



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Owyhee Field Office
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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 Pickett Creek Allotment¹

Dear Mr. Hipwell:

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

I issued a Proposed Decision on January 24, 2014, to consolidate the Boone Peak, Red Mountain, and Bridge Creek allotments into two new allotments named Fossil Creek² and Pickett Creek. BLM received several timely protests of the Proposed Decision. I considered the protest points and responded to them and now I am prepared to issue a Final Decision.

Background

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 grazing permits.³ That letter

¹ Allotment boundary changes for the existing Red Mountain, Bridge Creek, and Boone Peak allotments will be made, with a grouping of existing pastures to create the new Pickett Creek allotment

² Fossil Creek was proposed as a single pasture allotment created from the Red Mountain allotment pasture 1 which had two grazing authorizations, one held by Rohl Hipwell and the other held by John Edwards. However after the issuance of the Proposed Decision, BLM completed a grazing permit transfer from John Edwards to Rohl Hipwell. Now that Rohl Hipwell is the only permittee authorized to graze the existing Red Mountain, Boone Peak, and the Bridge Creek allotments, the need no longer exists to create a separate allotment for the existing pasture 1 for Red Mountain allotment and all will be combined into one allotment named the Pickett Creek allotment.

³ Although the 2008 Stipulated Settlement Agreement that established a completion date for the remaining grazing permit renewal subject to Civil Case No.97-0519-S-BLW and you were included as a recipient of the May 25, 2011

also requested that you complete an application for renewal of your permit to graze livestock in the allotment(s). You submitted an application for renewal of your grazing permit, received by the BLM on June 24, 2011. John Edwards, a second permittee authorized to graze on the Red Mountain allotment, submitted a similar application on the same day with the same attachment to your application. John Edwards clarified his application in a letter received by the BLM on December 1, 2011.

On January 11, 2013, the Owyhee Field Office initiated by letter the collective public scoping process for Groups 3 through 5 of the Owyhee 68 grazing permit renewal process⁴. These groups are referred to as the Toy Mountain, South Mountain, and Morgan groups, respectively. The Red Mountain, Boone Peak, and Bridge Creek allotments are three 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).

Neither you nor John Edwards responded to the scoping outreach.

The BLM completed a Rangeland Health Assessment/Evaluation and Determination for the Red Mountain, Boone Peak, and Bridge Creek allotments in 2013 (USDI BLM, 2013) by supplementing the assessments initiated in 2003.⁵ The BLM undertook this effort to ensure that any renewed grazing permits on these allotments are consistent with the BLM's legal and land management obligations.

After evaluating conditions on the land, meeting with the permittees, and reviewing information received from the public, it became clear that resource concerns currently exist on the Red Mountain, Boone Peak, and Bridge Creek allotments.

In late May 2013, the BLM met with permittees or representatives to discuss allotment conditions, objectives, and livestock management. Additionally, permittees were asked during the 2013

letter, the permits for grazing use in the Red Mountain, Boone Peak, and Bridge Creek allotments are not a part of that settlement agreement.

⁴ 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 Group 3 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.

⁵ Rangeland health assessments for the Toy Mountain Group allotment are available on the web at http://www.blm.gov/id/st/en/prog/grazing/owhyhee_grazing_group.html

meetings to update the previously submitted application to address the resource concerns on these allotments. Following discussion with the BLM in May, you provided an updated application for permit renewal dated July 26, 2013. This updated application was considered in the Toy Mountain Group EA. No revision to the earlier application was received from John Edwards or his representative.

With a focus on addressing the impacts of renewing livestock grazing permits, my office prepared and issued the Toy Mountain Group EA⁶, 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 considered and analyzed in detail five alternatives. We also considered other alternatives that we did not analyze in detail. Our objective in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that the Red Mountain, Boone Peak, and Bridge Creek allotments' natural resources conform to the goals and objectives of the ORMP and the Idaho S&Gs.

On October 22, 2013, the Toy Mountain EA was sent out for a 15-day public comment period to you, John Edwards, and the interested publics. BLM received comments from you dated November 12, 2013. BLM considered your comments prior to finalizing the Toy Mountain Group EA. You proposed no changes to your grazing application at this time.

The Final Toy Mountain Group EA (NEPA #DOI-BLM-ID_030-2013-0021-EA), which was published on November 26, 2013, incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS (# DOI-BLM-ID-B030-2012-0014-EIS) and the analysis contained therein.

On January 24, 2014, I signed a Proposed Decision for Red Mountain, Boone Peak, and Bridge Creek allotments to renew your grazing permit and the permit held by John Edwards. 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, while Mr. Edwards received the Proposed Decision on January 31, 2014. Timely protests of the Proposed Decision were received from you, Western Watersheds Project, Owyhee County Board of Commissioners, and the State of Idaho. All protest points applicable to the Red Mountain, Boone Peak, and Bridge Creek Allotments have been considered with BLM addressing substantive protest points which are included in the attached document titled Protest Responses - Toy Mountain Group Non-Owyhee 68 Allotments. In addition to the attached protest responses, a few protest points were repeated throughout the protests and merit additional discussion in this Final Decision.

- A point raised in protests to the Proposed Decision was the lack of analysis of projects as a portion of actions within alternatives of the NEPA document or the lack of adoption of projects in the decision. A number of projects proposed in the application for permit

⁶ 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.

renewal or other correspondence received throughout 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 Owyhee Resource Management Plan 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 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.

- A point raised in protest to the Proposed Decision stated that BLM improperly reduced permitted use and or failed to convert the reduced AUMs to suspension. 43 C.F.R 4110.3-2 requires the authorized officer to reduce permitted use or otherwise modify management practices if current grazing management is causing a failure to meet the Standards for Rangeland Health. Current livestock management was determined to be a factor in several standards not being met within this group of allotments. To comply with the grazing regulations, it was necessary to adjust seasons of use and reduce permitted use to ensure that these allotments would make significant progress toward meeting the Standards for Rangeland Health. It would be inappropriate to convert the reduced permitted use AUMs into suspended use as the reduction is not intended to be temporary but would continue through the 10 year term of the grazing permit. Suspension of AUMs is intended to be for temporary resource issues like fire or drought where there is a reasonable expectation that temporary decline in forage will only last for a couple of years and then additional forage would be available once again. This is explained in the Toy Mountain Group EA in Section 2.4.15.3 on page 160.
- A point raised in protest to the Proposed Decision claimed there is inadequate analysis of impacts within the Toy Mountain Group EA. The EA contains thorough analysis of the issues identified through internal and external scoping, compared a full range of alternatives, and used the best available science. Therefore the Toy Mountain Group EA adequately analyzes the impacts of the range of alternatives.

On February 13, 2014, the Owyhee Field Office processed your application for transfer of grazing authorization within the existing Red Mountain allotment from Mr. Edwards to you. As a result, John Edwards no longer holds a permit to graze livestock on public land in the Owyhee Field Office.

In February 2014, attached to your protest of the Proposed Decision was an updated application for grazing on the Red Mountain, Boone Peak, and Bridge Creek allotments. This application included several changes from your July 26, 2013, application including:

- A change in the consolidation of the Boone Peak, Red Mountain, and Bridge Creek allotment based on your acquisition of the John Edwards Permit on the Red Mountain

allotment. You applied to make a single allotment named Boone Peak consisting of five pastures and a holding pasture.

- Request for activation of all of the suspended AUMs within these allotments by year 4.
- Request for approval for water haul locations and approval to maintain access roads in new Boone Peak allotment pastures 2 and 3 (old Red Mountain pastures 2 and 3).

On March 7, 2014, I met with you to better understand your protest points in preparation of my final decision. In that meeting we discussed a few points pertaining to the Fossil Creek and Pickett Creek Proposed Decision.

- You indicated that you would prefer to avoid confusion with the nearby Fossil Butte allotment and so would rather not use the name Fossil Creek for a new allotment. You indicated that Pickett Creek would be an acceptable name for the consolidated allotment formed from the Boone Peak, Red Mountain, and Bridge Creek allotments.
- You requested that BLM use only numbers to identify the pastures within the Pickett Creek allotment.
- You indicated that the revised grazing application that was attached to your protest supersedes all your earlier applications.
- You clarified that you desired complete flexibility in your grazing schedule to protect your grazing preference and when environmental conditions precluded grazing from a pasture for a season then that pasture by default would receive deferment.
- You clarified your desire to install water hauls in pastures 2 and 3 to allow grazing in the fall or winter as there is insufficient natural water in these areas. You suggested that water hauls could be placed along roads in places where salting already occurs to minimize new impacts.
- You clarified your desire to have junipers removed around springs to create fire breaks. And offered to remove the junipers at your own expense.
- You clarified your desire to have crossing authorizations as part of the 10 year grazing permit.
- You requested that BLM double check the calculations for the percent public land of the new Pickett Creek allotment.

Following public availability of the BLM's January 24, 2014, Proposed Decision, and after review of all protest points submitted, meetings with you and WWP, I am now prepared to issue a Final Decision to renew term grazing permits associated with the Red Mountain, Boone Peak, and Bridge Creek allotments. Upon implementation of the decision, your permits to graze livestock on these allotments will be fully processed using the revisions to the grazing regulations⁷ promulgated in 1995, the Idaho S&Gs adopted in 1997, and the ORMP adopted in 1999.

This Final Decision incorporates by reference the Rangeland Health Assessment/Evaluation and Determination for the Red Mountain, Boone Peak, and Bridge Creek allotments (USDI BLM, 2013), the Final Toy Mountain Group EA (NEPA #DOI-BLM-ID_030-2013-0021-EA), and the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS (# DOI-BLM-ID-B030-2012-0014-EIS) and the analyses contained therein (see Appendix K).

⁷ 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.

This Final Decision will:

- Briefly describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;
- Respond to the application for grazing permit renewal for use in the Red Mountain, Boone Peak, and Bridge Creek allotments;
- Outline my Final Decision to select Alternative 3; and
- Explain the reasons for making this decision.

Allotment Information

Allotment Setting

Red Mountain Allotment

The Red Mountain allotment is located approximately 7 miles west of Oreana, Idaho (Map 1). The ORMP categorizes the Red Mountain allotment as an Improve (I) category allotment with a medium priority for management. In addition to allocating livestock grazing within the Red Mountain allotment, the ORMP identifies issues associated with management activities, with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns identified include the high erosion potential, ecological condition of vegetation communities, juniper encroachment, noxious weeds, perennial surface water, riparian/wetland ecosystems, and special status species (reband trout and sage-grouse).

