exist in the allotments. I am now prepared to issue a Final Decision to renew your permit to graze livestock within the newly reconfigured Red Hill FFR allotment – formerly known as Quicksilver FFR and Stahle FFR. Upon implementation of the decision, your permit to graze livestock on these allotments will be fully processed.

This Final Decision will:

- Briefly describe current conditions and issues on the 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 Quicksilver FFR and Stahle FFR allotments;
- Transmit the attached responses to protests received on January 24, 2014 for three Toy Mountain Group allotment Proposed Grazing Decisions;
- Outline my Final Decision to select Alternative 3; and
- Explain the reasons for making this decision.

Background

Allotment Setting

Quicksilver FFR Allotment

The Quicksilver FFR allotment is composed of three pastures located approximately 18 miles southwest of Oreana, Idaho (Map 1). The allotment includes 178 acres of public land (5 percent), 626 acres of state land (19 percent), and 2,473 acres of private land (76 percent).⁶ The ORMP categorized the Quicksilver FFR allotment as a Custodial (C) category allotment. In addition to allocating livestock grazing within the Quicksilver FFR allotment, the ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified include the ecological condition of vegetation communities, juniper encroachment, perennial surface water, riparian/wetland ecosystems, and special status species (redband trout and sage-grouse).

Stahle FFR Allotment

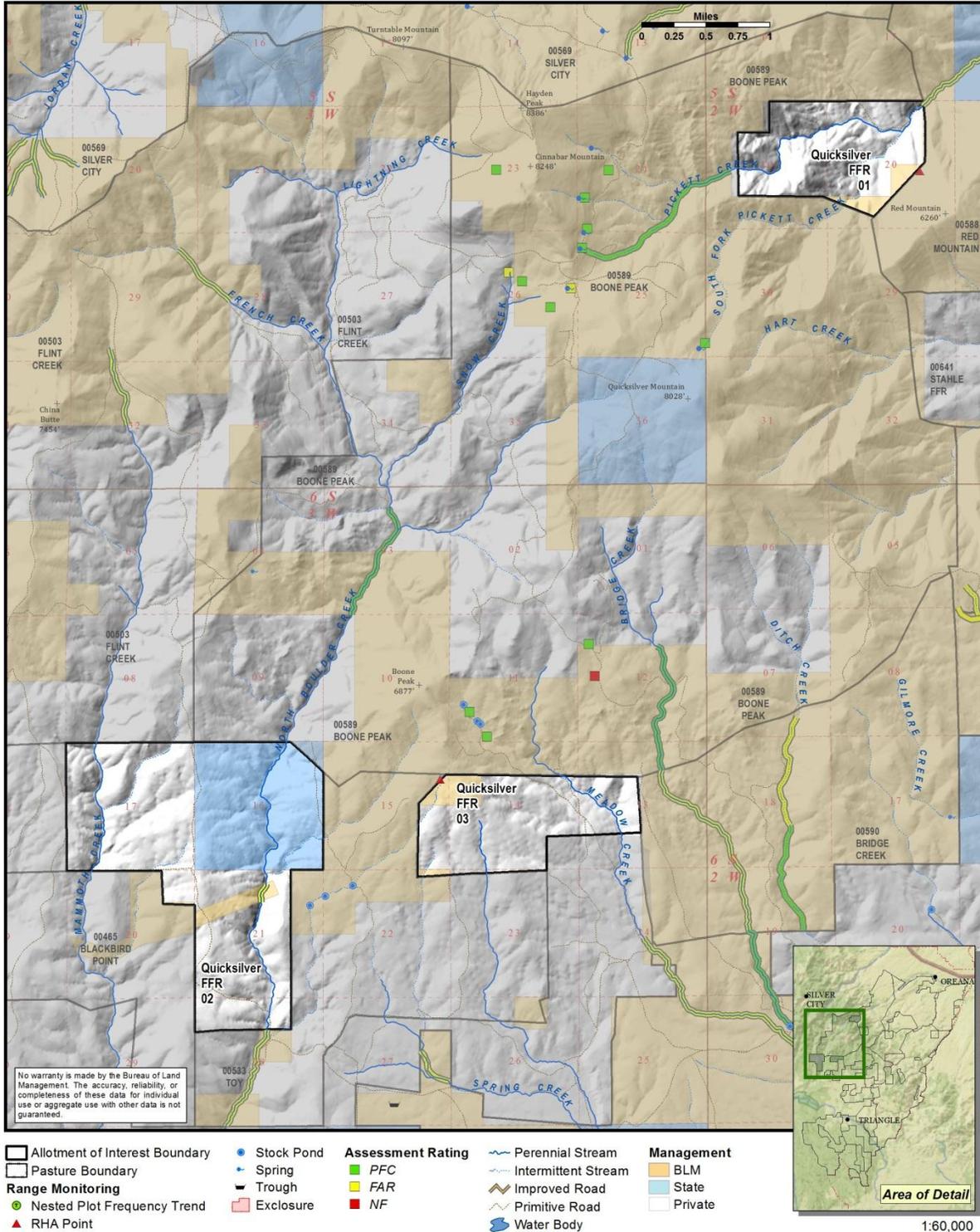
⁵ Combined appeal from Idaho Cattle Association, Public Lands Council, Owyhee Cattlemen's Association, National Cattlemen's Beef Association, and Idaho Farm Bureau represented by Barker Rosholt & Simpson LLP.

⁶ Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

The Stahle FFR allotment is located approximately 11 miles southwest of Oreana, Idaho (Map 2). The ORMP categorized the Stahle FFR allotment as a Custodial (C) category allotment. The allotment includes 87 acres of public land (12 percent) and 638 acres of private land (88 percent). In addition to allocating livestock grazing within the Stahle FFR allotment, the ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified included the ecological condition of vegetation communities, perennial surface water, riparian/wetland ecosystems, and special status species (plants, redband trout, and sage-grouse).

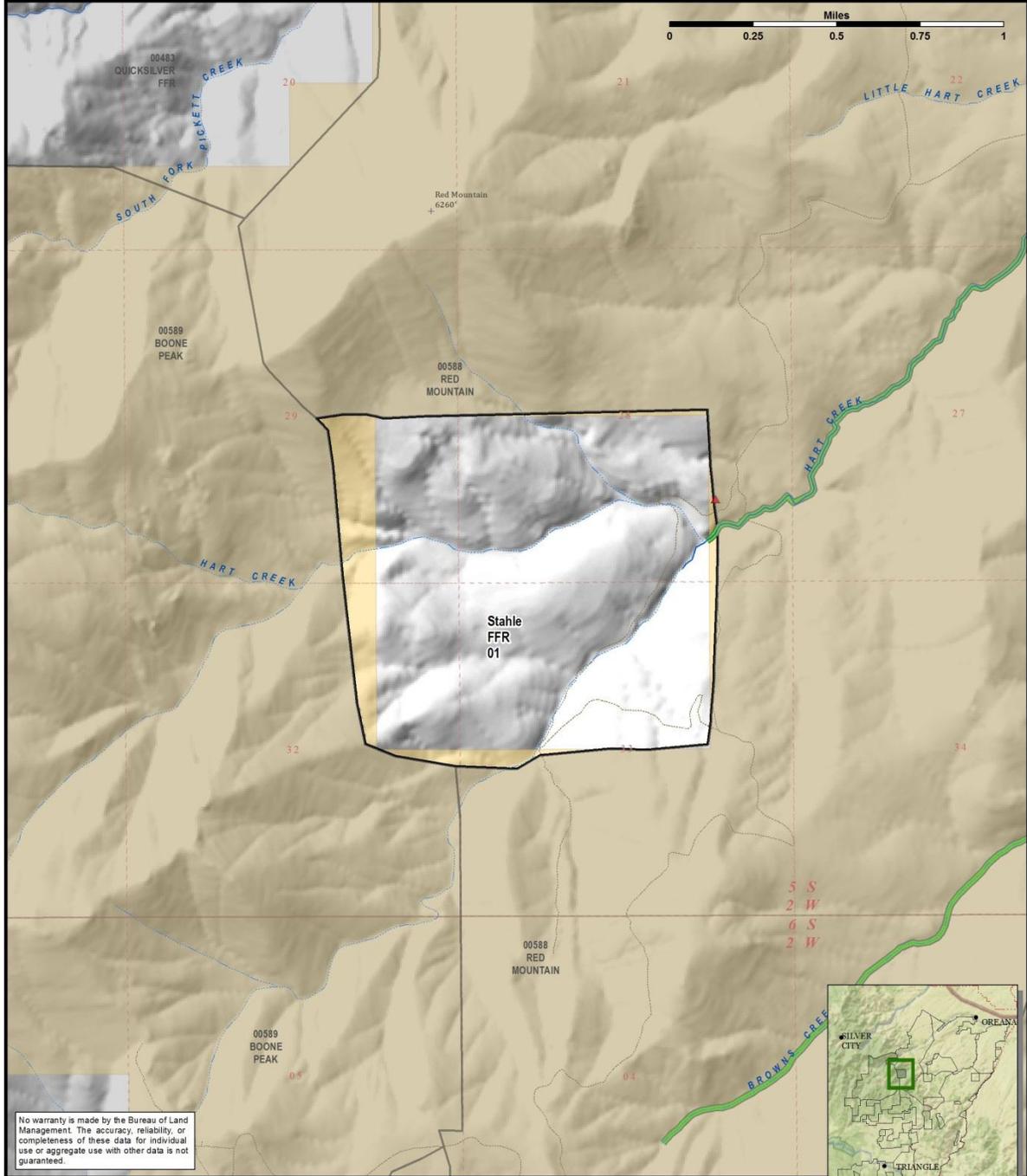


Map 1: Quicksilver FFR (00483) Allotment





Map 2: Stahle FFR (00641) Allotment



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

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



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Current Grazing Authorization

Quicksilver FFR Allotment

One existing grazing permit authorizes livestock grazing use of the Quicksilver FFR allotment with a current total permitted use of 12 AUMs, all of which are active use and none are in suspension. The terms and conditions of the existing grazing permit are as follow in Table LVST-1:

Table LVST-1: Mandatory and other terms and conditions of the existing permit to graze livestock within the Quicksilver FFR allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00483 Quicksilver FFR	12	Cattle	12/1	12/31	100	Active	12

Terms and conditions:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment #00483 are at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
4. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
5. Changes to the scheduled use require prior approval.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within wilderness study areas requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, land offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1.
11. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.
13. United States District Court for the District of Idaho imposed terms and conditions
 - o 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;
 - o 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.

Although the existing permit identifies a season of use between 12/1 and 12/31 annually, it also includes a term and condition that the number of livestock and season of use within the allotment is at the permittee's discretion. Recent actual use data provided annually by you indicate that grazing use in pasture 1 of the allotment typically occurs for a few days in late May/early June and/or 1 to 2 weeks in late October/early November, while use in pastures 2 and 3 occurs typically after early June and often extends to mid-October on public, state, and private land.⁷

Actual use is important when considering the renewal of a grazing permit, because it was actual use and not authorized levels of use that resulted in current conditions on the allotment. In other words, the current condition of the allotment is not the result of what was authorized under the current permit, but rather is the result of grazing use during seasons identified and AUMs reported in actual use from public land, when prorated for the land status.

Stahle FFR Allotment

One existing grazing permit authorizes livestock grazing use of the Stahle FFR allotment with a current total permitted use of 35 AUMs, all of which are active use and none are in suspension. The terms and conditions of the existing grazing permit are as follow in Table LVST-2:

Table LVST-2: Mandatory and other terms and conditions of the existing permit to graze livestock within the Stahle FFR allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00641 Stahle FFR	34	Cattle	12/1	12/31	100	Active	35

Terms and conditions:

1. The number of livestock and season of use on the fenced federal range (FFR) allotment #00641 are at your discretion.
2. Turnout is subject to the Boise District range readiness criteria.
3. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
4. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
5. Changes to the scheduled use require prior approval.
6. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
7. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreements and

⁷ The Quicksilver FFR allotment includes 3,277 acres, of which approximately 5 percent is public land.

- range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within wilderness study areas requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, land offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District policy.
 10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1.
 11. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
 12. Utilization may not exceed 50 percent of the current year's growth.
 13. United States District Court for the District of Idaho imposed terms and conditions
 - Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
 - Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
 - Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
 - Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

Although the existing permit identifies a season of use between 12/1 and 12/31 annually, it also includes a term and condition that the number of livestock and season of use within the allotment is at the permittee's discretion. Recent actual use data provided annually by you indicate that grazing use typically occurs in the Stahle FFR allotment in the spring (late May) and again in the fall (late October) on public and private land.⁸

Again, actual use is important when considering the renewal of a grazing permit, because it was actual use and not authorized levels of use that resulted in current conditions on the allotment.

Resource Conditions

The BLM evaluated grazing practices and conditions in the Quicksilver FFR and Stahle FFR allotments through 2013. The determination document for the allotments was provided to the public with the preliminary EA; findings are summarized in Table ALLOT-1. The Evaluation and Determination documents for the Quicksilver FFR allotment concluded that Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the Idaho S&Gs are not being met in the allotment, whereas Standards 1 (Watersheds) and 4 (Native Plant Communities) are met. Current livestock grazing management practices are significant factors in not meeting Standards 2, 3, and 7. Although Standard 8 is not met, significant progress is being made. Standards 5 (Seedings) and 6 (Exotic Plant Communities, other than Seedings) are not applicable to the allotment.

⁸ The Stahle FFR allotment includes 725 acres, of which approximately 12 percent is public land.

Similarly, the Evaluation and Determination documents for the Stahle FFR allotment concluded that Standards 4 (Native Plant Communities) and 8 (Threatened and Endangered Plants and Animals) of the Idaho S&Gs are not being met in the Stahle FFR allotment, but current livestock grazing management practices are not significant factors in not meeting these Standards. Standard 1 (Watersheds) is met and Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 6 (Exotic Plant Communities, other than Seedings), and 7 (Water Quality) are not applicable to the allotment.

Table ALLOT-1: Quicksilver FFR and Stahle FFR Summary of the Standards and associated Guidelines under current BLM grazing management

Allotment	Standards met	Standards not met, but making significant progress	Standards not being met	Standards not being met and current livestock grazing is a significant causal factor	Standards not applicable	Not in conformance with associated guidelines
Quicksilver FFR	1, 4	8		2, 3, 7	5, 6	5, 7, 10
Stahle FFR	1		4, 8		2, 3, 5, 6, 7	

Vegetation - Uplands

Quicksilver FFR Allotment

The Idaho Standards for Rangeland Health Standard 4 (Native Plant Communities) is met in pastures 1, 2, and 3 of the Quicksilver FFR allotment, with an overall none-to-slight departure of biotic integrity from reference site conditions recorded within the low sagebrush communities of pasture 1 and the mountain big sagebrush communities of pasture 2; an overall slight-to-moderate departure of biotic integrity from reference site conditions is recorded in pasture 3. Although recent undocumented fires have controlled juniper to a limited degree in localized areas, remaining juniper, uncontrolled by natural fire regimes, has the potential to contribute to a failure to meet Standard 4 in the future. No vegetation trend data are available for the Quicksilver FFR allotment, precluding a conclusion about whether the Owyhee Resource Management Plan objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas has been met. Current spring and fall grazing with a short duration are not likely to impact native perennial bunchgrass health and vigor and is a practice that should not limit progress toward meeting the ORMP vegetation objective.⁹

Stahle FFR Allotment

The Idaho Standards for Rangeland Health Standard 4 (Native Plant Communities) is not met in the Stahle FFR allotment, with an overall moderate departure of biotic integrity from reference site conditions for the mountain big sagebrush vegetation community. The loss of deep-rooted native perennial bunchgrass species with increased dominance by cheatgrass and accompanied by increasing juniper dominance contribute to the failure to meet the Standard. Altered natural fire regimes that would periodically reduce juniper dominance and historic livestock management practices are the causal factors for the failure to meet the Standard. No vegetation trend data are available for the Stahle FFR allotment, precluding a conclusion about whether the Owyhee Resource Management Plan objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas has been met. Current spring and fall grazing with a

⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.14.1.1, and Appendix E.

short duration are not likely to impact native perennial bunchgrass health and vigor and is a practice that should not limit progress toward meeting the ORMP vegetation objective.¹⁰

Watersheds

Quicksilver FFR Allotment

Standard 1 is met in the Quicksilver FFR allotment, with watershed indicators showing little departure from expected conditions for the ecological sites. Soil and hydrologic function-related indicators vary between none-to-slight and slight-to-moderate and reflect stable soils that display past and active impacts, although abundant gravel, adequate litter, and adequate plant diversity are in place to reduce erosion potential.