Boone Peak Allotment

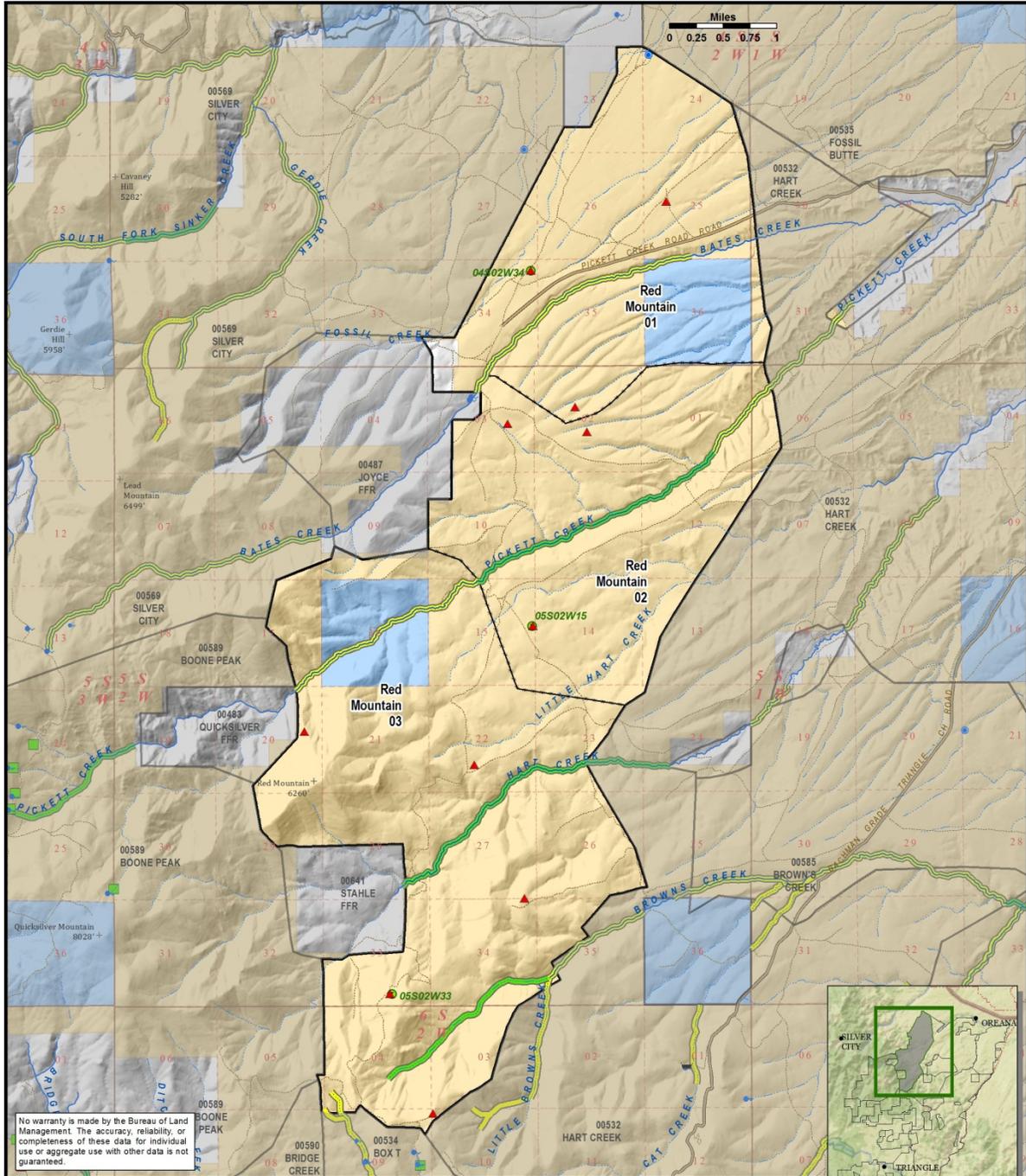
The Boone Peak allotment is located approximately 15 miles southwest of Oreana, Idaho (Map 2). The ORMP categorizes the Boone Peak allotment as an Improve (I) category allotment with a high priority for management. In addition to allocating livestock grazing within the Boone Peak allotment, the ORMP identifies 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 (plants and reband trout).

Bridge Creek Allotment

The Bridge Creek allotment is located approximately 15 miles southwest of Oreana, Idaho (Map 3). The ORMP categorizes the Bridge Creek allotment as an Improve (I) category allotment with a medium priority for management. In addition to allocating livestock grazing within the Bridge Creek allotment, the ORMP identifies 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, noxious weeds, perennial surface water, riparian/wetland ecosystems, and special status species (reband trout).



Map 1: Red Mountain (00588) 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.

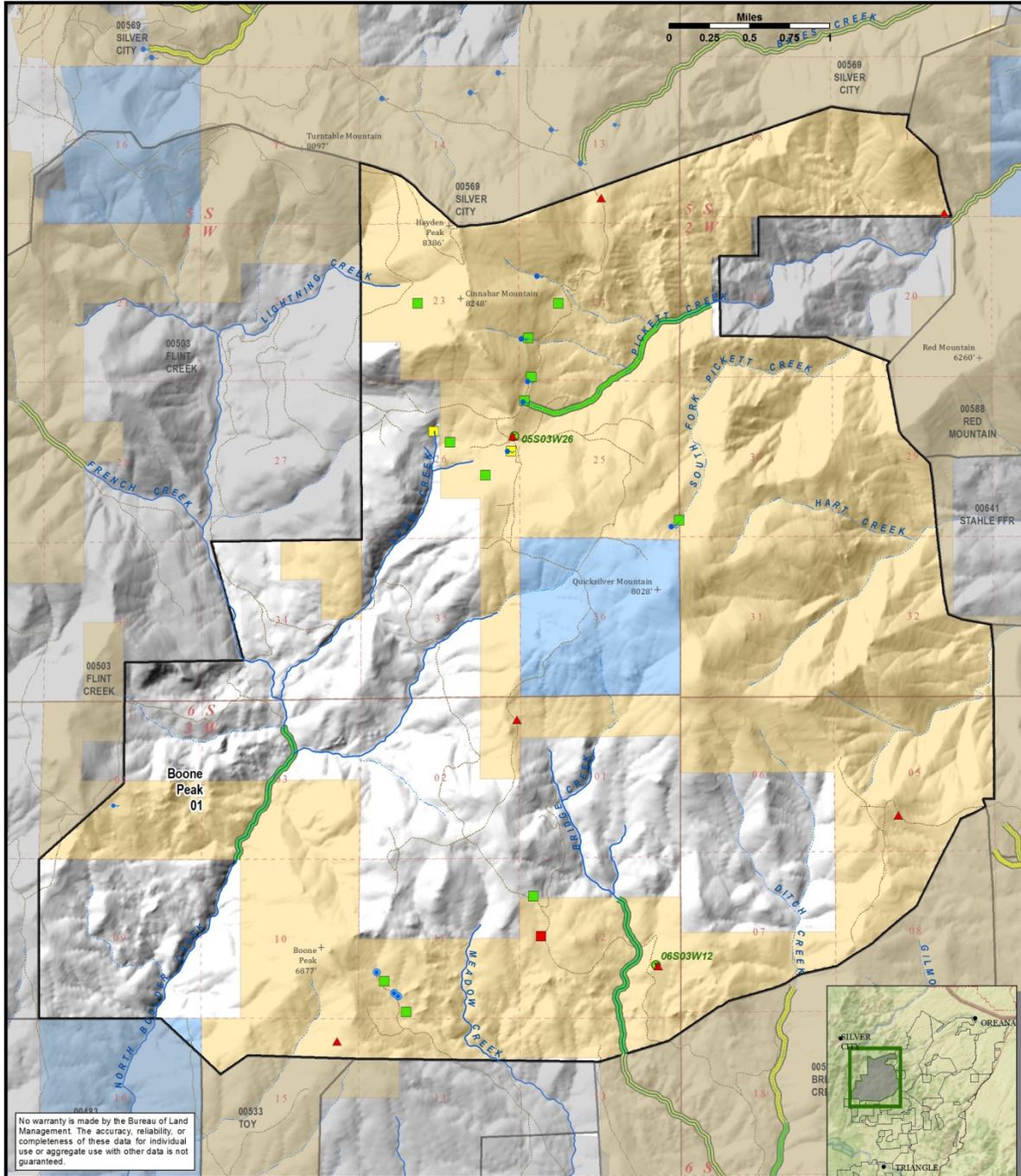
- | | | | | |
|--------------------------------|------------|--------------------------|---------------------|-------------------|
| Allotment of Interest Boundary | Stock Pond | Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC | Intermittent Stream | BLM |
| Range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



1:75,000



Map 2: Boone Peak (00589) 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.

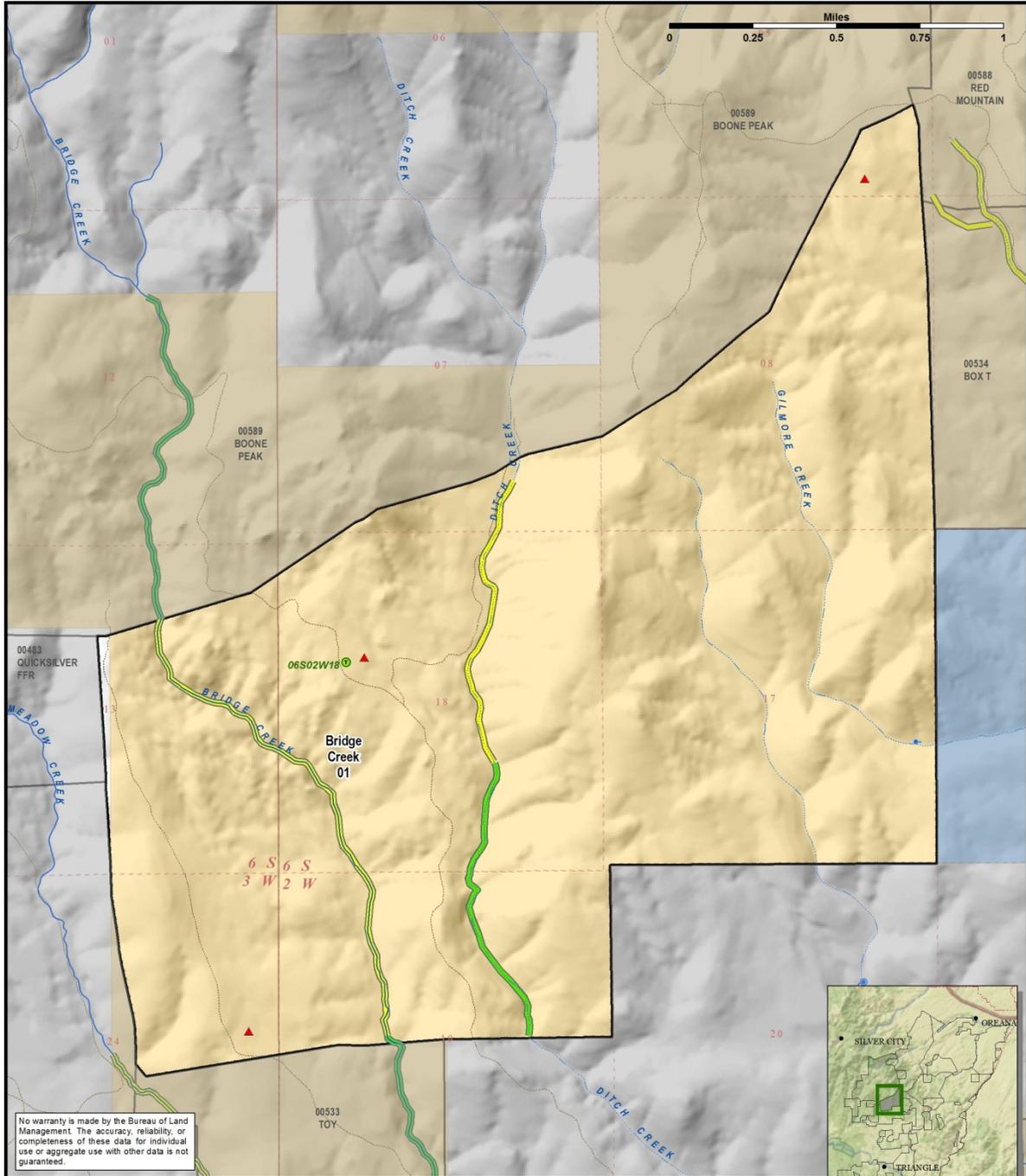
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|--------------------------------|------------|--------------------------|---------------------|-------------------|
| Allotment of Interest Boundary | Stock Pond | Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC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



1:50,000



Map 3: Bridge Creek (00590) 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.

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|--------------------------------|------------|--------------------------|---------------------|-------------------|
| 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 | |



1:24,000

Current Grazing Authorization

Red Mountain Allotment

Two existing grazing permits⁸ authorize livestock grazing use of the Red Mountain allotment with a current total permitted use of 3,578 AUMs, of which 1,999 are active use and 1,579 are suspension AUMs. 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 permits to graze livestock within the Red Mountain allotment

Allotment	Permittee	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
00588 Red Mountain	Hipwell	679	Cattle	4/1	5/30	95	Active	1,624
		184	Cattle	11/1	12/31			
		65	Cattle	10/1	2/28	100	Active	375

Terms and conditions:

1. A minimum of 4-inch stubble will be left on herbaceous vegetation within the riparian area along 0.3 miles of Hart Creek and 5.0 miles of Pickett Creek in allotment #00588 at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
2. The current signed grazing agreement limits livestock numbers to 450 head during the spring use period 4/1 to 5/30 in allotment #00588 (Hipwell permit only).
3. All use to be winter use restricted to pasture #01 in the Red Mountain allotment #00588 (Edwards permit only).
4. Turnout is subject to the Boise District range readiness criteria.
5. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
6. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
7. Changes to the scheduled use require prior approval.
8. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
9. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
10. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signatory or assignee. All maintenance of range improvements within wilderness study areas requires prior consultation with the authorized officer.
11. All appropriate documentation regarding base property leases, land offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District policy.
12. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed

⁸ Pursuant to the transfer of John Edwards (#1101857) grazing authorization to Rohl Hipwell (#1101595) there are still two authorizations for grazing on the Red Mountain allotment but they are both held by Rohl Hipwell.

\$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(B)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1.

13. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
14. Utilization may not exceed 50 percent of the current year's growth.
15. 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;
 - o 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
 - o Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

Recent actual use data provided annually indicates that grazing use of all three pastures of the Red Mountain allotment by Mr. Hipwell typically occurs between mid-March and early June, with use of pasture 3 typically occurring again between late October and early December. Actual use reported during the 8-year period between 2005 and 2012 has averaged 1,474 AUMs, with a maximum of 1,721 AUMs in 2008.

Recent actual use data provided by Mr. Edwards identify 109 AUMs between December 8, 2011, and February 28, 2012. Non-use was reported for the winter of 2012-13.

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 the seasons and at the levels that differ somewhat from the permits.

Boone Peak Allotment

One existing grazing permit authorizes livestock grazing use of the Boone Peak allotment with a current total permitted use of 2,876 AUMs, of which 2,094 AUMs are active use and 782 are suspension AUMs. 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 Boone Peak allotment

Allotment	Permittee	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
00589 Boone Peak	Hipwell	693	Cattle	6/1	10/31	60	Active	2,094

Terms and conditions:

1. Turnout is subject to the Boise District range readiness criteria.
2. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
4. Changes to the scheduled use require prior approval.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
7. 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.
8. 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.
9. 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.
10. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
11. Utilization may not exceed 50 percent of the current year's growth.
12. 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.

Recent actual use data provided by the permittee indicate use generally consistent with the dates on the permit between June 1 and October 31. In addition, actual use reported during the 9-year period between 2004 and 2012 has averaged 1,709 AUMs, with a maximum of 2,052 AUMs in 2009.

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.

Bridge Creek Allotment

One existing grazing permit authorizes livestock grazing use of the Bridge Creek allotment with a current total permitted use of 885 AUMs, of which 664 AUMs are active use and 221 are suspension AUMs. The terms and conditions of the existing grazing permit are as follow in Table LVST-3:

Table LVST-3: Mandatory and other terms and conditions of the existing permit to graze livestock within the Bridge Creek allotment

Allotment	Permittee	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
00590 Bridge Creek	Hipwell	164	Cattle	7/1	10/31	100	Active	664

Terms and conditions:

1. Turnout is subject to the Boise District range readiness criteria.
2. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
3. Salt and/or supplement shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, and water developments.
4. Changes to the scheduled use require prior approval.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
7. 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.
8. 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.
9. 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.
10. Livestock grazing will be in accordance with your allotment grazing schematic(s). Changes in scheduled pasture use dates will require prior authorization.
11. Utilization may not exceed 50 percent of the current year’s growth.
12. 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.

Recent actual use data provided by the permittee indicate use generally consistent with the dates on the permit between early July and late October. In addition, actual use reported during the 8-year period between 2005 and 2012 has averaged 543 AUMs, with a maximum of 644 AUMs in 2011.

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 Red Mountain, Boone Peak, and Bridge Creek allotments through 2013. The determination document for the allotments was provided to the public with the preliminary EA. The Evaluation and Determination documents for the Red Mountain allotment concluded that Standards 1 (Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Threatened and Endangered Plants and Animals) of the Idaho S&Gs are not being met in the allotment. Current livestock grazing management practices are significant factors in the failure to meet Standards 1, 4, and 8, whereas significant progress is being made toward meeting Standards 2, 3, and 7. Standards 5 (Seedings) and 6 (Exotic Plant Communities, other than Seedings) are not applicable to the allotment.

Similarly, the Evaluation and Determination documents concluded that Standards 2, 3, and 7 of the Idaho S&Gs are not being met in the Boone Peak allotment. Although significant progress is being made toward meeting Standards 2 and 3, current livestock management practices are contributing toward the failure to meet Standard 7. Standards 1, 4, and 8 are met, and Standards 5 and 6 are not applicable to the allotment.

Finally, the Evaluation and Determination documents concluded that Standards 1, 2, 3, 4, 7, and 8 of the Idaho S&Gs are not being met in the Bridge Creek allotment. Current livestock grazing management practices are significant factors in the failure to meet Standards 2, 3, and 8, but are not the significant causal factors for the failure to meet Standards 1, 4, and 7. Standards 5 and 6 are not applicable to the allotment.

Vegetation - Uplands

Red Mountain Allotment

The Idaho Standards for Rangeland Health Standard 4 (Native Plant Communities) is not met in all pastures of the Red Mountain allotment. Historic grazing management contributed to the loss of

native deep-rooted perennial bunchgrass plants in pastures 1 and 2, and to the large decline of native deep-rooted perennial bunchgrass plants in pasture 3. Recent trend monitoring in pastures 1 and 2 identify improving conditions within the constraints of limited seed to establish deep-rooted bunchgrass plants. At the same time, recent trend monitoring in pasture 3 indicates a decline in deep-rooted bunchgrasses and increasing frequency of shallow-rooted bunchgrass. Pastures 1 and 2 are making significant progress toward meeting the Standard, as evidenced by upward trend based on nested frequency data. These data lead to the conclusion that current livestock management practices that schedule grazing prior to the active growing season for native perennial bunchgrasses (May 1 - June 30 is the active growing season at lower elevation) in pastures 1 and 2 are not a factor contributing to the failure to meet Standard 4. However, annual grazing scheduled during the active growing season in pasture 3 is a contributing factor to the failure to meet Standard 4.

The ORMP vegetation management objective is to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. With 70 percent of the allotment in early seral condition and 10 percent in late seral condition, the objective to improve applies to the Red Mountain allotment (Toy Mountain Group EA Section 3.3.15.1.1). Trend data indicate that the ORMP objective to improve unsatisfactory 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 based on nested frequency data.⁹

Boone Peak Allotment

The Idaho S&Gs Standard 4 is met in the one-pasture Boone Peak allotment with, at most, slight-to-moderate departure of biotic integrity from reference site conditions within low sagebrush vegetation communities and similar but greater departure in mountain big sagebrush vegetation communities. Departure from reference site conditions in mountain big sagebrush communities is due to altered fire regimes resulting in increased shrub dominance, loss of deep-rooted native perennial bunchgrasses, and the increasing density of juniper. The limited departure of indicators contributing to biotic integrity leads to a conclusion that the composition of native plants is currently adequate to provide for proper nutrient cycling, hydrologic cycling, and energy flow.

The ORMP vegetation management objective is to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. With 55 percent of the allotment in early seral condition and 25 percent in late seral condition, the objective to improve applies to the Boone Peak allotment. A static trend in vegetation condition is apparent, based on data from two trend sites in the allotment. This indicates that the ORMP objective to improve unsatisfactory vegetation health/condition on all areas has not been met in the Boone Peak allotment. Recent grazing use, as reported in actual use information, has included annual grazing through most of June and early July, the later portion of the active growing season. Frequent grazing use during the active growing season is not consistent with livestock management practices that maintain native perennial herbaceous species health and vigor, as noted in Appendix E of the EA.¹⁰

⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.15.1.1, and Appendix E.

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.2.1.1, and Appendix E.

Bridge Creek Allotment

The Idaho S&Gs Standard 4 is not met in the one-pasture Bridge Creek allotment, with moderate departure of biotic integrity from reference site conditions within mountain big sagebrush and mahogany savannah vegetation communities. Juniper dominance in excess of potential at reference site conditions, which resulted from altered natural fire regimes, has caused the failure to meet the standard in the allotment. Functional/structural groups of plants with greatly reduced deep-rooted bunchgrasses within the pasture and the common occurrence of juniper have led to the departure from reference site conditions. In addition, the vegetation communities present have a reduced occurrence of mountain big sagebrush, bitterbrush, and other mountain shrub species. Wildfire in the southwest portion of the allotment has set back the encroachment by juniper into approximately 100 acres of shrub-steppe vegetation communities. As a result of this fire, mountain big sagebrush dominance consistent with potential was enhanced, but the allotment continues to lack the potential herbaceous component, including bunchgrasses.

Historic livestock grazing contributed to the loss of deep-rooted perennial bunchgrasses, while recent grazing practices with light intensity of use following the active growing season have allowed for an upward trend in condition of native perennial bunchgrass composition. Residual deep-rooted bunchgrasses and a seed source for establishment of additional plants can provide opportunity for recovery toward reference site conditions with co-dominance of vegetation communities by Idaho fescue and bluebunch wheatgrass upon natural or planned reduction in competition from juniper.