Recent documented and undocumented fires have controlled juniper to a limited degree in localized areas. Where remaining juniper has not been affected by natural fire regimes, it has the potential to contribute to not meeting Standard 1 in the future so that pastures 1 and 3 are considered to be at-risk. Pasture 2 burned in a 2007 wildfire, and the significant beneficial reduction of juniper and the otherwise satisfactory watershed condition present before the fire suggest that the integrity of the site remains.

Soil and hydrologic indicators show that watershed function is maintained with proper nutrient and hydrologic cycling and energy flow. Overall, current livestock management remains compatible with attainment of Standard 1 and ORMP objectives for the Quicksilver FFR allotment.¹¹

Stahle FFR Allotment

Standard 1 is met in the Stahle FFR allotment, with watershed indicators showing little departure from expected conditions for the ecological site. Soil and hydrologic function-related indicators are primarily none-to-slight and reflect stable soils with abundant gravel in place to reduce erosion potential. The biotic integrity, however, shows a departure from reference site conditions so that watershed health is considered to be at-risk.

Much of the decline in biotic function can be associated with a change in deep-rooted bunchgrasses, like bluebunch wheatgrass, to more shallow-rooted species, such as Sandberg bluegrass, and increased dominance by cheatgrass and juniper encroachment. The lack of species diversity and the localized invasion of western juniper have been the result of past livestock grazing management and altered natural fire regimes that would periodically reduce juniper dominance.

Despite the departure of biotic integrity, soils have remained stable and intact, erosion relics are weakly defined to absent, and bare ground is minimal. While indicators of hydrologic function associated with litter amount and infiltration show some departure, overall soil and hydrologic integrity and their associated attributes are still maintained. Standard 1 is being met but soils are considered to be at risk due to declining biotic conditions.¹²

Water Resources and Riparian/Wetland Areas

Quicksilver FFR Allotment

Standards 2 and 3 are not being met in pasture 2 of the Quicksilver FFR allotment due to current livestock management practices. Approximately 0.2 mile of North Boulder Creek occurs on BLM land within

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.16.1.1, and Appendix E.

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.14.1.2.

¹² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.16.1.2.

pasture 2 of the Quicksilver FFR allotment. The reach was assessed functional-at risk (FAR) in 2001 because there was a lack of species with root masses capable of protecting stream banks. There had also been a shift from hydric species to those species more suited to drier sites. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function, and the recent grazing schedule has not allowed for rest years.

Standard 7 is not being met in the Quicksilver FFR allotment. For IDEQ water quality information associated with the Quicksilver FFR allotment, see table RIPN-3 of the EA.¹³

Stahle FFR Allotment

No riparian/wetland resources are present on the BLM land portions of the Stahle FFR allotment.

Special Status Plants

No populations of special status plant species are known to occur in the Quicksilver FFR or Stahle FFR allotments.¹⁴

Wildlife/Wildlife Habitats and Special Status Animals

Quicksilver FFR Allotment

Quicksilver FFR consists of 3 pastures that are a mix of juniper woodlands and shrub steppe with juniper encroachment. Pastures 1 and 3 contain preliminary priority habitat (PPH) for sage-grouse. Overall, the allotment is making significant progress toward meeting Standard 8 for wildlife. Pasture 1 is used as a short-term holding pasture, usually for a week or less in both the spring and fall. Although the Standard is not being met in pasture 1, significant progress toward meeting the Standard is occurring. The Standard is being met in pasture 3. In general, many indicators of upland rangeland health were near reference conditions in all pastures. However, pasture 1 was affected by conversion to juniper woodlands and exhibited a moderate departure from ecological site reference conditions.

Riparian habitat is only found in pasture 2, and although the assessed segment of the North Fork Boulder Creek was FAR, the pasture is making progress toward meeting Standard 8. Redband trout are known to occur within the North Fork Boulder Creek, and spotted frogs may also occur. Although some issues were noted, such as noxious weeds and low herbaceous hydric species diversity, woody species displayed diverse age-classes which are providing structurally complex breeding, nesting, and foraging habitat, which is at least minimally adequate for dependent migratory bird species and other wildlife species.¹⁵

Stahle FFR Allotment

The Stahle FFR allotment is used as a short-term holding pasture, usually for a week or less in each the spring and fall. The Stahle FFR allotment consists of one pasture that is dominated by sagebrush steppe habitats with severe juniper encroachment. No riparian habitats occur on BLM land within the Stahle FFR allotment. Juniper encroachment is a primary causal factor for the Stahle FFR allotment failing to meet Standard 8 for wildlife in upland habitats.¹⁶

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.3 and Section 3.3.14.1.3.

¹⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.4, Section 3.3.14.1.4, and Section 3.3.16.1.4.

¹⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5 and Section 3.3.14.1.5.

¹⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5 and Section 3.3.16.1.5.

Guidelines for Livestock Grazing Management

In addition to a discussion of rangeland health standards, the BLM's 2013 Quicksilver FFR allotment Determination (USDI BLM, 2013) identified that current grazing management practices do not conform with the applicable Livestock Grazing Management Guidelines 5, 7, and 10 for the Standards not met. Guidelines 5, 7, and 10 are as follow:

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 function. 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.

As noted above, the BLM's 2013 Stable FFR allotment Determination (USDI BLM, 2013) identified that the Idaho S&Gs were either met or progress was made toward meeting the standards.

Issues

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

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

Issue 2: Improve watershed conditions within upland sites.

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

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

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

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 Quicksilver FFR and Stahle FFR allotment and the issues identified above, the BLM considered and analyzed a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in the maintenance or improvement of conditions on the allotments. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.¹⁷ The BLM considered the following alternatives in detail:

Alternative 1 - Current Situation

The BLM would renew the livestock grazing permit for use in the allotments consistent with the summarized actions that have led to the current conditions. The same terms and conditions of the existing permit would be included in the permit offered. The number of livestock and season of use on the allotments, allotments that include a high percentage of private land, would be unchanged from the existing permit and at the discretion of the permittee. Permitted use in the Quicksilver FFR allotment would be unchanged from the existing permit with 12 AUMs of active authorized use and 0 AUMs of suspension AUMs. Similarly, permitted use in the Stahle FFR allotment would be unchanged from the existing permit with 35 AUMs of active authorized use and 0 AUMs of suspension AUMs.¹⁸

Alternative 2 - Applicant's Proposed Action

The BLM would make changes to allotment boundaries consistent with the application for permit renewal received by BLM. The three pastures of the existing Quicksilver FFR allotment would be combined with the one pasture of the existing Stahle FFR allotment to create the new Red Hill FFR allotment.

The BLM would renew the livestock grazing permit for use in the Red Hill FFR allotment in accordance with terms and conditions of the existing permit and as modified by the application received by BLM. The number of livestock and season of use on the allotment would be at the discretion of the permittee. Permitted grazing use in the Red Hill FFR allotment would be unchanged from the existing permit for use in the Quicksilver FFR and Stahle FFR allotments, with 47 AUMs active use authorized and no suspension AUMs.¹⁹

Alternative 3

The BLM would make changes to allotment boundaries for the Quicksilver FFR and Stahle FFR allotments, as described under Alternative 2 above. The Red Hill FFR allotment would be created from the existing three pastures of the Quicksilver FFR allotment and the one pasture of the Stahle FFR allotment.

The BLM would renew the livestock grazing permit for use in the Red Hill FFR allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use. While seasons of grazing use would be constrained, livestock numbers would be defined at the

¹⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2, Section 2.4.14, and Section 2.4.16.

¹⁸ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.14.1 and Section 2.4.16.1

¹⁹ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.14.2

permittee's discretion. Permitted use in the Red Hill FFR allotment would be unchanged from the existing permit with an authorized active use of 47 AUMs and suspension of 0 AUMs.²⁰

Alternative 4

The BLM would make changes to allotment boundaries for the Quicksilver FFR and Stahle FFR allotments, as described under Alternative 2 above. The Red Hill FFR allotment would be created from the existing three pastures of the Quicksilver FFR allotment and the one pasture of the Stahle FFR allotment

The BLM would renew the livestock grazing permit for use in the Red Hill FFR allotment with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use that would be more limiting than those under Alternative 3. In addition to defining seasons of authorized use, livestock numbers authorized within the allotment would be defined. Permitted use in the Red Hill FFR allotment would be unchanged from the existing permit with 47 AUMs active use authorized and no suspension AUMs.²¹

Alternative 5 - No Grazing

No grazing would be authorized on public lands within the allotment for a term of 10 years. The application for grazing permit renewal would be denied and no grazing permit would be offered.

The Preliminary EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 12, 2013. Comments that were received were used to complete the EA and draft a Finding of No Significant Impact (FONSI).

Final Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, along with comments following issuance of the preliminary EA, protests of the Proposed Decision received from you and other interested publics, as well as other information, it is my Final Decision to renew your grazing permit for 10 years consistent with the terms and conditions under Alternative 3. Implementation of Alternative 3 over the next 10 years will allow the Red Hill FFR allotment to continue meeting or making significant progress toward meeting the Idaho S&Gs, while also moving toward achieving the resource objectives outlined in the ORMP. Specifically, Alternative 3 will allow progress to be made toward meeting Standards 2, 3, and 7 within pasture 2.²²

Allotment boundary changes for the Quicksilver FFR and Stahle FFR allotments changes will be made. The three pastures of the existing Quicksilver FFR allotment will be combined with the one pasture of the existing Stahle FFR allotment to create the new Red Hill FFR allotment (Map 3).

You will be offered a permit for a term of 10 years with an active use of 47 AUMs as outlined in Table LVST-3. Permitted grazing use in the Red Hill FFR allotment would be unchanged from the existing permit for use in the Quicksilver FFR and Stahle FFR allotments, with 47 AUMs active use authorized and no suspension AUMs.

²⁰ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.14.3

²¹ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.14.4

²² Pasture 2 of the existing Quicksilver FFR allotment is also pasture 2 of the new Red Hill FFR allotment.

Table LVST-3: Permitted grazing use within the Red Hill FFR allotment with implementation of the decision

Active Use	Suspension	Permitted Use
47 AUMs	0 AUMs	47 AUMs

The terms and conditions of the renewed grazing permit are defined in Table LVST-4.



Map 3: Red Hill FFR Allotment

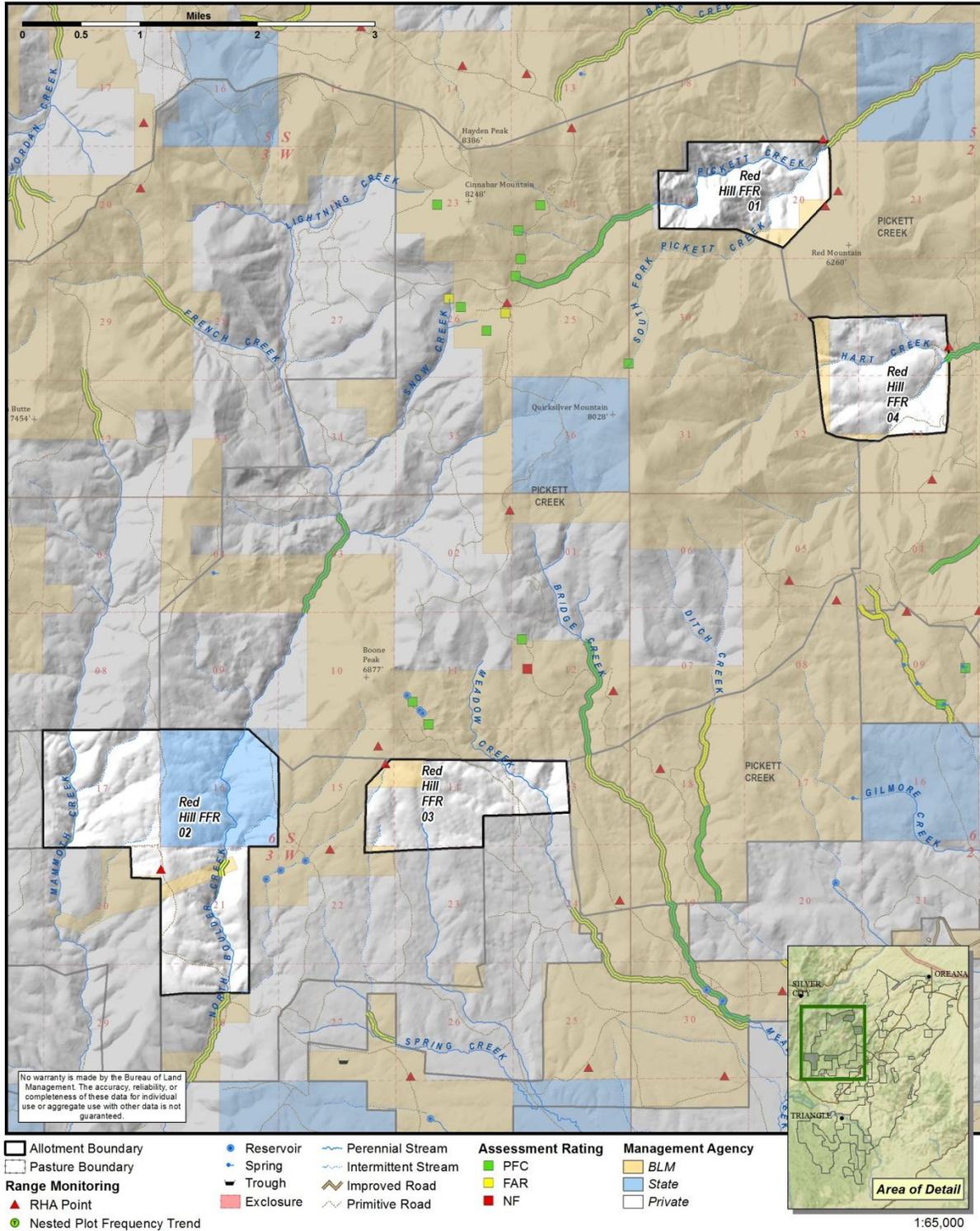


Table LVST-4: Mandatory and other terms and conditions of the offered permit to graze livestock within the Red Hill FFR allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Red Hill FFR	5	Cattle	4/1	12/15	100	Active	47

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

1. Dates of availability of the Red Hill FFR allotment and limits to the intensity of use will be in accordance with the grazing schedule identified in the Final Decision of the Owyhee Field Office Manager dated March 28, 2014 (see Table LVST-5). Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions.
2. The number of livestock authorized on the Red Hill FFR allotment is at permittee’s discretion, as long as authorized active use of 47 AUMs from public lands is not exceeded.
3. A crossing permit for trailing of livestock associated with the grazing authorization in the Red Hill FFR allotment for the term of this grazing permit, and consistent with the Final Decision of the authorized officer dated March 28, 2014, is authorized concurrent with this grazing permit.

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

1. Turn-out is subject to the Boise District range readiness criteria.
2. The permittee’s certified actual use report is due within 15 days of completing the 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, other than the allotment-specific crossing authorization identified above, must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
5. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
6. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
7. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
8. Utilization may not exceed 50 percent of the current year’s growth.

The grazing schedule for the Red Hill FFR allotment, identified in Table LVST-5, will be authorized and its implementation will be included as a term and condition of the permit offered. Livestock numbers authorized to graze within the allotment are at your discretion, so long as 47 AUMs of authorized active AUMs are not exceeded from the public land portions of the allotment.