The ORMP vegetation management objective is to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas. With 35 percent of the allotment in early seral condition and 15 percent in late seral condition, the objective to improve applies to the Bridge Creek allotment (Toy Mountain Group EA Section 3.3.4.1.1). Upward trend data (nested frequency) indicate that the ORMP objective to improve unsatisfactory vegetation health/condition on all areas has been met in the Bridge Creek allotment.¹¹

Watersheds

Red Mountain Allotment

Current and past livestock grazing management practices are significant causal factors for not meeting upland watershed Standard 1 in pastures 1 and 2 of the Red Mountain allotment; pasture 3 is meeting Standard 1. The reduction in soil and hydrologic function is associated with altered plant community composition and distribution due to decreased relative abundance of large, deep-rooted native perennial bunchgrasses. As a result, erosional processes have created severe water flow paths and pedestaling of plants.

While much of the departures in watershed function from reference conditions for pastures 1 and 2 are historic, annual spring use during wet conditions has impaired the rate of further improvement due to physical damage from hoof action and mechanical damage by livestock. Soils are in various stages of recovery although impaired soils continue to affect soil stability and the biological soil crust component, especially in interspatial areas.

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.1, Section 3.3.4.1.1, and Appendix E.

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. With bare ground not improving and data indicating a general long-term downward trend, the ORMP objective to improve unsatisfactory and maintain satisfactory watershed health/condition has not been met.

The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and past livestock management is the primary contributing factor for not meeting Standard 1 and ORMP objectives for the Red Mountain allotment.¹²

Boone Peak Allotment

Watershed indicators show some departure from expected conditions for the ecological sites, although none were excessive enough to determine that Standard 1 would not be met in the Boone Peak allotment. While water flow patterns and pedestals are elevated in some locations, primarily toward the southern part of the allotment, there is little indication of accelerated sediment movement, and the majority of the erosional features present are related to past events.

Departure from reference conditions due to altered fire regimes, increased shrub dominance, loss of deep-rooted native perennial grasses, and increasing juniper density were identified as sources of concern regarding the biotic component. As a result, the allotment is deemed at-risk for potential declines in soil and hydrologic function due to a departure of the plant community and invasive species. Despite the reduction in biotic function, however, soil and hydrologic indicators show that watershed function still maintains proper nutrient and hydrologic cycling and energy flow.

Trends, based on point cover data, in ground cover using indicators of bare ground, persistent cover, and canopy cover have also indicated a general static or improving trend in the Boone Peak allotment. Bare ground has decreased or is static and at low levels, which supports the finding that the ORMP objective to improve unsatisfactory and maintain satisfactory watershed health/condition has been met. Overall, current livestock management remains compatible with attainment of Standard 1 and ORMP objectives for the Boone Peak allotment.¹³

Bridge Creek Allotment

Juniper encroachment and past livestock grazing management practices are significant causal factors for not meeting watershed standards in the Bridge Creek allotment. While soils are currently stabilized in a degraded state, hydrologic function is altered and primarily connected to historic grazing practices that contributed to the loss of deep-rooted perennial bunchgrasses. Watershed function is dependent on biotic integrity and declines with a reduction in vegetation and where western juniper encroachment and dominance is not part of the site potential. Where not recently burned, the encroachment of juniper is negatively affecting soil stability due to bare soils and the often complete absence of understory and interspatial vegetation, especially in more mature juniper stands.

¹² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.15.1.2.

¹³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.2.1.2.

In soils dominated by granitic parent material, the reduction in infiltration capacity from displacement of sagebrush and deep-rooted perennial bunchgrasses influences water-holding capacity; subsequent runoff results in sheet erosion and rilling. The long-term lack of species diversity and reduction of organic material and litter have compromised soil nutrient replenishment and the ability for proper nutrient cycling, hydrologic cycling, and energy flow. Little to no indication of current mechanical impact is present, as recent grazing with light intensity of use occurs after the active growing season. While this has allowed an upward trend in condition of native perennial bunchgrass composition, ground cover conditions reflect a slight downward trend over the long term, with greater declines over the more recent years.

The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Juniper encroachment and historic livestock grazing indicate that the Bridge Creek allotment is not meeting Standard 1 and the ORMP soil management objective of improving unsatisfactory watershed health/conditions.¹⁴

Water Resources and Riparian/Wetland Areas

Red Mountain Allotment

Four named streams traverse the pastures within the Red Mountain allotment (Bates, Pickett, Browns, and Hart creeks). Approximately 12.7 miles of streams have been assessed and 6.0 miles (47 percent) were most recently rated functional-at risk (FAR), and 6.7 miles (53 percent) were most recently in proper functioning condition (PFC). Although Standards 2 and 3 are not met in the Red Mountain allotment, progress toward meeting these riparian-related standards is made. Progress was determined by observing that multiple segments on Pickett, Brown's, and Hart creeks were rated as FAR in 2001 but were rated as at PFC in the most recent assessments. Issues identified include areas with inadequate soil moisture to support hydric species that stabilize stream banks, the presence of noxious weeds, upland species encroaching, and sheared and eroded stream banks.

Standard 7 is not being met in the Red Mountain allotment, based on IDEQ information regarding sediment and temperature. For IDEQ water quality information associated with the Red Mountain allotment, see Table RIPN-3 of the EA. However, because BLM determined that Standards 2 and 3 are making progress toward being met, an assumption was made that progress toward meeting Standard 7 is also made.¹⁵

Boone Peak Allotment

Standards 2 and 3 are not being met in the Boone Peak allotment, but the allotment is making significant progress toward meeting riparian related standards. Progress was determined by observing that multiple segments on Bridge, Pickett, and Boulder creeks were rated as FAR in 2001 but were rated as at PFC in the most recent assessments. Three named streams traverse BLM lands within the allotment (Bridge, North Boulder, and Pickett Creek). Approximately 3.2

¹⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.2 and Section 3.3.4.1.2.

¹⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.3 and Section 3.3.15.1.3.

miles have been assessed; 0.6 miles (19 percent) were most recently rated FAR, and 2.6 miles (81 percent) were most recently in PFC (Table RIPN-15 of the EA). Issues identified for North Boulder Creek where the stream was most recently rated FAR include areas with inadequate soil moisture to support hydric species that stabilize stream banks, the presence of noxious weeds, upland species encroaching, and sheared and eroded stream banks.

Fifteen springs have been assessed; 11 were in PFC, three were FAR, and one was NF. The springs that were below the minimal standard for functionality had issues including heavy livestock use of both herbaceous and woody species, hoof alterations of wetland soils, and noxious weed presence. Standard 7 is not being met in the Boone Peak allotment, based on IDEQ information regarding sediment and temperature, due to current livestock management practices. For IDEQ water quality information associated with the Boone Peak allotment, see Table RIPN-3 of the EA.¹⁶

Bridge Creek Allotment

Standards 2 and 3 are not being met in the single pasture of the Bridge Creek allotment and current livestock management practices are contributing factors. Two named streams traverse the pasture (Bridge and Ditch Creeks). Approximately 3.4 miles have been assessed and 2.5 miles (74 percent) were most recently rated FAR, and 0.9 mile (26 percent) was most recently in PFC. Issues identified for the reaches that were FAR include areas with inadequate soil moisture to support hydric species that stabilize stream banks, a lack of age-class of woody species, an over-wide stream channel, and sheared and eroded stream banks. Residual vegetation has not been sufficient to maintain or improve riparian-wetland function, the recent grazing schedule has not allowed for rest years, and the management has not allowed progress toward appropriate stream channel and stream bank morphology and function.

Standard 7 is not being met in the Bridge Creek allotment, although current livestock management practices are not significant factors. For IDEQ water quality information associated with the Bridge Creek allotment, see Table RIPN-3 in the EA.¹⁷

Special Status Plants

Red Mountain and Bridge Creek Allotments

No populations of special status plant species are known to occur in the Red Mountain or Bridge Creek allotments.¹⁸

Boone Peak Allotment

Standard 8 for special status plants is met in the Boone Peak allotment. One special status plant species, Idaho milkvetch, is present within the Cinnabar Mountain ACEC portion of the Boone Peak allotment. Livestock impacts to special status plants are determined by season of use, stocking rate/AUMs, and frequency of use (i.e., recovery interval between disturbances). When livestock are present, direct and indirect effects on special status plants have the potential to occur.

¹⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.3 and Section 3.3.2.1.3.

¹⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.3 and Section 3.3.4.1.3.

¹⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.4, Section 3.3.15.1.4, and Section 3.3.4.1.4.

Direct effects may impact the vigor and reproduction of individual plants, while indirect effects may impact their habitats.¹⁹

Wildlife/Wildlife Habitats and Special Status Animals

Red Mountain Allotment

Red Mountain allotment is failing to meet Standard 8 and current livestock practices are a significant factor, along with invasive juniper and cheatgrass. The allotment is dominated by shrub steppe habitats with salt desert shrub, native grassland, and juniper woodland components. Red Mountain allotment contains sage-grouse preliminary priority habitat in all three pastures.

Pasture 1 contains three known sage-grouse leks and is used during breeding, summer, and winter seasons. Sage-grouse habitat assessments indicate that pasture 1 lacks sufficient canopy cover and heights from deep rooted perennial grasses and forbs to provide nesting, foraging, and escape cover for productive sage-grouse habitat.

Pasture 2 contains no leks but is used by sage-grouse during breeding, summer, and winter seasons. Sage-grouse habitat assessments indicate that pasture 2 has sufficient canopy cover but lacks sufficient heights from deep-rooted perennial grasses and forbs to provide nesting, foraging, and escape cover for productive sage-grouse breeding habitat.

Pasture 3 contains no leks but is used by sage-grouse during breeding and summer seasons. Sage-grouse habitat assessments indicate that pasture 3 lacks sufficient canopy cover and height of deep-rooted perennial grasses and forbs to provide nesting, foraging, and escape cover for productive sage-grouse breeding habitat. Recent grazing during the active growing season for upland perennial grasses has led to failure to meet Standard 4 due to current livestock management practices, and thus the allotment is not meeting Standard 8 for wildlife.

Pasture 1 contains several intermittent stream valleys that support lotic riparian early sage-grouse brood-rearing habitats. In general, the limited available riparian habitats used by sage-grouse are only providing marginal conditions for early brood-rearing. The closed canopy of woody cover along Bates Creek and its location within a narrow, steep-sided draw may be limiting sage-grouse use, although these areas support succulent herbaceous forage in the early spring.

Pasture 2 contains perennial reaches of Pickett Creek assessed as PFC and several intermittent stream valleys (including Little Hart Creek) that may support early brood-rearing lotic habitats. Little Hart Creek and other intermittent streams have not been assessed for PFC but provide additional lotic riparian habitats. These streams provide the forbs and cover necessary for early brood-rearing. Pickett Creek also supports redband trout, with large willows and boulders that stabilize the banks and provide shading and cover.

Pasture 3 contains portions of Pickett, Hart, and Browns creeks. Pickett Creek was rated as FAR, while Hart and Browns creeks were rated as PFC. In general, the limited riparian habitats available to sage-grouse are only providing marginal conditions for early brood-rearing. The closed canopy

¹⁹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.7 and Section 3.2.7.1

of woody cover and dense juniper stands along creeks limit sage-grouse use, although more open reaches of these streams provide succulent herbaceous forage in the early spring. Pickett Creek contains redband trout but is providing less-than-optimal habitat because it is shallow and wide with lateral instability. This reduces the depth and shading of the water, which results in higher temperatures and lower quality habitat.