Table LVST-5: Red Hill FFR allotment grazing schedule (dates when grazing can occur)

Pasture	Year 1	Year 2	Year 3
1	4/1 to 12/15 *	4/1 to 12/15 *	7/16 to 12/15
2	4/1 to 12/15 * **	10/1 to 12/15	4/1 to 12/15 * **
3	4/1 to 12/15 *	7/16 to 12/15	4/1 to 12/15 *
4	7/1 to 12/15 *	4/1 to 12/15 *	4/1 to 12/15

* Upland utilization limit not to exceed 20 percent at the end of the active growing season (7/15 in pastures 1-3 and 6/30 in pasture 4)

** Riparian intensity of use limited to stubble height no less than 6 inches, woody browse use no greater than 30 percent incidence of use on most recent year's lead growth, and bank alteration no greater than 10 percent at the end of the riparian growing season (9/30)

Rationale

Record of Performance

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

Justification for the Final Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0021-EA, FONSI, the Rangeland Health Assessment/Evaluation, Determination, and other documents in the grazing files, it is my Final Decision to select Alternative 3. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will 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 Red Hill FFR allotment making significant progress toward meeting the resource objectives of the ORMP and the Idaho S&Gs.²³

²³ As you know, your allotment is part of a group of 20 allotments forming the Toy Mountain Group allotments and the larger Owyhee 68 allotments, and is the subject of a permit renewal process that was 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:

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision-making process for the Red Hill FFR allotment. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with this allotment before I made my decision. My selection of Alternative 3 was in large part because of my understanding that this selection best addressed those issues and especially those pertaining to Standards 2 and 3 regarding riparian areas and stream channels, as well as Standard 7 regarding water quality. Selection of Alternative 3 also addresses issues associated with the ORMP management objectives, given the BLM's legal and land management obligations.

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

Under Alternative 3, the season of use would be limited to exclude grazing during the active growing season in 1 of 3 years (5/1 to 7/15 in pastures 1, 2, and 3 and 5/1 to 6/30 for pasture 4). In addition, the intensity of grazing use would be limited to not exceed 20 percent at the end of the active growing season when grazing is authorized between May 1 and June 30 or July 15, as applicable for each of the four pastures. In combination, limits to the intensity of grazing use during the active growing season and exclusion of use during the active growing season in 1 of 3 years would allow cool-season bunchgrass species to regain health and vigor, as detailed in Appendix E of the EA. Standard 4 would continue to be met in pastures 1, 2, and 3 of the Red Hill allotment, and although progress toward meeting Standard 4 would not be made in pasture 4 due to altered fire regimes and juniper encroachment, proposed livestock management practices would not be a causal factor toward the failure to meet the standard.²⁴

Issue 2: Improve watershed conditions within upland sites.

Alternative 3 would provide deferment from early spring grazing in 1 out of 3 years that would reduce physical impacts to soils during the wettest and most susceptible period. Additional benefits are provided from deferment from critical-growing-season use for all pastures and for summer riparian grazing in pasture 2 in 1 out of 3 years. This offers native plant communities an opportunity to improve and respond with increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion, and would lessen concentrated use on upland soils that surround riparian areas. Alternative 3 also defines grazing periods and would not leave the season of use open, although livestock numbers would continue to be at the permittee's discretion. However, soils would continue to be susceptible to reduced stability and altered soil infiltration and water-holding capacity over time due to the risk of juniper encroachment. As a whole, the allotment would continue to meet and further benefit from defined grazing seasons of use. Progress toward maintaining, meeting, and improving soil and hydrologic function under Alternative 3 is therefore expected to be better, as compared with Alternatives 1 and 2, though not as much as under Alternatives 4 and 5. The allotment would continue to meet Standard 1 Watersheds.²⁵

in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipated organizational ability, and which does so on 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.

²⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.1 and Section 3.3.14.2.3.1

²⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.2.4 and Section 3.3.14.2.3.2

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

As noted above under Issue 1, implementation of proper livestock management practices or the elimination of authorized livestock grazing from the Red Hill FFR allotment, as would occur under Alternative 5, would not change the capability for making progress toward meeting Standards where the causal factor for not meeting the Standard is altered fire regimes and juniper encroachment. Similarly, proper grazing management practices would not lead to limiting juniper encroachment into shrub-steppe vegetation types, except when those practices replace repeated heavy use during critical periods of the year, as occurred with historic grazing practices more than 50 years ago.

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

In Idaho, the BLM works closely with the Idaho Department of Agriculture, Tribal governments, and county governments to combat noxious weeds. Cooperative weed management arrangements utilize local, state and Federal resources to inventory and treat weed infestations on both public and private lands. Populations are recorded, treated, monitored, and re-treated as their presence is known. No identified locations of weeds within the Quicksilver FFR or Stahle FFR allotments are currently recorded on public land. Undiscovered noxious weeds may exist. Noxious weed control is ongoing.

Grazing of livestock includes the continued risk of introducing noxious weeds and invasive species to public lands and potential for spread of existing incursions. Although the presence of cheatgrass, and other invasive annual species was identified in the rangeland health assessments, evaluations, and determinations for the Quicksilver FFR and Stahle FFR allotments, no location within the allotment was found to be dominated by these species.

Livestock may spread weeds and invasive species through transport on fur and on hoofs, as well as through ingestion and later defecation of viable seeds. Soil disturbance resulting from livestock concentration adjacent to water sources, salting areas, and routes of travel provides sites for establishment of weeds and invasive species. The level of risk associated with implementation of each of the alternatives considered in the EA is proportional to the number of livestock authorized to graze within the allotment and the concentration of soil disturbance. Risks of weed and invasive species introduction and spread would be greater, with significantly higher cattle numbers as vectors of seed movement and as soil disturbance is increased, while those risks associated with authorized livestock grazing would be eliminated in the no-grazing alternative. Alternative 3 will retain the permittee's discretion regarding the number of cattle that graze on all land ownerships in the allotment, while not exceeding authorized active AUMs used on public land. As a result, livestock as a vector of seed dissemination and soils disturbance would be unchanged from the current situation and alternatives other than Alternatives 4 and 5.

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

Under Alternative 3, 0.2 miles of perennial stream, and 0.4 miles of intermittent/ephemeral stream on public land within pasture 2 of the Red Hill allotment would be affected by the impacts associated with the summer grazing in 2 of each 3 years and fall grazing the third of each 3 years. Although the cattle number would be at the discretion of the permittee, other mandatory terms and conditions of the permit under this alternative include limits to the intensity of grazing use within riparian areas that would reduce impacts (stubble height, woody browse, and bank alteration). Monitoring would be required during the years when use would occur during the mid-summer riparian constraint period, and limiting livestock impacts to herbaceous and woody vegetation, as well as to streambanks, would add assurances that progress toward meeting Standards 2 and 3 would be made. Therefore, the allotment would make significant progress

toward meeting the riparian-wetland Standards under Alternative 3, whereas progress would not be made under Alternatives 1 or 2.²⁶

Livestock management practices under Alternative 3 would allow substantial progress toward meeting Standards related to upland and riparian function and would allow progress toward meeting Standard 7.

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

No special status plant species are known to be present on public land within the Quicksilver FFR or Stahle FFR allotments. Therefore, no new impacts to special status plants would occur under Alternative 3.²⁷

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

Because perennial grasses and forbs would receive less grazing pressure during the growing season (no more than 2 of each 3 years) as compared to the current grazing practices, grasses and perennial forbs would increase in abundance and vigor. This would maintain or improve the quality of upland habitats for dependent species by increasing nesting and hiding cover and forage amounts. Under Alternative 3, grazing practices would not impede juniper encroachment and increased juniper cover would continue to reduce the amount and quality of shrub steppe habitat in pasture 4 of the Red Hill FFR allotment. Although shrub steppe habitats within Red Hill FFR allotment in pasture 4 would not make progress toward meeting Standard 8 under Alternative 3, the causal factors would not include livestock grazing management practices.

Because of limits to intensity of use, vegetation communities providing riparian habitats in pasture 2 would also receive less grazing pressure during the mid-summer growing season, as compared to the current grazing practices (riparian intensity of use limited to stubble height no less than 6 inches, woody browse use no greater than 30 percent incidence of use on the most recent year's leader growth, and bank alteration no greater than 10 percent at the end of the riparian growing season). This would allow woody and herbaceous species to increase in vigor and abundance. Increased vigor and abundance would result in more extensive and complex riparian habitats and provide improved shading and stability for redband trout, spotted frog and other riparian-dependent species. Under Alternative 3, riparian habitats within pasture 2 of the Red Hill FFR allotment would make progress toward meeting Standard 8, whereas that progress would not be realized under Alternatives 1 or 2.²⁸

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 graze livestock at the landscape scale to reduce fire behavior or use targeted grazing to create fuel breaks on the Toy Mountain Group allotments with the intention that livestock grazing would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 3 for the Red Hill FFR allotment will not significantly alter fire behavior during extreme conditions or the BLM's ability to fight wildfire in the area.

²⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.3 and Section 3.3.14.2.3.3

²⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.4 and Section 3.3.14.2.3.4

²⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.5 and Section 3.3.14.2.3.5

Wildfire behavior is dependent on a number of factors, including climatic conditions and current weather, as well as the size and connectivity of fuels, fuel loading, fuel moisture, and topographic slope. Although landscape-scale livestock grazing has the potential to reduce fine fuels to a degree, fire intensity and spread in sagebrush steppe vegetation communities during periods of extreme fire behavior through mid-summer would be little altered in the absence of heavy livestock grazing prior to the fire season. At the same time, the period when grazing could reduce fine fuels prior to the fire season is also the season of active growth of native perennial bunchgrass species. Annual heavy livestock grazing during the active growing season to reduce fine fuels would not be consistent with maintaining or improving native perennial herbaceous species health and condition, as summarized in Appendix E of the EA. The BLM's current permit renewal process is focused on improving native upland and riparian plant communities, and landscape-scale grazing to reduce fine fuels to a level or at a time necessary to control fire behavior would not support that improvement.

While targeted grazing may have potential application to develop and maintain strategic fire breaks, its application needs to be considered in combination with other fuels management tools. In addition, targeted grazing to create fire breaks would alter the role of permit renewal. Grazing authorized by permit renewal would provide authorization to use public land resources, while fuels management changes the objective to manipulate vegetation attributes. Targeted grazing to establish fuel breaks, as well as landscape-scale grazing to reduce fuels, are outside the purpose and need of the EA that analyzed the consequences of implementing livestock management practices identified in the application received and alternatives for grazing permit renewal authorizing cattle grazing to meet rangeland health standards and resource management objectives.²⁹

Issue 9: Consider the two-fold issue of climate change and its relationship to the proposed federal action of renewing grazing permits. Livestock grazing in Owyhee County contributes CO₂ and methane emissions to the earth's atmosphere. In addition, climate change, itself a stressor on the sagebrush-steppe semi-arid ecosystem found in the Owyhee Uplands can, when found in conjunction with cattle grazing, further stress the ecosystem's vegetation.

Climate change is another factor I considered in building my decision around Alternative 3 for the Red Hill FFR allotment. Climate change does not have a clear cause-and-effect relationship with the applicant's proposed action or alternatives. It is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of specific climate or resource impacts at a specific location. Additionally, the proposed action and alternatives, when implemented, would not have a clear, measurable cause-and-effect relationship to climate change, because the available science cannot identify a specific source of greenhouse gas emissions such as those from livestock grazing and tie it to a specific amount or type of changes in climate.

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. It is clear that the Red Hill FFR allotment is impaired from historic use, and while repair and restoration will only occur in the long term, some change can be anticipated from the proposed limitations to seasons of use. The opportunity to provide resistance and resilience within native perennial vegetation communities is within the scope of this decision. The livestock management actions under Alternative 3 combine seasons, intensities, and durations of livestock use to

²⁹ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.3.

promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long term, the native plant communities on this allotment will be better armed to survive such changes.

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 protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 3 for the Red Hill FFR allotment in large part because this selection accomplishes 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 ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered the range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have avoided any reduction in grazing use levels in the Toy Mountain Group allotments where current levels are compatible with meeting Rangeland Health Standards and ORMP objectives, as in the Red Hill FFR allotment.³⁰

Additional Rationale

A tremendous amount of thought and effort into developing grazing management that is responsive to the Red Hill FFR allotment's specific resource needs, geography, and size. These considerations were made to address all concerns and requirements mandated to the BLM. Each allotment of the Toy Mountain Group has different ecology and management capability due to the size and location/topography that result in various issues and priorities. Attempts to coordinate grazing of the allotment were made by me and my staff with you and the interested public. I recognize the difficulty of not only providing the mandated needs for the resources, but also the needs and capability that you, the permittee have. I have balanced the needs of the resource and your capabilities to the extent possible, based upon the information available.

I did consider selecting Alternative 5 - No Grazing for this allotment; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 3 for the Red Hill FFR allotment, rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected Alternative 3, (2) the impact of implementation of Alternative 5 on your operations and on regional economic activity, (3) the Red Hill FFR allotment's susceptibility to significant improvement under Alternative 5, and (4) your past performance under previous permits. By implementing Alternative 3, the resource issues identified will be addressed. Declining to authorize grazing for a 10-year period, as would occur under Alternative 5, is not the management decision most appropriate at this time in light of these factors.

During the public comment period for the preliminary 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

³⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.8

the Chipmunk Group allotments which 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 FONSI was signed on November 20, 2013 and concluded that the decision to implement Alternative 3 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the ten significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0021-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/grazing/owyhee_grazing_group/grazing_permit_renewal1.html

Conclusion

In conclusion, it is my decision to select Alternative 3 over other alternatives, because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs consistent with the projected ability of BLM to oversee grazing on the Red Hill FFR allotment over the next 10 years. Although Alternatives 1 and 2 would implement livestock management practices on the Red Hill FFR allotment that would continue to allow some standards to be met or significant progress to be made, Alternative 3 would allow progress to be made toward meeting Standard 2 and 3 for riparian related resources, Standard 7 for water quality, Standard 8 for wildlife habitats, and ORMP management objectives. Alternative 4 would provide a limited additional assurance that these standards would be met and resource values would be additionally protected as compared to Alternative 3. In addition, Alternative 4 would unnecessarily limit your livestock management options and also unnecessarily add to the livestock grazing administrative workload for BLM for this allotment with limited public land.

Alternative 5 would limit the economic activity of your livestock operation in Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the decision, lead me to believe further reduction or the elimination of livestock grazing from the Red Hill FFR allotment is unnecessary at this point.

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

Authority

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

- 4100.0-8 Land use plans; The ORMP designates the Quicksilver FFR and Stahle FFR allotments³¹ reconfigured as available for livestock grazing;

³¹ The three pastures of the Quicksilver FFR and one pasture of the Stahle FFR allotments are reconfigured by this decision to create the Red Hill FFR allotment.

- 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 terms and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration: This Final Decision will result in taking appropriate action to modifying existing grazing management in order to meet or 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 Manager
20 First Avenue West
Marsing, Idaho 83639

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

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

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

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

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

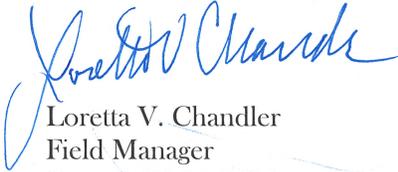
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler
Field Manager
Owyhee Field Office

Copies sent to:

- See attached Toy Mountain mailing list.

Works Cited

- USDI BLM. (1999). *Owyhee Resource Management Plan*. Marsing, ID.
- USDI BLM. (2013). *Assessments for Boone Peak (0589), Red Mountain (0588), Bridge Creek (0590), Quicksilver FFR (0483), and Stahle FFR (0641) Allotments, 2013 Supplement*. Standards for Rangeland Health and Guidelines for Livestock Grazing Management, Marsing, ID.