Conditions along the majority of streams supporting riparian vegetation appear to be at least minimally adequate for dependent migratory birds. Although the herbaceous understory is lacking along some reaches of the assessed streams, woody species display diverse composition and age-classes, with multiple canopies which are providing structurally complex breeding, nesting, and foraging habitat for dependent species.²⁰

Boone Peak Allotment

The Boone Peak allotment is meeting Standard 8. The allotment consists of a single pasture containing a mixture of conifer woodlands and shrub steppe habitats. Juniper is encroaching into parts of the shrub steppe habitat. Adequate composition of deep-rooted perennial grasses and vegetation functional structural groups are present to provide quality habitats for focal species. The higher-elevation areas around Quicksilver Mountain are free of juniper encroachment and are used by sage-grouse in all seasons, especially in the summer.

Although Standards 2 and 3 related to riparian function are not met on all stream reaches and springs in the allotment, significant progress is being made toward meeting the standards. Based on photographs of the riparian habitats, the allotment is providing adequate habitat for many riparian-dependent wildlife species. Riparian woody species in Bridge, North Boulder, and Pickett Creeks display diverse species composition and age-classes with multiple canopies that are providing structurally complex breeding, nesting, and foraging habitat for dependent species.²¹

Bridge Creek Allotment

Bridge Creek allotment has a single pasture with wildlife habitats provided by sagebrush steppe. Standard 8 for wildlife is not met in the allotment because upland and riparian habitats are not providing adequate conditions for many shrub-obligate and riparian dependent species. Overall, upland habitats are not providing adequate conditions for many shrub-obligate and ground dwelling, nesting and foraging species due to an increase in juniper cover and concomitant reductions in shrub and perennial herbaceous understory cover. Although results from sage-grouse habitat assessments show suitable breeding and upland summer habitat conditions at survey sites, advanced stages of juniper encroachment into formerly usable sage-grouse habitats across the majority of the allotment is substantially limiting habitat suitability for sage-grouse. Conversion to juniper woodlands comes at the expense of shrub steppe habitats, which are the proper plant community reference state and condition for the ecological sites that predominate within the allotment. Juniper encroachment is a primary causal factor for the Bridge Creek allotment not meeting Standard 8 for wildlife in upland habitats.

²⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5, Section 3.3.15.1.5.

²¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5 and Section 3.3.2.1.5.

The majority of riparian habitats within the allotment are not in PFC. As a result, riparian habitats are not providing adequate breeding and foraging conditions for many dependent wildlife species due to a lack of structural diversity, inadequate soil moisture for hydric vegetation, and unstable banks. These factors result in inadequate habitat for a diversity of species including migratory birds, redband trout, and Columbia spotted frogs. Current livestock grazing management practices are the causal factor for not meeting Standard 8 wildlife in riparian habitats. In addition, because riparian habitats are dominated by juniper, they are unavailable and unsuitable for sage-grouse.

Because the condition, abundance, structural stage, and distribution of plant communities required for diverse and desired wildlife populations are not maintained or enhanced and because special status species habitats are inadequate to increase or maintain populations so as to preclude an impetus for listing (for sagebrush and shrub obligates and dependent species in particular), these major ecological site alterations from their reference states discussed above do not conform with ORMP wildlife habitat objectives, including for special status species.²²

Guidelines for Livestock Grazing Management

In addition to a discussion of rangeland health standards, the BLM's 2013 Red Mountain allotment Determination (USDI BLM, 2013) identified that current grazing management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 4, 5, 8, 9, and 12 for several Standards. Additionally, current livestock management practices within the Boone Peak allotment do not conform to the applicable Livestock Grazing Management Guideline 10 for Standard 7. Finally, current livestock management practices within the Bridge Creek allotment do not conform with the applicable Guidelines for Livestock Grazing Management Guidelines 5, 7, 8, and 12 for several Standards. Guidelines 1, 3, 4, 5, 7, 8, 9, 10, and 12 are as follow:

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

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

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

Guideline 5: Maintain or promote grazing management practices that provide sufficient residual vegetation to improve, restore, or maintain healthy riparian-wetland functions and structure for

²² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.1.5 and Section 3.3.4.1.5, and the Bridge Creek determination within the 2013 Assessments for Boone Peak (0589), Red Mountain (0588), Bridge Creek (0590), Quicksilver FFR (0483), and Stahle FFR (0641) Allotments, 2013 Supplement.

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

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

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

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

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 Red Mountain, Boone Peak, and Bridge Creek allotments 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.²³ The BLM considered the following alternatives in detail:

- Alternative 1 - Current Situation: The BLM would renew the livestock grazing permit(s) for use in the Red Mountain, Boone Peak, and Bridge Creek allotments consistent with the summarized actions that have led to the current conditions. Alternative 1 would authorize livestock grazing at a level equivalent to the maximum actual use reported recently, while not changing the seasons of use for each of the three allotments. Authorized active use in the Red Mountain allotment would be reduced from 1,999 AUMs in the existing permits to 1,721 AUMs. Authorized active use in the Boone Peak allotment would be reduced from 2,092 AUMs in the existing permit to 2,052 AUMs. Authorized active use in the Bridge Creek allotment would be reduced from 664 AUMs in the existing permit to 644 AUMs.²⁴
- Alternative 2 - Applicant's Proposed Action: The BLM would make changes to allotment boundaries consistent with applications for permit renewal received from the two current permittees. Pasture 1 of the existing Red Mountain allotment would be separated from the other two pastures of the allotment and would be the single pasture of the created Fossil Creek allotment. Authorized active use in the new Fossil Creek allotment would be unchanged and equivalent to use that has occurred in this one pasture under the existing permits; 775 AUMs.

Pastures 2 and 3 of the existing Red Mountain allotment, the one pasture of the existing Boone Peak allotment, the one pasture of the existing Bridge Creek allotment, and a holding pasture (livestock handling facility previously undefined in the northern portion of

²³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2, Section 2.4.15, section 2.4.2, and Section 2.4.4.

²⁴ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.15.1, Section 2.4.2.1, and Section 2.4.4.1

pasture 4 of the Box T allotment) would be combined to create the proposed Pickett Creek allotment, consistent with the applications received. Authorized active use in the new Pickett Creek allotment would be unchanged and equivalent to use that has occurred in these four pastures under the existing permit; 3,982 AUMs.

The total authorized active use in the new Fossil Creek and Pickett Creek allotments would be unchanged from that in the existing permits.²⁵

- **Alternative 3:** The BLM would make changes to allotment boundaries for the Red Mountain, Boone Peak, and Bridge Creek allotments, as described under Alternative 2 above. The Fossil Creek allotment would be created from the existing pasture 1 of the existing Red Mountain allotment, while the Pickett Creek allotment would be created from pastures 2 and 3 of the existing Red Mountain allotment, in combination with the one pasture of the existing Boone Peak allotment, the one pasture of the existing Bridge Creek allotment, and a holding pasture (livestock handling facility previously undefined in the northern portion of pasture 4 of the Box T allotment).

The BLM would renew the livestock grazing permit for use in the new Fossil Creek and Pickett Creek allotments with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use. Grazing in the spring would be limited to no more than 1 in 3 years. Authorized active use in the Fossil Creek allotment would be reduced from 775 AUMs that has occurred in this one pasture under the existing permits to 355 AUMs. Authorized active use in the Pickett Creek allotment would be reduced from 3,982 AUMs that has occurred in these four pastures under the existing permit to 1,467 AUMs.²⁶

- **Alternative 4:** The BLM would make changes to allotment boundaries for the Red Mountain, Boone Peak, and Bridge Creek allotments, as described under Alternative 2 above. The Fossil Creek allotment would be created from pasture 1 of the existing Red Mountain allotment, while the Pickett Creek allotment would be created from pastures 2 and 3 of the existing Red Mountain allotment, in combination with the one pasture of the existing Boone Peak allotment, the one pasture of the existing Bridge Creek allotment, and a holding pasture (livestock handling facility previously undefined in the northern portion of pasture 4 of the Box T allotment).

The BLM would renew the livestock grazing permit for use in the new Fossil Creek and Pickett Creek allotments with terms and conditions that constrain seasons, intensities, duration, and frequency of grazing use to a greater degree than would occur under Alternative 3. While the authorization of spring use in the Fossil Creek allotment would be limited to no more than 1 in each 3-year period, summer and early fall grazing in the Pickett Creek allotment would not be authorized. Authorized active use in the Fossil Creek allotment would be reduced from 775 AUMs that has occurred in this one pasture under

²⁵ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.15.2

²⁶ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.15.3

the existing permits to 355 AUMs. Authorized active use in the Pickett Creek allotment would be reduced from 3,982 AUMs that has occurred in these four pastures under the existing permit to 436 AUMs.²⁷

- **Alternative 5 – No Grazing:** No grazing would be authorized on public lands within the Red Mountain, Boone Peak, or Bridge Creek allotments for a term of 10 years. The applications for grazing permit renewal would be denied and no grazing permits 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, the alternatives and analysis in the EA, comments received from you and other interested publics, the protest points from the Proposed Decision, and other information, it is my Final Decision to renew your grazing permits for 10 years consistent with the terms and conditions under Alternative 3 with a slight modification consistent with the recent transfer of the John Edwards permit to you, Rohl Hipwell. Implementation of Alternative 3 over the next 10 years will allow the Idaho S&Gs to be met or progress to be made toward meeting the Idaho S&Gs where current livestock management practices were found to be a cause for failure to meet the Idaho S&Gs. Progress toward achieving the resource objectives outlined in the ORMP will also be made. Specifically, Alternative 3 will allow progress to be made toward meeting Standards 1, 2, 3, 4, 7, and 8.

Allotment boundary changes for the existing Red Mountain, Bridge Creek, and Boone Peak allotments will be made, with a grouping of existing pastures to create the new Pickett Creek allotment. Pastures 1, 2, and 3 of the existing Red Mountain allotment, the one pasture of the existing Bridge Creek allotment, the one pasture of the existing Boone Peak allotment, and a holding pasture (livestock handling facility previously undefined in the northern portion of pasture 4 of the Box T allotment) will be combined to create the Pickett Creek allotment. The Red Mountain, Boone Peak, and Bridge Creek allotments will no longer be allotments administered by the Owyhee Field office, and their public land acreage and pastures will be combined into the Pickett Creek allotment.

In Alternative 3 of the EA, the creation of two allotments, Fossil Creek and Pickett Creek, was proposed. However due to your recent acquisition of the John Edwards grazing permit within the existing Red Mountain allotment pasture, it is no longer necessary to create the single-pasture Fossil Creek allotment. Instead, the proposed Fossil Creek allotment would be combined with the Pickett Creek allotment and become pasture 1 of that new allotment. The reconfiguration shown in table LVST-4 supersedes the actions of the Proposed Decision. This modification does not alter the proposed stocking rate or the proposed season of use for pasture 1 (Fossil Creek allotment

²⁷ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.4.15.4

under the Proposed Decision) of the Pickett Creek allotment. The only change would be in the simplification of managing only one grazing permit instead of two.