Copies sent to:

Company Name	First Name	Last Name	Address 1	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
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
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
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

Company Name	First Name	Last Name	Address 1	City	State	Zip
	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
	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
Corral Creek Grazing Assoc. LLC	Tim	Lequerica	PO Box 135	Arock	OR	97902
Lequerica & Sons Inc.			PO Box 113	Arock	OR	97902
	Craig & Rhonda	Brasher	4401 Edison	Marsing	ID	83639
	Frankie	Dougal	36693 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Thenon & Jana	Elordi	59010 Van Buren	Thermal	CA	92274
Larrusea Cattle Co.			PO Box 124	Arock	OR	97902
Morgan Properties	David	Rutan	PO Box 277	Jordan Valley	OR	97910
South Mountain Grazing Coop	Terry	Warn	PO Box 235	Jordan Valley	OR	97910
Wroten Land & Cattle Co.			30314 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Dale	Berrett	3540 Hwy. 95	Jordan Valley	OR	97910
	WF & Carolyn	Peton	PO Box 998	Veneta	OR	97487
	Phillip & Benjamin	Williams	1807 Danner Loop Rd.	Jordan Valley	OR	97910
	Thomas	Gluch	PO Box 257	Jordan Valley	ID	97910
	Mindy	Kershner	2904 Jones Road	Jordan Valley	ID	97910

Protest Responses - Toy Mountain Group Non-Owyhee 68 Allotments

Protest Point No.	Protest Text	Protest Response
86	<p>Fossil Creek and Pickett Creek -Hipwell protests the allotment consolidations and names in 2013 Decision.</p> <p>First, due to transfer of the Red Mountain Grazing Preference from Edwards to Hipwell, there is no need now to have the Fossil Creek Allotment or the use of its name. Moreover, Hipwell would prefer that "Fossil Creek" name not be used since Hipwell does not wish to allow confusion between "Fossil Creek" and the adjacent Fossil Butte Allotment.</p> <p>Second, see application as to allotment consolidation as to Red Mountain, Boones Peak, and Bridge Creek Allotments.</p> <p>Third, see application as to allotment consolidation as to Quicksilver FFR and Stahle FFR Allotments.</p>	<p>BLM chose not to utilize the same names for the existing allotments as for the proposed consolidated allotments to reduce future confusion about the old vs proposed allotments. (References to the application only show the desired management of the permittee and not rationale for the protest)</p>
87	<p>Fossil Creek - Hipwell protests the season of use, aka "Grazing Period," within the 2013 Decision. See application as to season of use.</p>	<p>No rationale is provided for this protest point beyond stating a season of use that the permittee desires. This is not a substantive protest point. (References to the application only show the desired management of the permittee with flexibility in the season of use between 3/1 and 2/28 annually and not rationale for the protest)</p>

Protest Point No.	Protest Text	Protest Response
88	<p>Fossil Creek and Pickett Creek -Hipwell protests the change in Permitted Use, as well as the decrease in Active Use.</p> <p>To the extent the change in Permitted Use is allowed, Hipwell protests the non-conversion of the decrease in Active Use to Suspended Use.</p> <p>BLM provided no determination of grazing capacity. See application as to Permitted Use, as well as the application to increase the Permitted Use and Active Use.</p>	<p>The Rangeland Health Assessments and Determinations, along with the discussion in the EA, provide rationale for changes to seasons of use by pasture and the subsequent reduction in active use. Regulation does not provide for maintaining permitted use when reductions in active use are required, other than for temporary reductions as discussed in the EA and proposed decision. (References to the application only show the desired management of the permittee and not rationale for the protest)</p>
89	<p>Fossil Creek and Pickett Creek Hipwell protests the Public Land Percentages due to the now consolidation of what the 2013 Decision calls the Fossil Creek and Pickett Creek Allotments. See application as to Percent Public Land.</p>	<p>BLM used the information provided in the June 23, 2011, application received to calculate percent public land. No rationale is provided for this protest point. (References to the application only show the desired management of the permittee and not rationale for the protest)</p>
90	<p>Fossil Creek and Pickett Creek Hipwell protests the lack of consideration, assessment and/or construction of range improvements, particularly as related to NEPA, FLPMA, and FRH rules. See application as to range improvements.</p>	<p>An alternative that would consider the installation of new range improvements was considered but not analyzed in detail See the Toy Mountain Group EA section 2.3, pages 32-34 (References to the application only show the desired management of the permittee and not rationale for the protest)</p>

Protest Point No.	Protest Text	Protest Response
91	Fossil Creek and Pickett Creek Hipwell protests the lack of authorization of the necessary trailing to/from the allotment(s), as well as adjacent allotment(s), leaving Hipwell in the position for the BLM to have to annually assess and authorize such trailing. This lack of authorization leaves Hipwell in an impossible situation to have to annual apply for and obtain such trailing authorization, particularly in light of the difficulty BLM is having to timely authorize such trailing.	References to the application only show the desired management of the permittee and not rationale for this protest point. During the May 2013 meeting when BLM asked for any revisions to applications for permit renewal, the permittee did not identify the need for trailing activities in addition to those identified in the 2012 NEPA analysis of trailing within the Owyhee Field Office. No request for additional trailing needs was included in the July 26, 2013 revisions to the application. Revised applications were used to develop the actions included in Alternative 2 of the EA. A timely application for additional trailing needs received from one permittee resulted in the inclusion of analysis in the EA for permit renewal in the Toy Mountain Group.
92	Fossil Creek and Pickett Creek Hipwell protests the grazing schedules in the 2013 Decision. See application as to grazing schedule for the new Boone Peak Allotment (which consolidates the Red Mountain, Boone Peak, and Bridge Creek Allotments); and as to the grazing schedule for the new Quicksilver FFR Allotment (which consolidates the Quicksilver FFR and Stahle FFR Allotments).	No rationale is provided for this protest point. (References to the application only show the desired management of the permittee and not rationale for the protest)
93	Fossil Creek and Pickett Creek Hipwell protests in part the terms and conditions in the 2013 Decision. See application as to terms & conditions.	No rationale is provided for this protest point. (References to the application only show the desired management of the permittee and not rationale for the protest)

Protest Point No.	Protest Text	Protest Response
94	<p>Red Hill FFR - The State of Idaho protests that BLM did not provide adequate and meaningful consultation, cooperation, and coordination (CCC) in accordance with 43 CFR 4130.2. In conversations with the affected permittee, the permittee stated BLM never even discussed and went over the grazing rotations and the grazing schedules identified on page 17 and 18 of the proposed decisions with him for the Red Hill FFR Allotment.</p>	<p>CCC between the Permittee and the BLM is described in the timeline on the first few pages of the proposed decision which clearly demonstrates that the BLM provided multiple opportunities for the permittee to submit comments and suggestions to the BLM.</p>
95	<p>Red Hill FFR - The State of Idaho protest the sites selected for the rangeland health assessments. The map on page 16 of the proposed decision identifies that in pasture 01 of the Red Hill FFR, a RHA was conducted on the fence line in northeast corner of the pasture on private land. In pasture 02, one RHA was conducted on private ground (see map page 16 of proposed decision). In pasture 03, one RHA was conducted on public land in the fence line in the northwest corner of the pasture (see map page 16 of proposed decision). In pasture 04, one RHA was conducted on the east fence conducted in close proximity of existing fence lines as cattle normally trail along fence lines and will skew that data collected at those sites. line on private ground (see map page 16 of proposed decision). The State protest any RHA sites that were conducted on private lands and any sites that were conducted in close proximity of existing fence lines as cattle normally trail along fence lines and will skew that data collected at those sites.</p>	<p>Monitoring sites for interpreting indicators of rangeland health were selected following the guidance of technical reference 1734-6. As for pasture 2, the 2007 Boulder Creek fire burned much of the pasture, including the monitoring point, which therefore was not used. Refer to the Boone Peak, Red Mountain, Bridge Creek, Quicksilver FFR, and Stahle FFR 2013 RHA (p. 97) where this specific issue was addressed in detail. The pasture 3 point is located on BLM land (as indicated in yellow on Map 3 on p. 16 of the Proposed Decision), not private. As for the overall quick judgment on RHA sites located in “close proximity” to fence - findings for the specific sites in question, especially Quicksilver FFR, actually reflected little to no departure from reference areas for the majority of indicators (except invasive plant related issues) and did not contribute to any findings that suggested that current livestock grazing was an issue. Standards 1 and for actually met in Quicksilver FFR while Stahle FFR is influenced by juniper.</p>

Protest Point No.	Protest Text	Protest Response
96	<p>Red Hill FFR - The State of Idaho protest the BLM's incorporation of the permittees large portions of private and state grazing lessees into the grazing rotations identified on page 17 and 18 of the proposed decision. Table LVST-5; titled "Red Hill FFR Allotment grazing schedule (dates when grazing can occur)" can only apply to the very small portions of the public lands in the Red Hill FFR pastures. BLM has no management authority on State Lands or large amounts of private lands that occur in the Red Hill FFR Allotment and BLM cannot dictate when grazing can or cannot occur on state lands or private lands in the Red Hill FFR Allotment. The land ownership map on page 16 of the proposed decision clearly indicates the very small amount of BLM land in the 4 pastures of the Red Hill FFR Allotment. The BLM grazing schedule on page 17 and 18 of the proposed decision adversely effects the permittee and will severely restrict how and when the permittee can use his state grazing leases and his large amount of private land in each of the 4 pastures in the Red Hill FFR Allotment (see map on page 16 of Proposed Decision). This BLM created grazing schedule that impairs the use of the permittees private lands and state grazing leases will also have negative economic impacts to the permittee.</p>	<p>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. A grazing permit issued by BLM is required to include terms and conditions for the use of public lands that meet management objectives, including the Standards and Guidelines.</p>

Protest Point No.	Protest Text	Protest Response
97	<p>Red Hill FFR - The State of Idaho Protest Term and Condition #1 where it states "Dates of availability of the Red Hill FFR allotment and limits to the intensity of use will be in accordance with the grazing schedules identified in the final decision of the Owyhee Field Office Manager dated (see Table LVST-5). Changes to the schedule use require approval by the authorize officer, consistent with the Standard Term and Conditions. The Red Hill Allotment contains a large portion of private lands in which BLM has no management authority on and State Lands which are managed by Idaho Department of Lands (IDL) and which BLM also has no management authority on. Any and all allotment Terms and Conditions including the above term and condition # 1 for the Red Hill FFR allotment must clarify that they apply only to the public lands in the Pickett Creek Allotment.</p>	<p>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. A grazing permit that authorizes grazing on public land does not authorize or restrict grazing on private land.</p>
98	<p>Red Hill FFR - The State of Idaho Protest Boise District grazing permit terms and conditions 1 and 8 identified on page17 of the Red Hill FFR proposed decision as they are currently written. Terms and Conditions must clarify that they only apply to the public land portions of the Red Hill FFR allotment.</p>	<p>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. A BLM grazing permit authorizes grazing on public land but does not authorize grazing on private land.</p>

Protest Point No.	Protest Text	Protest Response
99	<p>Red Hill FFR - The State of Idaho protest the * footnote on page 18 which states "Upland utilization limit not to exceed 20 percent at the end of the active growing season (7/15 in pastures 1-3 and 6/30 in pasture 4)". Nowhere in the decision has BLM explained or rationalized how they arrived at the 20% utilization level. Furthermore, this 20% use level can only apply to the small portions of the public lands in the 4 pastures and not the large amounts of private lands and the state managed lands in the Red Hill FFR Allotment.</p>	<p>The utilization limit was proposed in the Toy Mountain Group EA in sections 2.2.3 and 2.4.14.3 and impacts from that limit were analyzed in chapter three of the same EA. 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. A BLM grazing permit authorizes grazing on public land but does not authorize grazing on private land.</p>
100	<p>Red Hill FFR - The State of Idaho protest the ** footnote on page 18 which states "Riparian intensity of use limited to stubble height no less than 6 in, woody browse use no greater than 30 percent incidence of use on most recent year's lead growth, and bank alteration no greater than 10 percent at the end of the riparian growing season (9130)" This footnote must be clarified and state that it only applies to the public lands in the Red Hill FFR Allotment.</p>	<p>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. A grazing permit that authorizes grazing on public land does not authorize or restrict grazing on private land.</p>

Protest Point No.	Protest Text	Protest Response
101	<p>Fossil Creek and Pickett Creek - The State of Idaho protests BLM's claim that limited livestock grazing deferment has been practiced in Red Mountain Allotment Pasture 1. BLM has erred in their claim on page 14 of the proposed decision for the Red Mountain Allotment Pasture 1 (which will be the Fossil Creek Allotment) when they state "the generally static and declining ground cover trend in pastures 1, 2, and 3 does not project improvement, especially when no rest and limited livestock grazing deferment have been practiced." Table B-43 in the EA appendices shows that the actual use for the Red Mountain Allotment for Pasture 1, (which will be the Fossil Creek Allotment) was historically used generally during the middle of March to the middle of April or the month of April only. This allowed pasture 1 of the Red Mountain Allotment (new Fossil Creek Allotment) total deferment during the entire active growing season months of May and June (see Appendices Table B-43).</p>	<p>While the active growing season for native perennial bunchgrass species below 5,000 feet elevation in during May-June, pasture 1 is the lowest elevation pasture of the allotment and is dominated by shallow rooted perennial bunchgrass species and annuals. As a result, the active growing season in pasture 1 occurs earlier than the May-June period for deep-rooted species in higher elevation pastures. Annual grazing use of pasture 1 during April does not allow opportunity for regrowth in most years. Similarly, annual grazing use of pastures 2 and 3 during May does not allow opportunity for regrowth in most years.</p>
102	<p>Fossil Creek and Pickett Creek - The State of Idaho protests the 420 AUM reduction in the Fossil Creek Allotment (pasture 1 of the old Red Mountain Allotment) and the 2,515 AUM reduction in the Pickett Creek Allotment. Page 13 of the Proposed Decision states that pasture 1 of the Red Mountain Allotment (now the Fossil Creek Allotment) is "<i>making significant progress towards meeting standard 4, as evident by upward trend.</i>" In the EA and the proposed decision, BLM has provided no clear rationale on how they arrived at the AUM reductions in the Fossil Creek (420 AUM reduction) and the Pickett Creek (2,515 AUM reduction) Allotments. There are no mathematical equations or calculations on how BLM actually arrived at the specific numbers of AUMS being reduced in the Fossil Creek and the Pickett Creek Allotments. In the EA Appendices, Tables B-44 through B-46 identifies that utilization levels have varied from 8% use to 21 %</p>	<p>For Fossil Creek allotment the EA in section 2.4.15.3.1 and for Pickett Creek the EA in section 2.4.15.3.2 explains how the stocking rate was calculated and the accompanying footnotes to these explanations help clarify the process and provide rationale. 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.</p>

Protest Point No.	Protest Text	Protest Response
	<p>use on key species from 2010 to 2012 for pasture 1 (Fossil Creek). Utilization levels for pastures 2 and 3 (Pickett Creek) have varied from 8% use to 32% use on key species from 2008 to 2012. In pasture 3 (Pickett Creek) use has varied from 4% to 28% on key species from 2008 to 2012 and in pasture 4 (Pickett Creek), use has varied from 8% to 20% on key species from 2008 to 2010 with no utilization data being collected in 2011 and 2012. The ORMP allows up to 50% utilization of use, which falls in a moderate category. The State questions why BLM is proposing the severe reductions in AUMS identified in the authorized officers selection of alternative 3 when the utilization levels over the past few years (since 2008) have been well within the allowable use levels identified in the ORMP. BLM must clearly explain and show the mathematical calculations on how they arrived at the specific number of 420 AUMS being reduced from the Fossil Creek Allotment and how BLM arrived at the specific number of 2,515 AUMS being reduced from the Pickett Creek Allotment, especially since utilization levels in the allotments are very low. In order to avoid being considered arbitrary in arriving at their AUM reductions, BLM must disclose this information in their Final Decision.</p>	

Protest Point No.	Protest Text	Protest Response
103	<p>Fossil Creek and Pickett Creek - The State of Idaho protests the fact that the Bureau of Land Management (BLM) did not allow permittees to use all parts of 43 CFR 4100 (specifically 43 CFR 4120.3-1(a) and 4180.2(c) to assist permittees in moving towards meeting Standards. 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. 43 CFR 4180.2 (c) clearly allows and is intended for the use of range projects when the grazing regulations states in part "the authorized officer shall take appropriate action as soon as practicable Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130, and 4160 of this part that will result in significant progress " The State protests BLM's failure to take a "hard look" as required by NEPA 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 to assist the permittees in moving towards meeting Idaho Standards 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). Many of the Owyhee 68 permit renewals completed in 2003 and including the Owyhee 68 permit renewal Trout Springs Allotment completed in 2013 were allowed to use range improvements as part of the permit renewal process and the majority of these permit renewals did not have severe reductions in AUMS. The State of Idaho is now seeing permit renewals</p>	<p>An alternative that would consider the installation of new range improvements was considered but not analyzed in detail See the Toy Mountain Group EA section 2.3, pages 32-34</p>

Protest Point No.	Protest Text	Protest Response
	<p>being processed where BLM has arbitrarily selected certain portions of 43 CFR 4100 (specifically 4120.3-1(a) and 4180.2c) and have made these parts of the grazing regulations unavailable to certain permittees in their grazing permit renewal process to be used as a management tool to assist the permittees in moving their allotments towards meeting Idaho Standards. Since BLM has made this important part of the grazing regulations unavailable for some of the permittees in their grazing permit renewal process, the State of Idaho continues to see more and more severe grazing AUM reductions from what occurred in 2003 and in the recent 2013 Trout Springs Allotment where 43 CFR 4120.3-1(a) and 4180.2c (range improvements) were made available and allowed to the permittees during their permit renewal process.</p>	

Protest Point No.	Protest Text	Protest Response
104	<p>Fossil Creek and Pickett Creek - The State of Idaho protests that BLM did not provide adequate and meaningful consultation, cooperation, and coordination (CCC) in accordance with 43 CFR 4130.2. In conversations with the affected permittee, the permittee stated BLM never even discussed and went over the grazing rotations with him. In further discussions with the permittee, the State of Idaho was informed that BLM failed to follow their process as described in 43 CFR 4110.3-3 and did not consult, cooperate, and coordinate with the affected permittee, the State having lands or managing resources within the area, and the interested publics prior to issuing this proposed decision in regards to the severe reductions in AUMS. 43 CFR 4110.3-3 clearly states in part "After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested publics, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer." There was no consultation, cooperation, and coordination (CCC) with the affected permittee (per conversation with the permittee) or the State having lands or managing resources on any reduction in AUMS prior to the permittee and State Agencies receiving this proposed decision. The permittee was first informed on the severe reductions in AUMS when he received his proposed decision in the mail. The State of Idaho protest that BLM did not follow their process outlined in 43 CFR 4110.3-3.</p>	<p>CCC between the Permittee and the BLM is described in the timeline on the first few pages of the proposed decision which clearly demonstrates that the BLM provided multiple opportunities for the permittee to submit comments and suggestions to the BLM.</p>

Protest Point No.	Protest Text	Protest Response
105	<p>Fossil Creek and Pickett Creek - The State of Idaho protest the proposed reduction which would cancel 420 AUMS in the Fossil Creek Allotment and 2,515 AUMS in the Pickett Creek Allotment. The State of Idaho believes these reductions in AUMS are not warranted. Even though the State of Idaho believes these reductions are not warranted, if BLM moves forward with these arbitrary reductions in AUMS, the AUMS should be placed in suspended use. During the 1995 Department of the Interior rule making process, the Department of the Interior commented as to what might happen to the reduction in permitted grazing use under section 4110.3-2(b), as well as under Section 4110.4-2 (relating to decrease in land acreage within an allotment). See 9894 Federal Register I Vol. 60, No. 35 I Wednesday, February 22, 1995 I Rules and Regulations. The department states "others stated that reductions should be placed in suspended use rather than eliminated.... Although in some cases reductions made under this Section of 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." BLM's January 24, 2014 Proposed Decision and the Final EA fails to make such a finding or a determination or evens analyzes what, if any expectations exist in which the AUMS would not be available in the foreseeable future and could returned to active use in the Fossil Creek and the Pickett Creek Allotments. BLM has further erred as 43 CFR 4110.3-1(b) grants a permittee with suspended permitted use first priority to be apportioned additional forage available on a sustained yield basis for livestock grazing. By BLM's cancelling of these AUM's, the permittee will be adversely affected by not</p>	<p>For Fossil Creek: The Proposed decision on page 27 below Table LVST-6 states that "The elimination of 420 AUMs of active use will not result in a conversion to suspension AUMs, as this is not a temporary reduction (see, e.g., 43 CFR § 4100.0-5, Definitions), but a reduction under 43 CFR § 4110.3-2 (b)." It further explains in foot note 25 that "As discussed in the EA Section 2.1.2 of the EA, in accordance with revisions to the grazing regulations as amended through February 6, 1996, paragraph "c" with provisions requiring the authorized officer to hold AUMs comprising the decreased permitted use in suspension was removed from 43 CFR 4110.3-2. As a result, the reduction in permitted use from 775 AUMs to 355 AUMs would not result in an increase in suspension AUMs." A similar statement is made for Pickett Creek in the proposed decision and EA.</p>

Protest Point No.	Protest Text	Protest Response
	<p>having first priority of apportioned additional forage if it becomes available in these allotments on a sustained yield basis for livestock grazing. BLM has therefore erred in cancelling these AUMS and they should be placed in suspended use if the reduction is even warranted.</p>	
106	<p>Fossil Creek and Pickett Creek - The State of Idaho protests the BLM's incorporation of the permittees private and state grazing lessees into the permit renewal resulting in the change in of the percent public land in the Fossil Creek and the Pickett Creek Allotment(s) without the permittees permission. This incorporation of private and state lands (without permission) resulting in the change in percent public land adversely effects how and when the permittee will be able to use his private lands and his state grazing leases in both the Fossil Creek Allotment and the Pickett Creek Allotment. Furthermore, 43 CFR 4130.3-2(g) states that "the percentage of public land use determined by the proportion of livestock forage available on public land within the allotment compared to the total amount of available forage from both public lands and those owned or controlled by the permittee or lessee. The permittee has given no permission for BLM to perform production studies on his private lands to determine available forage yields necessary for the agency to accurately calculate the percent public lands.</p>	<p>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. A grazing permit that authorizes grazing on public land does not authorize or restrict grazing on state or private land.</p>

Protest Point No.	Protest Text	Protest Response
107	Fossil Creek and Pickett Creek - The State of Idaho protests Term and Condition #1 where it states "Grazing use of the Pickett Creek allotment will be in accordance with the grazing schedule and limits of use identified in the final decision of the Owyhee Field Office Manager dated (See Table LVST-11)". The Pickett Creek Allotment contains both State Lands managed by Idaho Department of Lands (IDL) and private lands in which BLM has no management authority on. All allotment Terms and Conditions including the above term and condition # 1 must clarify that they apply only to the public lands in the Pickett Creek Allotment.	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. A BLM grazing permit authorizes grazing on public land but does not authorize grazing on private land.
108	Fossil Creek and Pickett Creek - The State of Idaho protests Table LVST-11 on page 30 of the Proposed Decision. BLM has erred in prescribing rest in pasture 2 which contains state lands in which BLM has no management authority of and BLM has erred in prescribing specific dates on the private lands in pasture 4 and the state managed lands in pasture 4, both of which BLM has no management authority of. BLM must clearly state in their decision on Table LVST-11 that the dates only apply to the public lands within the Pickett Creek Allotment.	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. A BLM grazing permit authorizes grazing on public land but does not authorize grazing on private land.

Protest Point No.	Protest Text	Protest Response
109	Fossil Creek and Pickett Creek - The State of Idaho protests Table LVST-12 identified as "Constraints to seasons, intensities, durations, and frequencies of grazing use specific to the Pickett Creek Allotment." The Pickett Creek Allotment contains State Lands and private lands, both of which BLM has no management authority on. This Table must clarify that all constraints, intensities, durations, and frequencies will apply only to the public lands in the Pickett Creek Allotment.	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. A BLM grazing permit authorizes grazing on public land but does not authorize grazing on private land.
110	Fossil Creek and Pickett Creek - The State of Idaho protests that BLM has arbitrarily set the stocking rate at approximately 10 acres per AUM for both the Fossil Creek and the Pickett Creek Allotments. On page 32 of the Proposed Decision, BLM states "a reduction in the number of AUMs authorized from 724 in the existing pasture 1 of the Red Mountain allotment to 355 in the created Fossil Creek allotment, resulting in a stocking rate of approximately 10 acres per AUM." BLM has failed to explain or show any calculations on how they arrived at the 10 acre per AUM stocking rate and why the stocking rate is appropriate for this allotment.	For Fossil Creek allotment the EA in section 2.4.15.3.1 and for Pickett Creek the EA in section 2.4.15.3.2 explains how the stocking rate was calculated and the accompanying footnotes to these explanations help clarify the process and provide rationale.
111	Moore FFR - We are protesting your decision to implement the grazing management restrictions and associated foot note restrictions shown in Table LVST-2 at page 10.	This protest has been withdrawn and the permittee has agreed to abide by the BLM proposed decision.

Protest Point No.	Protest Text	Protest Response
112	<p>Moore FFR - We are protesting your decision in the EA at page 32 not to allow or even consider the range improvements facilities we recommended to exclude livestock from Josephine Creek. Notwithstanding the lack of data and information to make a final determination for Standards 2 and 3, we offered to install a fence to exclude livestock from Josephine Creek. Your failure to consider and analyze this action under Alternative 2 is a direct violation of the Federal Land Policy and Management Act requirement to analyze a reasonable range of alternatives.</p>	<p>This protest has been withdrawn and the permittee has agreed to abide by the BLM proposed decision. An alternative that would consider the installation of new range improvements was considered but not analyzed in detail See the Toy Mountain Group EA section 2.3, pages 32-34 (References to the application only show the desired management of the permittee and not rationale for the protest)</p>
113	<p>Moore FFR - Only when a standard is not met and not making progress and credibly determined to be due to current livestock grazing practices is there any justification for changing grazing management. Accordingly, there is no rational basis for proposing any management change associated with ISRH Standards 1, 4, 5, 6 or 7. The AD purports that the upland watershed related to Standard 4 does not comply with the Owyhee Resource Management Plan (ORMP) objectives WLDF-1 and SPSS-1. However, the AD determined that upland issues were not due to current livestock management practices but were the result of juniper invasion and altered fire frequency. Therefore, there is no rational basis for changing grazing management related to ORMP objectives.</p>	<p>This protest has been withdrawn and the permittee has agreed to abide by the BLM proposed decision. Standards 2, 3, and 8 were not met on the Moore FFR allotment due to current livestock grazing management. The problems centered on the riparian habitat on Public land within the Moore FFR allotment. Moore FFR consists of a single pasture and changes in management that would resolve the riparian issue would also have an effect on upland habitats. Both of the ORMP objectives are applicable to both upland and riparian habitats.</p>
114	<p>Moore FFR - The management restrictions in Table LVST-2 are imposed on the basis of the determination that Standards 2 and 3 are not met due to livestock grazing. However, the associated EA, PD and AD do not reveal any trend data or information to evaluate significant progress for these standards. In the absence of trend information the OFO cannot make a final determination as to Standards 2 and 3 (See Par 2 (c) above).</p>	<p>This protest has been withdrawn and the permittee has agreed to abide by the BLM proposed decision. The Proper Functioning Condition assessment is used by the BLM to evaluate whether riparian habitats are meeting standards. No trend data is required with this method.</p>

Protest Point No.	Protest Text	Protest Response
115	Fossil Creek and Pickett Creek - The OFO wrongly excluded consideration of Range Improvements.	An alternative that would consider the installation of new range improvements was considered but not analyzed in detail. See the Toy Mountain Group EA section 2.3, pages 32-34
116	Fossil Creek and Pickett Creek - The EA at§ 2.2.2 states that, "Under Alternative 2- Applicants' Proposed Action, grazing permits for the 20 allotments of the Toy Mountain Group would be renewed consistent with the actions or terms and conditions of applications received from permittees." Emphasis added. However, the OFO did not analyze the range improvements contained in permittee applications but instead summarily denied any consideration of such actions. Thus, the OFO violated NEPA by failing to analyze the range of alternatives represented by the permittee applications including range improvements. The OFO cannot claim to have analyzed a full range of alternatives unless they fully consider and analyze the effects of range improvements that are identified as a means to achieve Range Health Standards and management objectives by the ORMP at page 24, Idaho Standards for Rangeland Health at page 8 and by the current Grazing Regulations§ 4120.	An alternative that would consider the installation of new range improvements was considered but not analyzed in detail See the Toy Mountain Group EA section 2.3, pages 32-34
117	Fossil Creek and Pickett Creek - OFO arbitrary stocking rates / carrying capacity. The EA at page 215 states that, "The potential production of forage species in the Toy Mountain Group allotments, based on ecological site descriptions listed in site guides (USDA NRCS, 201 0) and the proportion of each ecological site represented in each allotment, provides an estimated average annual production of grass and grass-like species per acre in the normal year. The number of acres that would be required to support one AUM is presented in Table VEG-3 by allotment, based on the assumption that the amount of forage necessary to support one AUM is 1,000 pounds...."	For Fossil Creek allotment the EA in section 2.4.15.3.1 and for Picket Creek the EA in section 2.4.15.3.2 explains how the stocking rate was calculated and the accompanying footnotes to these explanations help clarify the process and provide rationale.

Protest Point No.	Protest Text	Protest Response
	<p>However, Ecological Site Descriptions do not provide production data that is rationally applicable to a given site and the EA does not report any current Ecological Site Inventory or other production data upon which actual production can be reasonably estimated. The EA also "assumes" that an AUM is equivalent to 1,000 pounds of forage but does not provide any rational basis for that assumption. By contrast the same EA at page 322 states that, "Feeding hay on the ranch instead of grazing on pastures: The operators would need 780 lbs. (0.4 tons) dry forage/month for each cow and her calf if the herd were moved back to the ranch instead of to other grazing land." There is no explanation of the discrepancy in the pounds of forage "assumed" to equate to one AUM. Clearly, the difference here would significantly alter any calculation of capacity even if production data was available. In addition the EA reports that the procedure relies only on the production of grass and grass-like species to estimate potential production. However, cattle utilize significant amounts of shadscale, fourwing saltbush, bitterbrush, black greasewood, other shrubs, and a variety of forbs. Furthermore, ESDs representing reference conditions do not account for annual grass production at sites in early, mid or late seral condition. Clearly, vegetation characteristics at any given location have a significant impact on the production available to grazing livestock. Given the discrepancies and undisclosed procedures in the OFO effort to quantify stocking rates the effort cannot be anything but arbitrary.</p>	

Protest Point No.	Protest Text	Protest Response
118	<p>Fossil Creek and Pickett Creek - The OFO reliance on inadequate or incomplete assessments. The EA reports that, "The BLM initiated assessments of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Appendix A) within allotments of the Toy Mountain group and determinations of causal factors when Standards were not met as early as 2002 in some allotments. Initial allotment reviews, assessments, evaluations, and determinations initiated earlier were supplemented with the most current monitoring data and information available, to complete a consolidated set of determinations for the group." However the most current supplemental data in many cases is old, stale and/ or unacceptable. A review of the information reported (summarized from field data sheets) in the Range Health evaluations and determinations show that a minimal amount of that information is current and some information was not obtained in accordance with protocols. Stream riparian wetland systems have the capability to change rapidly. Consequently the information that is now 10 years old is unreliable and cannot be used. The older riparian assessment data is not only outdated but is shown to be unreliable due to discrepancies in in the qualitative data. A determination relative to compliance with the Idaho Standards for Rangeland Health (ISRH) requires three elements before action is taken to adjust grazing management. The first step is a current assessment of the indicators to determine whether the standards are being met. The second step is an assessment of whether significant progress is being made (trend) if the standards are not being met. And, the third step is to evaluate whether current livestock grazing practices are a significant factor in not meeting and not making significant progress. A review of the RHA evaluation and determination information reveals no data or</p>	<p>BLM used the best available information to evaluate the condition of the allotments.</p>