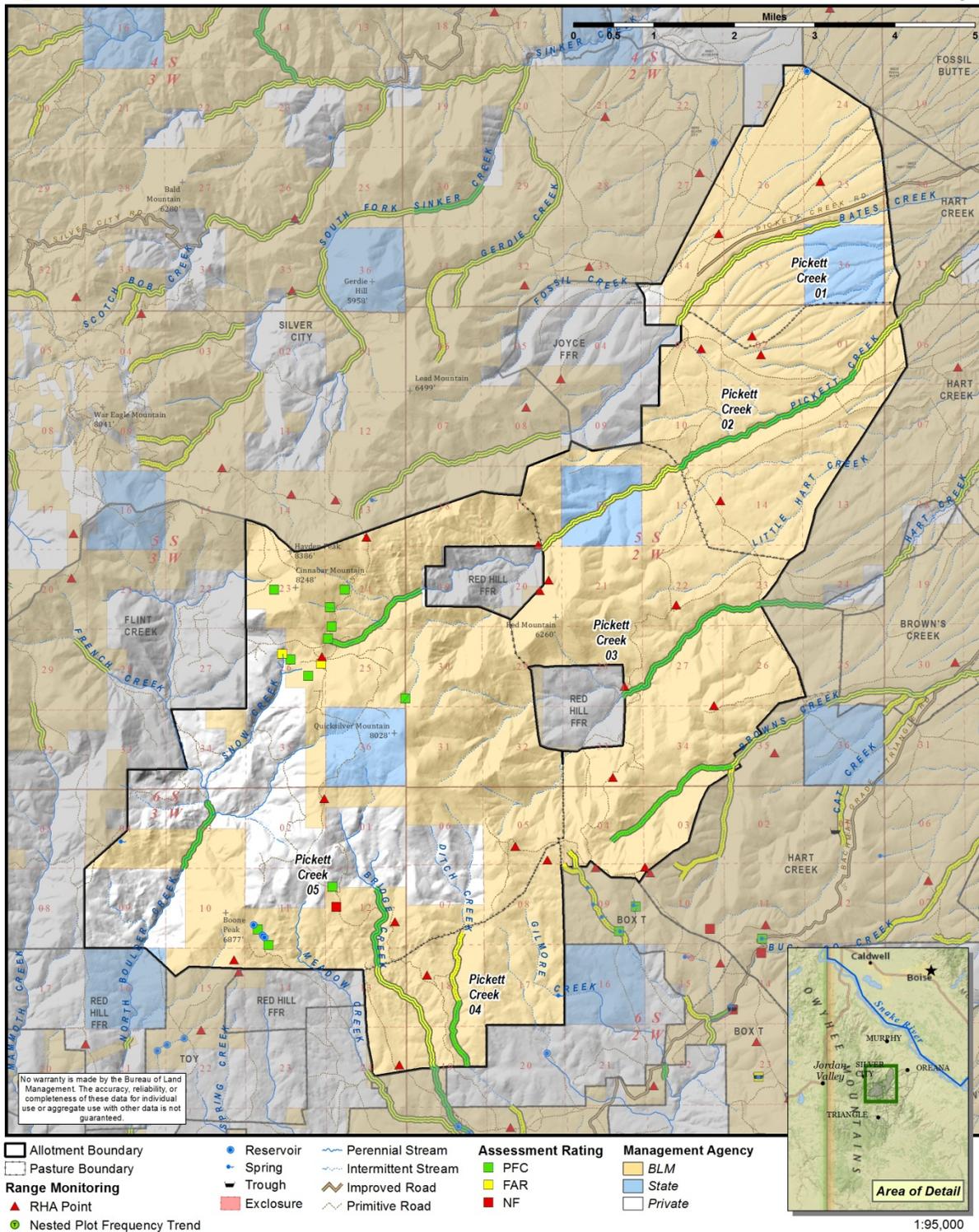
A summary of the allotment reconfiguration is provided in Table LVST-4 and Map 4.

Table LVST-4: Summary of the reconfiguration of pastures within the existing Red Mountain, Bridge Creek, and Boone Peak allotments to create the Pickett Creek allotment

Existing Allotments / <i>Pasture (number-name)</i>	New Allotment / <i>Pasture (number-name)</i>
Red Mountain / <i>Pasture 1-Fossil Creek</i>	Pickett Creek / <i>Pasture 1</i>
Red Mountain / <i>Pasture 2-Pickett Creek</i>	Pickett Creek / <i>Pasture 2</i>
Red Mountain / <i>Pasture 3-Red Mountain</i>	Pickett Creek / <i>Pasture 3</i>
Bridge Creek / <i>Pasture 1-Bridge Creek</i>	Pickett Creek / <i>Pasture 4</i>
Boone Peak / <i>Pasture 1-Boone Peak</i>	Pickett Creek / <i>Pasture 5</i>



Map 4: Pickett Creek Allotment



You will be offered a livestock grazing permit for use in the created Pickett Creek allotment for a term of 10 years with an authorized active use of 1,650 AUMs and an additional 172 AUMs in Pickett Creek Pasture 1, as outlined in Table LVST-5.

Table LVST-5: Permitted grazing use within the Pickett Creek allotment

Allotment	Active Use	Suspension	Permitted Use
Pickett Creek	1,822 AUMs	2,582 AUMs	4,404 AUMs

Authorized active use in the Pickett Creek allotment will be reduced from 4,382 AUMs within the equivalent five pastures in the existing permits to 1,650 AUMs. Authorized active use for the old John Edwards permit on Pickett Creek Pasture 1 would be reduced from 375 AUMs to 172 AUMs. The elimination of 2,935 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).²⁸ The terms and conditions of the renewed grazing permit are defined in Table LVST-6.

Table LVST-6: Mandatory and other terms and conditions of the offered permit to graze livestock within the Pickett Creek allotment

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Pickett Creek	286	Cattle	4/1	11/20	75*	Active	1,650
Pickett Creek Pasture 1	34	Cattle	10/1	2/28	100	Active	172

* Application of percent public land to the offered permit is subject to submission of documentation of private and/or state land in the allotment controlled by the permittee. Percent public land was calculated for the combined Pickett Creek allotment by calculating the AUMs that pertain to private or state controlled lands for each allotment based on the existing authorization in the 1997 grazing permit and adding those AUMs together. The ratio of total active AUMs to the AUMs for the state and private controlled lands was maintained in Table LVST-6.

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

1. Grazing use of the Pickett Creek allotment will be in accordance with the grazing schedule and limits to the intensity of use identified in the final decision of the Owyhee Field Office Manager dated March 28, 2014 (See Table LVST-7). Flexibility in dates of moves between pastures is provided to meet resource management and livestock management objectives, *as long as move dates adhere to seasons of use constraints identified in the decision (See Table LVST-8)*. Changes to the scheduled use require approval by the authorized officer, consistent with Standard Terms and Conditions.

²⁸ As discussed in 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 5,414 AUMs to 2,899 AUMs would not result in an increase in suspension AUMs.

2. Minimum 4 inch stubble will be left on herbaceous vegetation within the riparian area along 0.3 miles of Hart Creek and 5.0 miles of Pickett Creek at the end of the growing season, as identified in the fisheries objective of the Owyhee RMP.
3. Approval by the authorized officer is required prior to placement of salt or other mineral or supplement within and adjacent to Cinnabar Mountain ACEC for maximum protection of identified resource values. Domestic grazing use (authorized active use) will not be increased within the ACEC.

The following applicable Boise District grazing permit terms and conditions will 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 the Boise District Policy.
8. Utilization may not exceed 50 percent of the current year's growth.

The grazing schedule for the Pickett Creek allotment, identified in Table LVST-7, will be authorized and its implementation will be included as a term and condition of the permit offered. Flexibility in dates of moves between pastures is provided to meet resource management and livestock management objectives, as long as move dates adhere to seasons of use consistent with constraints listed in Table LVST-8.

Table LVST-7: Grazing schedules for the Pickett Creek allotment

Pasture	Year 1	Year 2	Year 3
1	(183 AUMs) 4/1 to 4/20 (172 AUMs) 10/1 to 2/28	(183 AUMs) 4/1 to 4/20 (172 AUMs) 10/1 to 2/28	(183 AUMs) 11/1 to 11/20 (172 AUMs) 10/1 to 2/28
2	4/21 to 5/31 *	4/21 to 5/31 *	Rest
3	6/1 to 7/14 *	Rest	4/21 to 5/31 *
4	Rest	6/1 to 7/14 * **	6/1 to 7/14 * **
5	7/15 to 10/31 **	7/15 to 10/31 **	10/1 to 10/31

* Upland utilization limit not to exceed 20 percent at the end of the active growing season (7/15)

** 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 leader growth, and bank alteration no greater than 10 percent at the end of the riparian growing season (9/30)

Recognition of the livestock handling facility in the northern portion of pasture 4 of the Box T allotment as a portion of the Pickett Creek allotment is consistent with the recent history of use of this facility by Rohl Hipwell, in association with livestock management in the Red Mountain, Boone Peak, and Bridge Creek allotments that are combined to create the Pickett Creek allotment.

Table LVST-8: Constraints to seasons, intensities, duration, and frequency of grazing use specific to the Pickett Creek allotment

Resource	Pasture 1	Pasture 2	Pasture 3	Pasture 4	Pasture 5
Sage-grouse (nesting/early brood-rearing)	no use 4/1 to 6/30; 1 of 3 years	no use 4/1 to 6/30; 1 of 3 years	no use 4/1 to 6/30; 1 of 3 years	no use 4/1 to 6/30; 1 of 3 years	no use 4/1 to 6/30; 1 of 3 years
Redband Trout (spawning)	N/A	no use 3/15 to 6/15; 1 of 3 years	no use 3/15 to 6/15; 1 of 3 years	no use 3/15 to 6/15; 1 of 3 years	no use 3/15 to 6/15; 1 of 3 years
Vegetation	no use 5/1 to 6/30; 2 of 3 years*	no use 5/1 to 6/30; 2 of 3 years*	no use 5/1 to 6/30; 2 of 3 years*	no use 5/1 to 7/15; 2 of 3 years*	no use 5/1 to 7/15; 2 of 3 years*
Soils	no use 3/1 to 5/15; 1 of 3 years	no use 3/1 to 5/15; 1 of 3 years	no use 3/1 to 5/15; 1 of 3 years	no use 3/1 to 5/31; 1 of 3 years	no use 3/1 to 5/31; 1 of 3 years
Riparian/ Water Quality	no use 6/15 to 9/30; 1 of 3 years**	no use 6/15 to 9/30; 1 of 3 years**	no use 6/15 to 9/30; 1 of 3 years**	no use 7/1-9/30; 1 of 3 years**	no use 7/1-9/30; 1 of 3 years**

* Flexibility to graze more frequently between 5/1 and 6/30 (between 5/1 and 7/15 within pastures 3 and 4) with utilization limits (see Section 2.2.3 of the EA)

**When grazing occurs in pastures with riparian resources during specified time constraint periods, limit the intensity of use to 1) Stubble height no less than 6 in, 2) Woody browse use no greater than 30 percent incidence of use on most recent year's lead growth, and 3) Bank alteration no greater than 10 percent (see Section 2.2.3 of the EA)

It is also my Final Decision not to consider projects proposed within the application for grazing permit renewal received from you at this time. One or more of the applications received proposed a division fence for pasture 2 of the created Pickett Creek allotment (pasture 3 of the existing Red Mountain allotment). Similarly, the applications requested that a spring be developed and a trough be placed in the Pickett Creek allotment pasture 3 (existing Bridge Creek allotment pasture 1) within the area of Township 6 South, Range 2 West, Section 13, East ½. Additionally, your modified application received on July 29, 2013, includes: a proposal to clear areas of juniper domination within a 300-foot radius of developed springs; applies to clear juniper domination along approximately 20 to 400 acres of the headwater areas of Bridge Creek; applies for seeding of low-elevation areas for the reintroduction of deep-rooted perennial species; applies for large expanses of rangeland to be cleared of juniper by cutting or burning; applies for large expanses of rangeland dominated by too-dense sagebrush to be mechanically thinned or burned; and applies to assess with BLM the underlying factor(s) for spring or other riparian areas function and reserve the opportunity to apply to fence and/or develop and fence such areas. Additionally in your revised application dated February 10, 2014, you applied for authorization to establish water hauls within Pickett Creek pastures 2 and 3 (existing Red Mountain allotment pastures 2 and 3).