Protest Point No.	Protest Text	Protest Response
	<p>information to assess trend within stream riparian and wetland systems. The ORMP specifies the monitoring necessary for evaluation of trend and none of such information is presented in the RHA Evaluations and Determinations. Thus, no valid conclusion can be drawn as to whether Standards 2 or 3 conform to the ISRH because the OFO failed to assess trend. The RHA evaluation and determination information also shows inadequate analysis of upland vegetation trend data. There is no documentation of the site selection process that could validate whether a site is actually a key area where results of studies at the site can be rationally inferred to an entire pasture or allotment. Further, there are various general statements describing trend for various plant species and cover attributes. However, there is no statistical verification of change over time for any of these and thus the statements as to possible trend are only speculation and insufficient to justify any grazing management change.</p>	
119	<p>Fossil Creek and Pickett Creek - The OFO specious Social and Economic impact analysis. The EA at § 3.1.8 & § 3.2.8, presents a completely inadequate evaluation of the social and economic effects of the alternatives. The evaluation presents wholly immaterial statistics and relies on historic financial information that has no bearing on today's dollars. Reliance on Darden et al. 1999 was at one time relevant but it is not so in 2013. Most important is the fact that there is no cumulative impact analysis what so ever. Clearly, the huge number of final decision issued over the past 12 months (the Owyhee 68 plus others) and consistent excessive reductions in grazing use imposed by those decisions represents an accumulation of significant social and economic impacts that was entirely ignored. The failure to provide any cumulative impact analysis when the information is readily available is a substantive violation of NEPA.</p>	<p>Regarding the point about financial information, as noted in Section 3.2.8.1 of the Final EA, the values presented in the document represent the fixed costs for sample ranches because the BLM ID team does not know the enterprise budget for each ranch associated with the Toy Mountain Group allotments and cannot know or anticipate how each ranch will respond to changes in allotment management. Each ranch can make a variety of choices, including how they acquire replacement feed (hay/state or private grazing lands), whether to keep, sell, or purchase new animals, how the animals will be managed (transportation, herding, etc.). The Final EA makes clear that the actual values associated with changes in AUMs may be very different for each rancher than what is described in the</p>

Protest Point No.	Protest Text	Protest Response
		<p>document. Regarding the point about cumulative effects, please see Table SOCE-13 in Section 3.4.2.1.8. This table shows the impacts of reductions already made in Groups 1, 2, and 6, the impacts from each alternative in Toy Mountain Group, and the estimated impacts from Groups 4 and 5 (assuming different levels of AUM authorizations). The Final EA also acknowledges that, "those potential reductions, combined with any impacts that may result from changes in management of the Owyhee Group and some Group 6 allotments and proposed changes in the Chipmunk Group and Morgan Group allotments, could have substantial impacts on local economic activity. Social and economic effects experienced locally from reductions on each permit would be compounded on a county-wide or regional basis." The BLM believes that the cumulative impacts analysis for social and economic values sufficiently addresses the potential impacts, given the lack of available financial information for each rancher and the myriad different choices each rancher could make in response to management changes resulting from proposed or final decisions.</p>

Protest Point No.	Protest Text	Protest Response
120	<p>Fossil Creek and Pickett Creek - The OFO irrational / redundant grazing use restrictions. In a number of cases, a finding that some or all ISRH were being met never the less resulted in grazing use restrictions purported to address a situation that had already been determined not to exist. Fossil Creek Allotment former Red Mountain Allotment Pasture 1 - The PD reports that the Fossil Creek Allotment is making significant progress for Standards 2, 3 & 7 and in spite of this imposes grazing restrictions related to those same standards. The rationale section of the PD at page 38 discusses changes that are directed toward Standards 2, 3, & 7 including a restricted season of use, drastic reductions in AUMs and changes in the grazing rotation.</p> <p>Where significant progress has already been identified there is no rational basis for the changes in grazing management.</p> <p>The PD imposes an active use of 183 AUMs in this allotment which is a 56% reduction from the average actual use over the past 10 years. There is no biologically rational basis for the huge reduction given the current short duration of grazing, early spring use allowing for full regrowth and low 25% utilization level. Given the current management strategy and invasion by Juniper and cheatgrass and a finding that the vegetation standard is making significant progress there is no rational basis for altering management related to Sage-grouse habitat or any other upland objective.</p>	<p>The 2013 determination for the Boone Peak allotment states, "When one considers data from both trend sites in the one pasture of the Boone Peak allotment, a static trend in vegetation condition is concluded. These static trend data indicate that the ORMP objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas has not been met in the Boone Peak allotment." Similarly, the Red Mountain allotment 2013 determination states, "Trend data indicate that the ORMP objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas has been met in pastures 1 and 2 with upward trend recorded, while not met in pasture 3, with its downward trend." Because the vegetation management objectives were not met in a number of pastures, grazing management changes were made in accordance with the RMP vegetation management actions and the Idaho S&Gs.</p>

Protest Point No.	Protest Text	Protest Response
121	<p>Pickett Creek - The PD imposes a 63% reduction in Active use AUMs in the new Pickett Creek Allotment. The same issues noted for the Fossil Creek Allotment are equally applicable to this allotment. In particular the PD does not provide any rational basis for the huge reduction in grazing use. Utilization over the past 5 years has averaged 26%. proportionally a 63% reduction would result in a 9% utilization level. It is inconceivable that such a reduction in utilization would have any measurable effect since the use level is already at or below levels that could provide opportunity for improvement over the term of the permit.</p>	<p>The allotment was not meeting the standard for rangeland health and current livestock management was determined to be a causal factor. Utilization is just one of many tools used to monitor livestock grazing and identify potential concerns within allotments. however by itself utilization is not sufficient to make a determination on meeting or not meeting the standards for rangeland health.</p>

Protest Point No.	Protest Text	Protest Response
122	<p>Pickett Creek - The OFO arbitrary reductions in permitted use. The PD at 28-29 provides very specific numbers for the decided reduction in active use AUMs, stating that, "Authorized active use in the Pickett Creek allotment will be reduced from 3,982 AUMs within the equivalent four pastures in the existing permit to 1,467 AUMs. The elimination of 2,515 AUMs of active use will not result in a conversion to suspension AUMs, as this is not a temporary reduction (see, e.g., 43 CFR§ 4100.0-5, Definitions), but a reduction under 43 CFR 4110.3-2b" While the grazing regulations may make the above action permissible (which we do not believe is the case), nothing in the regulations requires BLM to summarily cancel all or a portion of permitted use nor do the regulations prohibit BLM from maintaining an accounting of the action. It is plainly within the discretion of the OFO to preserve an accounting of suspended use. The failure to do so is at the least a disingenuous interpretation of sworn DOI testimony that such accounting would not change due to changes in wording of the cited grazing regulations. Nonetheless, the cited section of the grazing regulations does not give the authorized officer arbitrary discretion to reduce grazing use by any amount desired. The regulation states: CFR § 411 0.3-2 (b) - When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices. Any reduction in grazing use under CFR § 4110.3-2 (b) must be based on rational documented procedures that are fully disclosed. In this case, no such information is presented in the PD or in the EA (or in any</p>	<p>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.</p>

Protest Point No.	Protest Text	Protest Response
	<p>previous permit renewal documents related to the OFO permit renewal process). In the absence of such information the amount of the education and the reduction itself is arbitrary and capricious. Further, even assuming the grazing regulations did require cancellation of reductions in Active use in the Pickett Creek Allotment (which we do not believe is the case), the OFO erred by not recognizing the status of AUMs in rested pastures. The PD erred by not including the AUMs available in rested pastures in the temporary suspension category. Clearly, at the end of the offered permit a mere change in grazing system from rest in pastures 1, 2, or 3 to deferred use would immediately make the affected AUMs available again. Thus, the affected AUMs are not permanently cancelled but are temporarily "suspended" during the term of the permit. The failure to maintain this accounting causes the permittee to lose his preference for those AUMs as acquired through the Taylor Grazing Act and his ability to use the AUMs that become available simply by changing the grazing system. Under Idaho law, the failure to maintain an accounting of suspended AUMs is an uncompensated taking of property I.C. 25-901. The EA and the PD fail to acknowledge Idaho law and to act accordingly.</p>	
135	<p>This EA and the preceding lot of associated Proposed Decisions are greatly flawed. They fail to protect the dying-out sage-grouse and pygmy rabbit populations, and redband trout and other rare aquatic biota, including federal candidate Columbia spotted frog.</p>	<p>Grazing management was altered to reduce impacts to special status wildlife species and their habitats. The expected effects are analyzed within the EA based on the current conditions found in the RHA.</p>
136	<p>They also greatly fail to protect lands and habitats from serious weed infestations, spread and ultimate dominance with continued abusive cattle grazing practices.</p>	<p>The potential for weed infestation and site specific analysis of current conditions was analyzed in the EA at 3.2.1 for the Toy Mountain Group allotments and then specifically by allotment at 3.3.</p>

Protest Point No.	Protest Text	Protest Response
138	<p>We Protest the failure to fully assess the footprint of the permittees and related grazing activities across the Idaho-Oregon region public and state lands. What other allotments in Owyhee FO and Vale BLM District or elsewhere do these entities graze in? What is the current ecological condition? What invasive species are present that may be transported onto cattle-disturbed lands in this allotment? What is the record of compliance? What is the stocking rate? Actual use? What FRH assessments have been conducted? Will use be shifted, altered or intensified elsewhere onto, through, or across public lands as a result of the changes made in relation to the Owyhee 68 permit decisions in any and/or all allotments where these permittees also graze? What weeds are present that may be transported onto these lands in the other lands grazed, or through which livestock are moved?</p>	<p>The BLM does not conduct background checks on the applicants for grazing permits other than to examine his/her record as a grazing permit holder. We determine if the applicant has a satisfactory record of performance and is a qualified applicant for the purposes of a permit renewal. In this case, the BLM has determined that the applicant has met these requirements and is a qualified applicant. It would be inappropriate for the BLM to speculate what the "footprint" of the Company may be or what decisions the permit holder may make in his/her ranching operation that result from the grazing systems put in place on public land by the agency when renewing a grazing permit.</p>
139 A	<p>What, in essence, is the full grazing, trailing and herding footprint of all the operation? Does sub leasing occur on any or all allotments? What grazing associations have been grazed by livestock that nm this brand, or are controlled by the ranchers using this permit? What Priority and general sage-grouse habitats are affected? Where? When are they being grazed? What redband trout habitats are being impacted? What other sensitive species habitats?</p>	<p>The pertinent information is provided in the RHAs and the Toy Mountain Group EA section 2.4, and 3.3 for each allotment.</p>
139 B	<p>Did any of these allotments have AUMs altered by BLM under the Bush Grazing Regulations (which never went into effect)? Have you reviewed all the OFO permits and permit transfers to determine if AUM categories were changed or other changes made to benefit ranchers? How about during permit transfers? If so... where did this occur, and who were the permittees? What resources have been impacted? We Protest the lack of information on this. What do the past 3 grazing permits show for AUMs - in all allotments?</p>	<p>This information is not necessary to make an informed decision regarding permit renewal for a specific allotment and much of it is outside of the scope of the permit renewal process.</p>

Protest Point No.	Protest Text	Protest Response
140	<p>We Protest BLM preparing a Final EA and FONSI, yet splitting off and segmenting the issuance of all the Final Decisions. See OFO Manager cover letters for those groups - with the controversial lumping of several allotments in the Red Mountain/Quicksilver area where ranchers have long sought many concessions from BLM in Toy delayed, along with the Feltwell allotment in Morgan Group, and Dougal in South Mountain.</p> <p>What is the reason for this? This adds to the confusion, and difficulty of an integrated and timely appeals resolution of the grazing morass in the Owyhee 68 Groups. It is clear from our review of this and the other Group EAs that BLM needed to prepare an EIS, and needed large-scale updated animal and plant inventories that it has failed to conduct.</p>	<p>Some of the allotments that have been analyzed in this NEPA document (Toy Mountain Group) are not subject to the stipulated settlement agreement which requires the BLM to fully process the "Owyhee 68" permits before December 31, 2013. Because the court imposed deadline does not apply to all of the allotments, the decision was made to complete the permits applying to the allotments that are on the year-end deadline first, and defer the others until the new year. However, this does not alter the CEQ guidance under the NEPA (1508.25 (3)): "Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement." It is appropriate to analyze these multiple actions in one NEPA document while issuing separate decisions by allotment, by permit.</p> <p>BLM used the best available information to evaluate the animal and plant species of the Toy Mountain Group allotments. Separate Environmental analyses and separate grazing decisions were prepared for the Group 4 and 5 allotments and there are not associated with the Hipwell's and Moore's grazing management and allotments.</p>

Protest Point No.	Protest Text	Protest Response
141	It is clear from our review of this and the other Group EAs that BLM needed to prepare an EIS, and needed large-scale updated animal and plant inventories that it has failed to conduct. We doubt the delay is for crucial information like this. Is it because ranchers want you to reverse EA findings in some way? Are you delaying permits where some cuts were being proposed? If so, why? Have politicians been involved in this delay? We Protest the lack of explanation.	This Protest Point infers that only an EIS meets the NEPA's hard look requirement for unbiased analysis when the hard look standard also applies to EA-level analysis. BLM has taken the required Hard Look and the environmental impacts of the proposed decision and multiple alternatives based on the best available science.
142	We Protest BLM tiering to the Cow, Jump, Succor EIS. The analysis of direct, indirect and cumulative effects in that EIS is greatly inadequate, and suffers from many of the same blindness and flaws as this EA does. It is often largely programmatic, and it fails to conduct necessary baseline inventories for sensitive species occurrence and habitat quality and quantity, and to then use a broad range of measures to conserve, enhance and restore habitats and populations of GRSG (greater sage-grouse) and other sensitive species. It relies on a very limited and faulty analysis of historical vs. current grazing impacts.	The analysis within the group 2 EIS was considered in addition to the Toy Mountain Group EA to inform the decision maker on the potential impacts of the proposed decision.
143	We are concerned that BLM tries to reduce and minimize looking for adverse environmental conditions, and examines only a few limited areas. BLM also ignores a hard look at critical habitat components and threats. BLM must carefully and systematically examine the full battery and magnitude of threats, including habitat loss, degradation and fragmentation, in these allotments, and surrounding state, private and BLM lands. BLM must then develop a new and expanded range of alternatives. We Protest the failure to do so.	The assessment of the current habitat conditions for each allotment was analyzed in the Rangeland health assessments and the environmental impacts of the current management as well as multiple other grazing and non-grazing alternatives was contained in the Toy Mountain Group EA.

Protest Point No.	Protest Text	Protest Response
144	<p>The EA analyses are plagued by BLM reliance on the severely flawed unvetted NRCS Ecosites, which are models that use inaccurate information on sagebrush and western juniper fire return and disturbance intervals (see Knick and Connelly 2009/2011, USFWS WBP Finding for GRSG sagebrush habitats, in contrast. They falsely claim that sage is "decadent" and that no western juniper communities should exist-- anywhere in this landscape. We Protest the use of these flawed models and the incorrect inputs, FRCC disturbance intervals, state and transition, and other models upon which they rely. They ignore the historical record, as shown in the BLM General Land Office survey records for less disturbed areas of the Owyhee region. See WWP summary. BLM has consistently refused to change course at all once it relied upon the severely flawed info in Pole Creek. BLM has blindly refused to consider a broad body of other science and new information, including historical information from its own General Land Office Records. Instead, it buries its head in the sand relying on the modeled Ecosites developed by ranching consultants for the benefit of ranchers that are now being put as Gospel by NRCS. How has BLM vetted all the NRCS Ecosites used in all the 68 permit processes? We Protest the failure to fully examine and critique the flawed myths and claims the Ecosite models rely upon.</p>	<p>NRCS ecological sites represent the best available science on the plant community potential on these allotments.</p>

Protest Point No.	Protest Text	Protest Response
145	<p>When and to what degree has there been political involvement in the Owyhee processes? We protest the lack of information and explanation of the backward steps BLM is now taking. An EIS is clearly required to take a hard and unbiased look at the critical habitat needs of sage grouse and other sensitive species, and livestock grazing impacts on these habitats and populations associated with the Group, in this ID-OR landscape where the same grazing operations are impacting habitats across the area. We recognize several permit holder names in Group as appearing in the Chipmunk permits we just Protested.</p>	<p>This Protest Point infers that only an EIS meets the NEPA's hard look requirement for unbiased analysis when the hard look standard also applies to EA-level analysis. BLM has taken a hard look at the sage-grouse habitat needs in the area. In fact, the cumulative effects analysis bounding for effects analysis in the Toy Mountain Group EA considers the same geographic extent as the Group 2 EIS. Both of these NEPA documents consider the sage-grouse subpopulation area of northern Nevada, eastern Oregon, and southwestern Idaho.</p>
146	<p>BLM failed to conduct necessary current site-specific riparian and aquatic species habitat and population studies to understand critical habitat conditions and components. and determine the severity and magnitude of the effects of its limited series of alternative actions on the persistence of the habitat and persistence and viability of populations. BLM never asked: How bad are conditions- and can the redband trout, Columbia spotted frog, California floater, or other aquatic species populations tolerate any continued grazing disturbance without suffering long term, or irreversible harms? BLM used Alternative artifices and various "Constraints" to write off and ignore riparian areas based on artificial fence configurations, intermittent conditions (which are actually being caused by livestock), various old or flawed vegetation databases and models, etc. It also failed to ever collect data on hillslope conditions, gullying, etc. in making its watershed FRH Determination- relying on a few sites on flat upland areas instead. It failed to adequately assess the severe degradation of uplands in the area of degraded streams, and the very high utilization levels, increasing weeds that have shallow roots and readily erode in runoff events, being completely ineffective in</p>	<p>Site specific habitat analysis is located the Rangeland Health Assessments for each allotment. The analysis of the potential impacts for each alternative is located in the Group 2 EA chapter 3.</p>

Protest Point No.	Protest Text	Protest Response
	protecting soils - especially on slopes and banks above streams - from erosion and loss, and sedimentation. We Protest this.	
147	BLM must provide at least some ball park analysis of the adverse impacts and degraded conditions on non-federal lands, and a hard look at what is occurring on its own lands in ID-OR including the intermingled and neighboring allotments and other areas in watersheds. This includes the North Fork Owyhee Juniper Mountain watershed and habitat degradation that is occurring. We Protest the lack of a hard look at all direct, indirect and cumulative adverse effects.	Cumulative effects analysis and the rationale for the cumulative effects area is in Section 3.4 of the Toy Mountain Group EA.
148	We Protest BLM's Proposed Decision taking big steps backwards- and likely buckling under to rancher pressure in South Mountain and elsewhere in the Ovyhee 68 Groups.	BLM analyzed a full range of alternatives including two reduced grazing alternatives and a no grazing alternative. Additionally the alternative selected, based on the analysis in the Toy Mountain Group EA, would make progress towards meeting the Standards for Rangeland Health and the RMP objectives. This clearly shows that BLM is taking steps towards improving rangeland health on these allotments.
149	The full adverse direct indirect and cumulative effects of the BOSH projects on spread and infestation of exotic species, altered fire cycles through promoting exotic invasive species, are not addressed in the EA.	The Boise Sage-grouse Habitat Project (BOSH) began scoping in January of 2014. During the NEPA process for the Toy Mountain Group EA there were no existing proposals, commitment of resources, or commencement of the NEPA process; therefore, this project does not fall under a reasonably foreseeable action and was not included in the Cumulative Effects Analysis.

Protest Point No.	Protest Text	Protest Response
150	<p>It is also clear that all the new state and private land projects that BLM is de facto aiding and allowing to affect BLM lands grazing have a federal nexus. So does the entire grazing scheme that is inter-twined with BLM lands- both in these and other Group allotments, the FFRs, and other Owyhee 68 allotments - such as Chipmunk allotments grazed by many of these same entities. Thus, necessary detailed site-specific direct, indirect and cumulative effects analysis must be conducted. How will this add to the burden of existing harmful livestock facilities across these allotments? Across sensitive species habitats and watersheds? What are conditions at all the 9 or 10 state lands springs that would be gutted for livestock waters? How will this impact Columbia spotted frogs? Redband trout headwater drainages? Water quality? Will standards be stripped after Alt. 2 is implemented as well? If so -this will result in both MORE AUMs and NO riparian standards? We Protest all of this - as BLM is buckling yet again to the Owyhee livestock industry. We Protest the EA NEPA analysis defects and Manager Chandler jeopardizing public lands, waters and biota. How will BLM control the number of AUMs actually imposed on its lands, and prevent double or triple the number of cows and AUMs actually being grazed? Or is that a feature built into the system, and not a bug?</p>	<p>Potential Impacts to these resources were analyzed in the Toy Mountain Group EA.</p>
151	<p>BLM appears to be handing over a significant part of the administration of BLM lands to permittees under Alt 2, (and we strongly object to BLM relying on permittee monitoring that will exclude the Interested Public, in violation of the Grazing regulations). BLM is unlawfully conceding to exclusion of the Interested Public from processes involving the South Mountain and potentially other allotments. We Protest this.</p>	<p>BLM analyzed a range of alternatives that included Alternative 2. the impacts from each of these alternatives were analyzed in the Toy Mountain Group EA.</p>

Protest Point No.	Protest Text	Protest Response
152	<p>We Protest the failure to examine all aspects of this Proposed SM and other Decisions, including cumulative effects, in this light, as well as the failing of BLM to fully and fairly assess the serious potential or foreseeable harms to sage-grouse and sagebrush landscapes from both its own Alternative in the GRSG DEIS. How harmful would be potential adoption of some or all of the state's extremely harmful actions.</p>	<p>Cumulative effects analysis and the rationale for the cumulative effects area is in Section 3.4 of the Toy Mountain Group EA.</p>
153	<p>Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.</p> <p>There are profound deficiencies in BLM's riparian baseline data, alternatives development, and analysis. Old, cherry-picked, limited, minimal baseline information is provided. BLM turns a blind eye to passive restoration and the full range of WWP's alternative suggestions.</p>	<p>BLM relied on the best available data to evaluate the current conditions on each allotment. This data and the analysis of site specific conditions can be found in the allotment specific RHAs.</p>
154	<p>We Protest the failure of BLM to collect necessary current information, and the failure to manage the damaged and very important riparian areas for the public- rather than a group of ranchers that BLM allows to take over control of the public lands in Alt. 2 and also to impose harmful lax grazing of Alternatives 3 and 4 , such as no protections at all for seeps, springs, streams.</p>	<p>BLM relied on the best available data to evaluate the current conditions on each allotment. This data and the analysis of site specific conditions can be found in the allotment specific RHAs. The analysis of effects for each alternative can be found in the Toy Mountain Group EA.</p>
155	<p>We Protest BLM's minimal consideration of the adverse effects of its grazing scheme, on amplifying and worsening the adverse effects of climate change. See Beschta et al. 2012.</p>	<p>Climate Change and its interactions with grazing were addressed in the group three EA at sections 3.2 and 3.4</p>

Protest Point No.	Protest Text	Protest Response
156	We Protest the failure of BLM to conduct the necessary on-the-ground site-specific assessment and inventories for rare plants and other sensitive species across the South Mountain Group, and all the 68 permit allotments. This failure is made worse by BLM continuing to allow large numbers of livestock, often in significant excess of the number that have actually been able to be grazed in the past, and/or BLM failing to require mandatory measurable use standards to ensure protection of habitats.	BLM used the best available data to assess current conditions on each allotment and analyze potential impacts from each alternative. Complete and comprehensive inventories are rarely available or feasible to conduct on such a large scale and so some extrapolation is necessary.
157	BLM has also failed to assess potential juniper treatment/killing projects that have occurred or may be likely to occur all across this region of the Owyhee FO and how this will harm elk, mule deer, northern goshawk, flammulated owl, ferruginous hawk, migratory birds, water quality, recreation, and promote flammable invasive weeds and species like bulbous bluegrass that provide minimal and poor forage. This further elevates weed risks.	Juniper removal was not part of any alternative within the Toy Mountain Group EA. The EA sections 3.1.5 and 3.2.5 do discuss the effects of juniper encroachment on wildlife habitat and acknowledges the habitat that juniper can provide for many species. ALSO SEE BLM RESPONSE TO PP #149 ABOVE.
158	We Protest the failure of BLM to apply sound integrated weed management protections and management as a Term and Condition of the grazing permits, and its failure to take a hard look at a range of alternatives that address this pressing need in a bi-state landscape being choked with medusahead due to these same permittee cattle herd impacts. There is no current ESI or other study to understand how depleted the EA lands and other 68 permit allotments really are. There is a large-scale lack of sustainable perennial forage.	As states in 3.1.1 and 3.2.1 of the Toy Mountain Group EA BLM works closely with multiple agencies to manage and control weeds on both private and public land. The potential for livestock to facilitate the spread of weed is discussed in section 3.2.1 of the Toy Mountain Group EA.
159	BLM greatly fails to provide a proper weed baseline, and to conduct risk analyses of lands and watersheds vulnerable to weed expansion or domination with continued grazing.	Site specific habitat analysis is located the Rangeland Health Assessments for each allotment. The analysis of the potential impacts for each alternative is located in the Toy Mountain Group EA chapter 3.
160	We Protest the lack of full analysis of how degraded and fragmented this landscape really is, and the threat it poses to lands, waters and species.	An assessment of current conditions on each allotment can be found in the respective RHAs.

Protest Point No.	Protest Text	Protest Response
161	Idaho BLM has greatly failed to assess the full adverse cumulative effects on habitats, populations, recreational uses, fire cycles, etc. of these treatments and seedings. This especially includes adverse effects on sage-grouse, pygmy rabbit, migratory birds and other sensitive species of these massive treatments.	Cumulative effects analysis and the rationale for the cumulative effects area is in Section 3.4 of the Toy Mountain Group EA.
162	We Protest these grave shortcomings, and also failure to adequately evaluate the impacts of all the grazing and trailing across ID and portions of OR lands that these loose and uncertain Decisions lacking necessary controls on livestock spreading weeds, and often lacking even any modern day use standards- will result in.	Your opinion is noted. The effects of grazing and trailing on the Toy Mountain Group allotments are analyzed in the Toy Mountain Group EA and the Incorporated by Reference trailing EA from the Owyhee Field Office.

Protest Point No.	Protest Text	Protest Response
163	<p>Livestock trailing: Livestock trailing may adversely (fleet upland vegetation, soils, weeds, and riparian vegetation.</p> <p>Please tell us in careful site-specific detail where, when, and to what degree this is occurring, with each and every permittee, lessee, sub-lessee, etc. Please describe the magnitude of impacts during times with saturated soils, and times when soils are bone dry, Please tell us when where and how livestock are trailed through medusahead infestations or other weeds, and moved into pastures or allotments that do not yet contain these weeds. Please tell us why these ranchers cannot simply truck livestock. Reasonably good roads run through or close to these allotments. What is the full trailing footprint of these permittees - across Idaho and Oregon lands? Why has BLM not considered a range of alternative actions and mitigations -such as integrated weed management, requiring livestock be hauled/trucked around infestations vs. run right through the medusahead along the main Mud Flat road? Or run through medusahead that has taken hold in the most cattle-degraded sites or in various old "treatment" or burn sites? Why has BLM not developed a full and fair range of alternatives that would minimize weeds and disturbance, and apply integrated weed management in order to protect these greatly threatened watersheds, wildlife habitats and populations and aquatic species habitats and populations? We Protest the failure to provide full and detailed analysis including between 68 permit allotments and allotment groups, and other lands including areas like the West Little Owyhee and other watersheds and crucial sage-grouse and pygmy rabbit habitats in Oregon. Now the massive BOSH and other aggressive scorched earth juniper eradication schemes will promote further impairment and weed infestation and spread.</p>	<p>Analysis of trailing impacts was incorporated by reference from the Owyhee Field Office Trailing EA.</p>

Protest Point No.	Protest Text	Protest Response
164	<p>Cultural resources: Livestock grazing has the potential to damage or displace artifacts and features of a historic property, which may alter the characteristics that qualify for listing in the National Register of Historic Places.</p> <p>Yet BLM fails to conduct the necessary site-specific inventory, analysis, or even a cursory on the ground current look at the magnitude of damage being caused by grazing and trampling impacts on cultural sites and other important resources, and the erosional processes that are occurring across these lands and watersheds with their weedy, unraveling drainage networks that often abound in cultural materials.</p>	<p>Sites within a 50 meter radius of an identified livestock congregation area were monitored for grazing impacts. Sample surveys of congregation areas not previously surveyed were conducted.</p>
165	<p>We Protest the failure to conduct necessary site-specific surveys and take a hard look at how facilities, supplement, herding practices, stocking rates, degree of existing erosion and cultural site damage that the current grazing will be imposed on top of all will adversely impact cultural sites. This includes the lands in the federal nexus of any allotments like with the state land that is targeted for new and expanded harmful livestock facility developments, or grazed in an uncertain manner.</p>	<p>Of 115 identified livestock congregation areas 90 received on the ground surveys for cultural resources. Additionally 21 cultural sites were monitored for livestock impacts and 17 new sites were recorded. See EA. Consultation is done with both the State Historic Preservation Office and the Shoshone-Piute Tribes of the Duck Valley Indian Reservation.</p>
166	<p>We stress that BLM failed to provide any protective upland or riparian trampling standard at all, and applies very high levels of upland utilization. Thus, there is nothing provided in the EA and Proposed Actions (or the many actions that have already been finalized) to protect cultural sites and materials from livestock. Now, with the large-scale potential use of giant mastication machinery across the landscape, these adverse effects of livestock grazing will be amplified by the very significant crosscountry travel, soil displacement, erosion, and other effects of deforestation across the 1.5 million acre BOSH project area.</p>	<p>Cultural individual mitigation measures are determined on a site specific basis. Mitigation measures are necessary if a site is impacted by livestock or other means.</p>

Protest Point No.	Protest Text	Protest Response
167	Paleontological resources: Livestock grazing has the potential to cause breakage and displacement of fossils. Concerns with paleontological sites are similar to cultural concerns.	Paleontological sediments are present only beneath 4 of the allotments within Toy Mountain Group allotments. None of the thirty recorded paleontology sites are in proximity of any identified livestock congregation area.
168	Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire. Exotic flammable weeds caused by grazing and trampling degradation are indeed overrunning this landscape, and grazing is a significant cause including through degradation of microbiotic crusts and soils- as a lot of this country has not been burned. We Protest the failure of BLM to adequately assess this in the SM and other 68 permit EAs. See Connelly et al. 2004, Knick and Connelly 2009/2011, USFWS GRSG WBP Finding, Manier et al. 2013, USFWS COT Report 2013.	The BLM issue statement acknowledges that livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds. In the group 2 EA, the analysis of weeds was carefully considered and found that the selected alternative would allow native perennial species health and vigor to be maintained or improved.
169	We are concerned that BLM continues to obsess over "socioeconomic impacts", while ignoring the full battery of adverse impacts to all the rest of the "economic" values of the public lands - from clean water to birdwatching. Moreover, in describing the exaggerated values of the grazing here, BLM must examine the full ecological degradation cost of the complete footprint of all of these livestock operations affected here.	The Final EA, starting on page 260, discusses the non-market values of ranching, including ecosystem services provided by rangelands and the impacts to those services caused by management that degrades the soils and vegetation on the allotments. In addition, Section 3.2.8.6 discusses the impacts from removing grazing from any or all of the allotments for a period of 10 years; these impacts include improved recreational opportunities.
170	But unfortunately, BLM has conducted no systematic Ecological Site Inventory, carrying capacity, production, capability and suitability analysis or other stocking rate study to determine what level of stocking, if any, is sustainable. BLM's stocking rates are not supported by site-specific information on the capacity of the land to support the cattle grazing load.	For Fossil Creek allotment the EA in section 2.4.15.3.1 and for Picket Creek the EA in section 2.4.15.3.2 explains how the stocking rate was calculated and the accompanying footnotes to these explanations further clarify the process and provide rationale.