These proposed projects were not considered for analysis in the EA, as summarized in Section 2.4 (Alternatives Considered but not Analyzed in Detail). Although these projects may contribute toward ease of livestock management or improved function of upland or riparian areas currently limited by factors other than current livestock management practices, the projects are not consistent with the purpose and need identified for Toy Mountain Group EA. These projects are not required to facilitate the application of grazing management practices that promote significant progress toward, or the attainment and maintenance of, the standards. The Owyhee RMP clearly states “Use a minimum level of rangeland developments (e.g. fences, water facilities) to adjust livestock grazing practices to achieve multiple use resource objectives and meet standards for rangeland health.” This suggests that BLM add no more range improvements than are necessary to make progress towards meeting the standards for rangeland health and if the standards for rangeland health can be met without any additional range improvements then no new range improvements should be approved. The analysis in the Group 3 EA indicated that under alternative 3, the Pickett Creek allotment would make progress towards meeting the standards for rangeland health without the need for additional range improvements. Analysis of consequences of any new project construction or reconstruction may be addressed through separate NEPA analysis specific to the proposed project(s). That analysis was not included in the NEPA document for grazing permit renewal in the Group 3 allotments, because implementation of livestock management actions identified in the permit renewal applications are not dependent on construction of these projects.

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, Mr. Hipwell, 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, the Rangeland Health Assessment/Evaluation, Determination, and other documents in the grazing files, it is my Proposed Decision to select Alternative 3 with a slight modification consistent with the recent transfer of the John Edwards permit to you, Rohl Hipwell. 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 Pickett Creek allotment meeting, making significant progress toward meeting, or eliminating livestock management practices as a factor contributing toward failure to meet the Idaho S&Gs, while also moving toward achieving the resource objectives outlined in the ORMP.²⁹

Issues Addressed

Earlier in this decision, I outlined the major issues that drove the analysis and decision-making process for the Pickett Creek allotment. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with these allotments before I made my decision. My selection of Alternative 3 was in large part because of my understanding that this selection best

²⁹ As you know, your allotment is part of a group of 20 allotments forming the Toy Mountain Group allotments and has been included with permit renewal for the larger Owyhee 68 allotments. The NEPA process for the Owyhee 68 consists of five EAs and an EIS. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments and the other allotments analyzed in the EAs and the EIS, not just individually but as a members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, while I am looking at your individual allotment, reviewing its RHA/Evaluation/Determination, and selecting an alternative that will best address the allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), I am also looking at the allotment from a landscape perspective. From this perspective, there are problems common to the Owyhee 68 allotments. Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting S&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the Standard for upland vegetation. In many cases, performance under Standard 8 tracks these results. Despite the efforts of BLM and the ranch operators, resource conditions are not good. Some of these allotments have been used in the spring year after year; some have had summer-long riparian use every year, some are severely impaired from historical use. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape. Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern. Nonetheless, as stewards of the land, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors create the need to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipated organizational ability, and which does soon a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that when BLM selects an alternative that requires intensive management from BLM (i.e., continuous and intensive monitoring or other workloads that need to occur every year) it also accepts the risk and responsibility of that system's failure which could include a decreasing ecological health for the allotment at issue. My responsibility and challenge here is to make decisions that can be successfully implemented by BLM over the long term and that will lead to success, defined as healthy, sustainable resource conditions and predictability for ranch operators.

addressed those issues and especially those pertaining to Standards 1 and 4 regarding function of uplands, Standards 2 and 3 regarding riparian areas and stream channels, Standard 7 regarding water quality, and Standard 8 regarding habitats for special status wildlife species. 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 within the Pickett Creek allotment will be limited to exclude grazing during the active growing season (5/1 to 6/30 in pastures 1, 2 and 3; 5/1 to 7/15 in pastures 4 and 5) in 1 of 3 years. The intensity of grazing use will also be limited to less than 20 percent at the end of the active growing season, when grazing is authorized between May first and June thirtieth or July fifteenth, as applicable. Additionally, a reduction in the AUMs authorized within the allotment under Alternative 3 results in a stocking rate no heavier than approximately 10 acres per AUM for the two lower-elevation pastures and approximately 5 acres per AUM for the two high-elevation pastures. These actions will result in a reduction in the intensity of grazing use occurring in all pastures. The reduced intensity of grazing use, especially during the active growing season, will provide greater opportunity for cool-season bunchgrass plants to complete their annual growth cycle in the absence of grazing or with limited grazing and the need to regrow. In combination, limits to the intensity of grazing use during the active growing season and 1 in 3 years of exclusion of use during the active growing season will allow cool-season bunchgrass species to regain and maintain health and vigor, as detailed in Appendix E of the EA.

Under Alternative 3, Standard 4 will continue to be met in pasture 5, progress toward meeting Standard 4 will continue to be made in pasture 2 within the capability of the limited composition of deep-rooted perennial species, limited progress towards meeting standard 4 in pasture 1 within the constraints of inadequate remaining deep-rooted bunchgrasses³⁰, and progress will be made toward meeting Standard 4 in pasture 3, with limitations to seasons and intensities of grazing use. Although juniper encroachment will continue to limit meeting Standard 4 in pasture 4, limitations to the seasons and intensities of livestock use under Alternative 3 will ensure that livestock management practices are not a contributing factor toward the failure to meet Standard 4. Additionally, progress toward meeting the ORMP objective to improve health and condition of vegetation will be made.³¹

Issue 2: Improve watershed conditions within upland sites.

Alternative 3 will provide a minimum of 1 of 3 years of deferment and/or rest from spring grazing that will reduce physical impacts to soils during the wettest and most susceptible period. Additional benefits are provided from a minimum of 1 of 3 years of deferment from critical-growing-season use. Similarly, periodic deferment of grazing use until after the critical growing season for upland perennial species will allow improvement and maintenance of plant health, contributing to soil function. In addition, an adjustment in stocking rate will result in a reduction of livestock numbers

³⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.1 and Section 3.3.15.2.3.1.1

³¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.1 and Section 3.3.15.2.3.2.1

and active AUMs, as compared to the current permits and recent actual use. Reduced livestock numbers and AUMs will benefit soils by limiting physical impacts from hoof action and utilization of plants. Reduced cattle numbers and AUMs authorized will also increase the overall ability of native plant communities to remain healthy, vigorous, and productive during active growth. This offers native plant communities an opportunity to improve and respond with increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion. However, soils will continue to be susceptible to reduced stability and altered soil infiltration and water-holding capacity over time due to the spread of juniper in pasture 3. As a whole, progress toward maintaining, meeting, and improving soil and hydrologic function with livestock management practices under Alternative 3 is expected to be greater as compared with Alternatives 1 and 2, although not as much as under Alternatives 4 and 5.³²

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

Increased dominance by juniper within the higher-elevation pastures of the Pickett Creek allotment is an issue. Implementation of proper livestock management practices or the elimination of authorized livestock grazing from the Pickett Creek allotment, or its equivalent pastures 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.³³

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 retreated as their presence is known. Scotch thistle and whitetop have been inventoried and treated at a number of locations within the existing Red Mountain allotment, but no identified locations of weeds within the existing Boone Peak or Bridge Creek allotments are currently recorded on public land. Undiscovered noxious weeds may exist, and 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 existing Red Mountain, Boone Peak, and Bridge Creek allotments, no location within any of the allotments 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

³² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.2.4 and Section 3.3.15.2.3.2.2

³³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.3

concentration adjacent to water sources, salting areas, and routes of travel provide 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; those risks associated with authorized livestock grazing would be eliminated in the no-grazing alternative. Alternative 3 will reduce both cattle numbers and authorized active AUMs as compared to the existing permits and recent actual use. As a result, livestock as a vector of seed dissemination and soils disturbance will be reduced 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.

Recent actual use reported indicates that pasture 1 of Pickett Creek allotment has been primarily used in the spring months, pastures 2 and 3 have primarily been used during the spring and fall months, and pastures 4 and 5 have been used during the summer and fall months. Currently, within pastures 1, 2, 3, and 5, the riparian Standards 2 and 3 are not being met, but progress is being made. Standards 2 and 3 are not met in pasture 4 of the allotment due to current livestock management practices.

Under Alternative 3, grazing use within each of the five pastures of the Pickett Creek allotment will be deferred to a season other than the critical mid-summer period for riparian vegetation (June 15 to September 30) in at least 1 year during the 3-year rotation, allowing opportunity for recovery of herbaceous and woody riparian vegetation. In addition, pastures 2, 3, and 4 will receive a full year of rest from grazing use in 1 year of the 3-year rotation, further allowing opportunity for recovery with the impact associated with spring or fall use removed. Also, limitations to the intensity of grazing use of both herbaceous and woody vegetation species, as well as limitations to bank alteration in pastures 4 and 5, when used 2 years of the 3-year rotation during the critical period for riparian resources, will limit adverse impacts to riparian function. Finally, reduced cattle numbers and authorized active AUMs will lessen impacts associated with livestock use of riparian resources, compared to the use of the equivalent pastures under the existing permit and in recently reported actual use. Consequently, livestock impacts to riparian resources associated with 10.8 miles of perennial stream, 51.7 miles of intermittent/ ephemeral stream, and six springs will be reduced and periodic opportunity for recovery will be provided. Progress toward meeting Standards 2 and 3 within pastures 1, 2, and 4 will continue and be enhanced, while progress toward meeting these Standards in pasture 3 will be made. Progress toward meeting ORMP objectives for riparian resource will also be made.

Because Alternative 3 will allow progress toward meeting Standards and ORMP objectives related to upland and riparian function, progress toward meeting Standard 7 will result.³⁴

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

³⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.3 and Section 3.3.15.2.3.2.3

One special status plant species, Idaho milkvetch, located within the Cinnabar Mountain ACEC, will benefit from the livestock management practices under Alternative 3, similar to those benefits identified above for upland vegetation and soil resources. These benefits will result from periodic opportunity for recovery from critical seasons of use and reduced cattle numbers and authorized active AUMs as compared to grazing use in the equivalent pastures under the existing permit and reported in recent actual use.