Protest Point No.	Protest Text	Protest Response
171	BLM greatly fails to address water quality and quantity.	Water Quality is addressed in the RHAs for each allotment and within the Toy Mountain Group EA is sections 3.1.3 and 3.2.3 and specifically by allotment in section 3.3.
172	BLM ignores that these lands impact and impair natural values and other values of the adjacent Wilderness and downstream WSR. We Protest the lack of all of this critical information.	Impacts to resources outside of the Toy Mountain Group allotments but within the cumulative effects analysis area were considered in section 3.4 of the Toy Mountain Group EA.
173	With climate change, BLM fails to take a hard look based on site-specific degradation here, across the landscape, and across the 68 permit allotments, of how continued grazing will amplify and worsen impacts of desertification from past and current livestock grazing and all adverse impacts of chronic and continuing livestock grazing harms to soils, vegetation, waters, watersheds, water quality, water quantity, microbiotic crusts, sensitive species, important species like big game, terrestrial and aquatic species habitat quality, quantity connectivity (vs. fragmentation) , native vegetation communities including rare plants, and risk of invasive species proliferation, spread, dominance. Sec Beschta et al. 2012, for example. USFWS Warranted But Precluded Finding for GSG.	Site specific conditions were assessed in the Rangeland Health Assessments for each allotment and the analysis of the multiple alternatives is in the Toy Mountain Group EA. Climate change effects were also considered.
174	BLM is proceeding blindly. We Protest this.	The Toy Mountain Group EA provides rational analysis of five alternative actions for permit renewal, as does the proposed decision.
175	There are a vast battery of adverse impacts of these facilities and developments- ranging from increasing chances of West Nile virus to increasing mesopredators, to serving as epicenters for new infestation and expansion of harmful invasive exotic species. We Protest the failure of the EA and PDs to adequately address these concerns and develop a reasonable range of alternatives to	Current allotment conditions and the potential effects from the range of alternatives were analyzed in the Toy Mountain Group EA. BLM did consider a full range of alternatives from increased grazing, reduced grazing, further reduced grazing and no grazing.

Protest Point No.	Protest Text	Protest Response
	address them.	
176	<p>Many other important and pressing issues are ignored -from the degree to which livestock grazing in spring time promotes GRSG and migratory songbird predator subsidies and expansion of nest and egg and mesopredators across the landscape -to stock ponds promoting West Nile virus mosquito habitat. The full adverse footprint of grazing disturbance in this landscape is not addressed. See Knick and Connelly 2009/2011, USFWS WBP Finding for GRSG 2010, Manier et al. 2013.</p>	<p>These issues are addressed in section 3.2.5 of the Toy Mountain Group EA.</p>
177	<p>We Protest all of the following:</p> <p>BLM relied on minimal, cherry-picked upland sites on flat terrain in primarily better conditions areas for soils and watersheds assessments. It never examined or took a hard look at conditions of slopes, drainage bottoms, areas of highly erodible soils, gullying, hillslope erosion, and zones of compaction that had any relevance to actual detection of significant watershed problems, and resultant protection of watersheds. BLM never examined how harmful spring cattle use compacts soils, and the great deficiencies of its minimal and highly deficient range readiness scheme that allows cows to be turned out on top of wet soils during periods when more spring rainfall is certain to saturate soils, or other periods of damaging use.</p>	<p>BLM relied on technical references 1734-3, 1734--4 and 1734-6 to choose data collection sites. Site specific analysis of current conditions can be found in the RHAs for each allotment and in the Toy Mountain Group EA.</p>
178	<p>BLM's EA lists some- but certainly not all -relevant RMP components and requirements. Many key RMP provisions are absent. This is especially the case with required mandatory measurable use standards for bank trampling, stubble height and other riparian uses. This includes 10% bank trampling, retaining 6 inch riparian stubble height and other vital protective measures for fisheries, forestry, sensitive species and other values.</p>	<p>Not all RMP objectives are applicable to every project and the applicable objectives and RMP requirements are stated in section 1.7 of the Toy Mountain Group EA. They referred to mandatory measurable use standards are interim standards to be in place until an approved grazing plan is implemented (see page 24 of the Owyhee RMP).</p>

Protest Point No.	Protest Text	Protest Response
179	BLM fails to provide necessary site-specific baseline information and analysis to satisfy compliance with these provisions of the RMP in SM and the other 68 permit allotments. We Protest this. There is a lack of adequate site-specific analysis of adverse impacts of range projects; lack of site-specific mapping of medusahead, bulbous bluegrass, cheatgrass and other serious invasive species concerns; lack of necessary capability, suitability, stocking rate, productivity, carrying capacity and other studies so that it can determine what level of livestock use is actually sustainable; lack of consideration of the Vale Project destruction and grazing devastated Oregon lands, etc. We Protest this.	Site specific analysis of current site conditions occurred in the RHA for each allotment. Impacts and cumulative from current management as well as the other alternatives was analyzed in the Toy Mountain Group EA.
180	The lack of necessary site-specific information is made much worse by the lack of vital baseline survey and habitat quality and quantity info on sage-grouse, pygmy rabbit, sage sparrow, Brewer's sparrow, loggerhead shrike, ferruginous hawk, and on stream segments that still have perennial flows and that are still actually occupied by redband trout, western toad, Columbia spotted frog, etc. Also -in order to understand sustainable use - BLM must examine the rate at which losses are occurring, the trajectory of the losses, the risks of site domination by exotic annuals grasses and/or bulbous bluegrass with continued grazing disturbance imposed. This is crucial in showing how flawed BLM's claims are that it can essentially ignore the damage from so-called historical grazing - and let all manner of use continue. We Protest all of these deficiencies.	BLM used the Best available information to evaluate the condition of wildlife habitat within the allotments. The site specific information can be found within the RHA for each allotment and the Toy Mountain Group EA.
181	It is also necessary to develop a suitable range of alternatives, and mitigation actions related to grazing damage under the Decisions. We Protest the failure to do so.	BLM considered a reasonable range of alternatives in detail as well as several other alternatives that were considered but not analyzed in detail.

Protest Point No.	Protest Text	Protest Response
182	<p>In order to understand "sustainability" and context and intensity of the cattle grazing, trampling and other disturbance impacts, BLM needs to examine: Are the streams down to the last 1/4 mile of perennial flow in a drainage that formerly had large floodplains and evidence of well developed wetland soils over 5 miles of its length? Is there only a trickle of water left at a "developed" spring - yet a livestock water pipeline and development flows water leaking into mud holes around troughs? For example with riparian systems - where is the former floodplain for all intermittent, ephemeral and perennial drainages? how does the current system and flow compare? What areas used to have beaver dams (we have often observed that old aspen chews remain in some sites - showing relatively recent large-scale losses in riparian habitat conditions).</p> <p>Didn't the ICBEMP assessment determine that at least 90% of riparian areas had been lost in the Interior Columbia Basin? Is this loss potentially even greater here? Especially in the case of the gullied eroding drainages? To what degree have water developments inundated and fragmented riparian habitats? To what degree have existing projects and stocking levels in degraded allotment state, private or federal lands, sensitive species habitats, and watershed processes? Or impaired water quality? We Protest the lack of crucial information, analysis, and mitigation actions of the Owyhee FO here. See Sada et al. 2001, Belnap et al 2001, Belsky and Uselman 1998, Ohmart 1996, etc. How much of the riparian habitat has been lost? How little is left? We Protest the lack of analysis of these concerns.</p>	<p>Current conditions within riparian areas are described in the RHA for each allotment and the impacts of the various alternatives on riparian habitats were considered in the Toy Mountain Group EA.</p>

Protest Point No.	Protest Text	Protest Response
183	And how much worse will climate change make all of this? We Protest the EA's lack of a full and fair hard look, and lack of necessary controls on livestock, and removal of livestock from at risk areas to conserve, enhance and restore them.	Climate Change and its interactions with grazing were addressed in the group three EA at sections 3.2 and 3.4. BLM considered an adequate range of alternatives in detail as well as several other alternatives that were considered but not analyzed in detail.
184	This is made even worse by BLM range cons deferring to ranchers using upland monitoring sites distant from any significant degree of livestock impacts- so 50% or 40% utilization is almost never measured.	Upland monitoring sites are selected following the guidance of BLM Technical References 1730-3 and 1730-4.
185	Meanwhile, large areas near sensitive streams and springs, or other sites, receive 80-90% utilization.	Riparian areas are evaluated under standards 2, and 3.
186	WWP's alternative submission specifically requested that BLM consider an alternative that would remove livestock from areas to prevent weed expansion. We know Owyhee BLM under the scrutiny of Idaho politicians would be unlikely to remove livestock from an entire allotment of any size, but BLM must consider removing livestock from very important habitats that have not yet succumbed to trampling and grazing caused weeds.	Considered under the no grazing alternative additionally WWP's alternative was considered but not analyzed in detail.
187	We stress that BLM largely ignored including significant periods of rest in its grazing schemes and only occasionally may apply a year here or there- despite the clear need to heal and protect native vegetation communities so they can resist cheatgrass invasion.	Considered under the no grazing alternative
188	In some of these EAs/EISs, Owyhee BLM has claimed that passive restoration just cannot be considered in a grazing permit process. This is false. We Protest this.	Considered under the no grazing alternative

Protest Point No.	Protest Text	Protest Response
189	We Protest the BLM relying on woefully deficient minimal and outdated 50% upland utilization, and the failure to provide adequate rest (including to jump start recovery), and continued harmful and failed grazing schemes that have resulted in the weeds and depletion in this landscape at present.	50% utilization is the maximum allowable use level identified in the Owyhee RMP. However use levels are expected to be below that level under the selected alternative.
190	ACEC - As you know, we strongly oppose this combination, and failure of BL to make large-scale cuts in the Hipwell/Edwards and other allotments. For example, BLM has clearly allowed significant livestock degradation of the Cinnabar ACEC, as document in its own FRH and botanical information. So please remove livestock from the pasture, and others where identified conflicts exist to a significant degree for the term of the permit, under a greatly expanded range of alternative actions, rather than your wholehearted embrace of this allotment combination scheme. We Protest the overwhelming favoritism shown in these allotments.	The combination of multiple allotments into a single allotment is change in naming convention only. BLM considered a range of alternatives including a no grazing alternative which would remove livestock from the Cinnabar ACEC. The alternative selected would allow progress towards meeting the standards of rangeland health while continuing to allow managed livestock grazing.
191	These allotments and the surrounding landscape are greatly threatened by exotic invasive species. We are alarmed that BLM continues to ignore necessary alternative actions provided to BLM in an alternative submitted by WWP (and where we requested to work with BLM) to restore degraded lands and seedings, and protect remnant native sagebrush habitats before they become overrun with exotic grasses and other weeds caused by livestock grazing. We Protest this failure.	The Purpose and Need for the Toy Mountain Group EA was focused on determining whether to renew grazing permits and with what terms and conditions to comply with applicable laws and regulations. Restoration projects are not within the scope of this analysis.

Protest Point No.	Protest Text	Protest Response
192	BLM tries to blame failure to meet standard 4 on historic use, and this simply is not the case. We Protest the continued use of the severely flawed NRCS Ecosite and other modeling the EA is based on. We Protest BLM time after time making excuses for livestock, and its failure to give priority to sensitive species by fully admitting the harms livestock grazing is causing, and developing a strong set of alternative and mitigation actions to address these.	BLM accurately described the current conditions on each allotment and developed a full range of alternatives to address the failures to meet Standards for Rangeland Health. NRCS ecological sites represent the best available science on the plant community potential on these allotments. As described in the Toy Mountain Group EA, and the proposed decision the selected alternative will allow the allotments to make progress towards meeting the Standards for Rangeland Health.
193	We Protest tiering to the Chipmunk EIS, which has greatly insufficient direct, indirect and cumulative effects analysis of complex issues related to soils, watersheds, water quality and quantity, native vegetation community integrity, risk of weed invasion, sensitive species habitats and populations, protection of cultural sites, protection of public land values for wild lands recreation, etc. along with very poor mitigation actions. It does not effectively conserve, enhance and restore sage-grouse habitats.	The analysis within the group 2 EIS was considered in addition to the Toy Mountain Group EA to inform the decision maker on the potential impacts of the proposed decision.

Protest Point No.	Protest Text	Protest Response
194	<p>We also ask that BLM incorporate into this Protest all of our concerns submitted to date and copied to the OFO Manager about the serious adverse direct, indirect and cumulative effects of the BOSH, a sprawling juniper eradication project that appears to be designed to distract BLM from addressing issues of significant livestock degradation within sagebrush habitats. We Protest the failure of BLM to fully assess the serious adverse effects of this action, especially as it is based in part on the severely flawed NRCS Ecosites. BLM has not properly determined the actual historical extent of native forested juniper woodland areas in the Owyhee region. BLM must act to restore the many severely degraded crested wheat or post-fire or other seedings, and reduce the livestock facility footprint in this OR-ID borderlands region, and not kill junipers in rugged mountainous and canyon terrain, if the agency wants to effectively conserve, enhance and restore sage-grouse, pygmy rabbit and other sensitive species habitats. This must occur, of course, with taking strong measures to reduce and remove grazing including by conducting a capability and suitability type analysis that includes weed risk. In areas where grazing continues, strong conservative measurable use standards must be applied to upland riparian areas, as we described in our alternative and mitigation suggestions. We Protest BLM's shortcomings here.</p>	<p>The Boise Sage-grouse Habitat Project (BOSH) began scoping in January of 2014. During the NEPA process for the South Mountain Group EA there were no existing proposals, commitment of resources, or commencement of the NEPA process; therefore, this project does not fall under a reasonably foreseeable action and was not included in the Cumulative Effects Analysis.</p>
195	<p>We protest BLM not explaining how state land grazing and AUMs are controlled, and dealt with in this process. If BLM cuts AUMs, will the state just let the rancher graze more on state lands that are not separate? The whole issue of stocking is highly uncertain, and it appears that these lands are overstocked.</p>	<p>BLM does not authorize grazing on State lands and cannot predict what future changes in grazing on State land may occur.</p>
196	<p>Invasive Species - We Protest the lack of adequate and current bulbous bluegrass, exotic brome, cheatgrass, and medusahead mapping in this and all the other allotments to date.</p>	<p>The Rangeland Health Assessments contain site specific habitat conditions for each allotment. Including the presence and abundance of invasive species at each study site.</p>

Protest Point No.	Protest Text	Protest Response
197	<p>We Protest that BLM has considered the potentially very serious adverse outcomes for sage grouse if BLM adopts its own DEIS alternative in the ID-SW MT DEIS. Please fully incorporate all of the concerns raised in WWP's GRSG comments into this Protest. The DEIS BLM alternative appears to have been dumbed down to try to make it closer to the very harmful state alternative. The ID-MT DEIS is the very worst I have reviewed, and fails to address livestock grazing in any meaningful way. Thus, it is even more important that BLM in this Owyhee 68 process take strong actions including precautionary management and consideration of ACECs submitted during the GRSG EIS and other processes, to act to conserve, enhance and restore sagebrush ecosystems and sage-grouse habitats and populations.</p>	<p>Thank you for your opinion.</p>
198	<p>We would like to request a meeting with BLM about this and the other pending Protested Decisions, and analysis of the alternative and mitigation actions that we submitted during scoping - especially since ALI's recent ruling in Garat. Please let us know how to tailor this alternative so that it will be acceptable to you.</p>	<p>BLM is always willing to meet with interested publics to discuss concerns about BLM management.</p>
199	<p>We fear that BLM is conducting segmented and piecemeal actions, at the same time that it claims WWP's integrated alternative we submitted for this Owyhee 68 Group somehow is not acceptable.</p>	<p>WWP's alternative was considered by the BLM see Toy Mountain Group EA section 2.3 Alternatives Considered but not Analyzed in Detail.</p>

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.