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

Limiting cattle grazing to early spring and fall-winter use under Alternative 3 in Pickett Creek Pasture 1 will ensure that livestock won't graze on perennial grasses during the boot stage when they are most sensitive and will help maintain vigor and reproductive capability. Additionally upland plants will not be grazed at all during their active growing season one in three years. Upland plants that are ungrazed during their active growing season will be provided the opportunity to complete their annual growth cycle, growing taller and fully producing seed, which will increase protective cover and provide wildlife forage. The abundance and vigor of perennial grasses and forbs in the uplands habitats will increase within limitations of capability identified in the upland vegetation issue above. This will result in increased cover and forage for shrub steppe-dependent wildlife species. Similarly, spring and fall/winter livestock use will allow riparian habitats to pass through their entire growth and reproduction cycle without disturbance from livestock. Herbaceous riparian plants and shrubs that are ungrazed during their active growing season will grow taller and produce more seed. The abundance and vigor of herbaceous and woody species in the riparian habitats will increase. This will result in increased cover and forage for riparian-dependent wildlife species. More vigorous sage steppe perennial grasses and forbs, as well as vigorous riparian woody and herbaceous vegetation, will increase the cover and forage available for sage-grouse during the breeding and summer brooding seasons, thus increasing nest success and brood survival.

Limiting seasons and the intensity of livestock grazing use under Alternative 3 to allow upland and riparian areas to meet or make progress toward meeting Standards and the ORMP objectives, as identified above, will also provide wildlife habitat conditions that meet Standard 8. The periodic rest from livestock grazing for a full year and utilization limits under Alternative 3 will allow for the recommended levels of canopy cover and plant height for perennial grasses and forbs that are required for productive sage-grouse nesting, brooding, and foraging habitats. Juniper encroachment will continue to limit sage-grouse use in pastures 4 and 5, because of reduced visibility, reduced shrub and grass cover, and reduced forage. Riparian vegetation recovery and function will provide more shading for redband trout and will increase the abundance of foraging, nesting, and escape habitats for migratory birds and other riparian dependent species.

Under Alternative 3, the Pickett Creek allotment will make progress toward meeting Standard 8 in pasture 3, will allow Standard 8 for wildlife to continue to be met in pasture 5, and livestock management practices will not be the limiting factors toward failure to meet Standards 8 in pasture

2 with its reduced composition of deep-rooted perennial herbaceous species capable of recovery or in pasture 4 with its juniper dominance.³⁵

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 Pickett Creek allotment will not significantly alter fire behavior during extreme conditions or the BLM's ability to fight wildfire in the area.

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. 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. While grazing authorized by permit renewal would provide authorization to use public land resources, 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.³⁶

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.

³⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.5 and Section 3.3.15.2.3.2.5

³⁶ For more detailed discussion, please refer to EA number EA number DOI-BLM-ID-B030-2013-0021-EA Section 2.3.

Climate change is another factor I considered in building my decision around Alternative 3 for the Pickett Creek 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 or alternatives 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 Pickett Creek 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 and intensity 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 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 permits protect 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 Pickett Creek allotment in large part because this selection accomplishes those latter goals.

Over the long term, your grazing operations rely 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 the Idaho S&Gs and the ORMP objectives 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 and where not compatible in Pickett Creek allotment, have selected Alternative 3 and its design to meet resource function and sustainability.³⁷

³⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0021-EA Section 3.2.8

Additional Rationale

BLM chose different names from those you proposed in your application to consolidate allotments because maintaining the same allotment name but combining other allotments as pasture of that same allotment would result in confusion in the BLMs management of that grazing permit. To prevent this confusion BLM chose the names Fossil Creek and Pickett Creek for the proposed allotments when your desire as identified in your June 24, 2011, application was to limit grazing use by John Edwards to a single pasture allotment. However because of your acquisition of the John Edwards permit on the Red Mountain allotment there is no longer a need to separate the Fossil Creek allotment from the remaining group under the proposed Pickett Creek allotment. Adding Fossil Creek as pasture 1 to the Pickett Creek allotment would not change the terms and conditions, the stocking rate, or the season of use identified in Alternative 3 of the EA for Fossil Creek. Additionally combining Fossil Creek and Pickett Creek into one allotment would simplify the overall management of the area by reducing the grazing permits to one.

I could not consider activating all of your suspended use at this time because there are Standards for Rangeland Health that are not met due to current livestock management on these allotments, and there is no evidence that there is additional forage available to accommodate the AUMs currently in suspension. According to the Determinations for these allotments, the Boone Peak allotment is not currently meeting Standard 7 due to current livestock management, the Red Mountain allotment is not meeting Standards 1, 4, and 8 due to current livestock management, and Bridge Creek allotment is currently not meeting standards 2, 3, and 8 due to current livestock management. Federal Grazing Regulations, 43 C.F.R 4180.2 (c), requires the authorized officer to take appropriate action before the start of the next grazing year upon determination that livestock practices are significant factors in failing to meet the Standards for rangeland health. Analysis of maintaining your current active use in alternative 2 of the Toy Mountain Group EA indicated that current grazing management would not make progress towards meeting the standards. It is unlikely that increasing AUMs would result in progress towards meeting the standards. Additionally this request was not part of your initial application in June 2011, nor was it part of your updated application in June of 2013 therefore it was not analyzed within the Toy Mountain Group EA. Without such analysis in the EA, and given the analysis in the EA indicated that maintenance of current AUM would not make progress towards meeting standards, this request cannot be selected in this decision.

I could not consider your request for water hauls in pastures 2 and 3 because this request was not part of your initial application in June 2011, nor was it part of your updated application in June of 2013; therefore it was not analyzed within the Toy Mountain Group EA. Without analysis in the EA this request cannot be selected in this decision.

BLM acknowledges that it is simpler to identify pastures only by number rather than by name and number. This Final Decision identifies the pastures within Pickett Creek allotment by number rather than name.

BLM acknowledges receipt of your revised application and the portions of this application that are the same as earlier applications have been analyzed and discussed in the EA and in this Final Decision. It is not BLM's intent to go back and write a new EA to analyze this new application received at the end of the Protest period for the Proposed Decision. There are several aspects of the new application that render it un-selectable in this decision. First the proposed range improvements and vegetation

treatments are outside the described purpose and need for the Toy Mountain Group EA. Second, the activation of all suspended AUMs when current livestock management practices are contributing to the allotments failing to meet Standards for rangeland health would be irresponsible. This is particularly the case when analysis in the EA indicates that continuing the current level of livestock grazing would not result in significant progress toward meeting the Standards for Rangeland Health. Third, allowing complete flexibility in grazing management when current management is not meeting Standards, and with no reasonable assurance of regular rest or deferment being implemented, would offer no guarantee that the allotment would make significant progress towards meeting the Standards for Rangeland Health.

Crossing authorizations will not be addressed as part of this grazing permit renewal, as per other Term and Condition 4 on the grazing permit above: “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.” Therefore, crossing authorizations will not be part of this grazing permit renewal action in this Final Decision.

BLM recalculated the percent public land using the percentages from the current 1997 grazing permit.

BLM put much thought and effort into developing grazing management that is responsive to the Pickett Creek 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 permittees have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

I did consider selecting Alternative 5 – No Grazing for each of these allotments; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on this allotment. In selecting Alternative 3 for the Pickett Creek allotment, rather than Alternative 5, I especially considered:

- BLM’s ability to meet resource objectives using the selected Alternative 3,
- the impact of implementation of Alternative 5 on your operations and on regional economic activity,
- the Pickett Creek allotment’s susceptibility to significant improvement under Alternative 5, and
- 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, we received comments from members of the interested public stating that the BLM should analyze the effects of livestock grazing in an Environmental Impact Statement (EIS) rather than an EA. The BLM completed EIS # DOI-BLM-ID-B030-2012-0014-EIS that analyzes the effects of livestock grazing in the Chipmunk

Group 2 allotments 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 Proposed 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 Pickett Creek allotment over the next 10 years. Although Alternatives 1 and 2 would implement livestock management practices on the Pickett Creek 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 Standards 1 and 4 for upland soil and vegetation resources, Standards 2 and 3 for riparian related resources, Standard 7 for water quality, Standard 8 for wildlife habitats, and ORMP management objectives in all pastures of the two allotments. 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.

Alternative 5 would limit the economic activity of your livestock operations 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 Pickett Creek allotment is unnecessary at this point.

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

Authority

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

- 4100.0-8 Land use plans; The ORMP designates the Red Mountain, Boone Peak, and Bridge Creek allotments available for livestock grazing;³⁸
- 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 Proposed 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

³⁸ Allotment boundary changes for the existing Red Mountain, Bridge Creek, and Boone Peak allotments will be made, with a grouping of pastures to create the new Pickett Creek allotment which through land use plan maintenance would be designated for livestock grazing use.

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

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 Stahlle 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

Company Name	First Name	Last Name	Address 1	City	State	Zip
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Charles	Lyons	11408 Hwy. 20	Mountain Home	ID	83647
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650
	Martin & Susan	Jaca	21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	John	Edwards	15804 Tyson Rd.	Murphy	ID	83650
	Rohl	Hipwell	18125 Oreana Loop Rd.	Oreana	ID	83650
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650
	Craig & Georgene	Moore	PO Box 14	Melba	ID	83641
	Scott & Sherri	Nicholson	PO Box 690	Meridian	ID	83680
	Joseph	Parkinson	123 W. Highland View Dr.	Boise	ID	83702
	Senator: James E.	Risch	350 N. 9th St., Ste. 302	Boise	ID	83702
	Senator: Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Congressman: Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman: Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W. El Gato Ln.	Meridian	ID	83642
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837
	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 group 3 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	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.	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.
95	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.	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.

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 group 3 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 that 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 group 3 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 group 3 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 group 3 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 group 3 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 Group 3 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 document.</p>

Protest Point No.	Protest Text	Protest Response
		<p>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 Group 3, 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 Group 3 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 Group 3 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 (Group 3) 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. BLM used the best available information to evaluate the animal and plant species of the Group 3 allotments. Separate Environmental analyses and separate grazing decisions were prepared for the Group 4 and 5 allotments and they 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 group 3 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 Group 3 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 Group 3 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 protecting soils - especially on slopes and banks above streams -</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
	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 Group 3 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 Group 3 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 group 3 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 Group 3 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 Group 3 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 Group 3 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 Group 3 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 Group 3 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 group 3 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 Group 3 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 asses 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 Group 3 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 group 3 allotments are analyzed in the Group 3 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 Group 3 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 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 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 Group 3 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 group 3 allotments but within the cumulative effects analysis area were considered in section 3.4 of the group 3 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 group 3 EA. Climate change effects were also considered.
174	BLM is proceeding blindly. We Protest this.	The Group 3 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 Group 3 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 group 3 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 group 3 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 Group 3 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 group 3 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 Group 3 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 group 3 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 Group 3 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 Group 3 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 group 3 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	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.	Thank you for your opinion.
198	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.	BLM is always willing to meet with interested publics to discuss concerns about BLM management.
199	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.	WWP's alternative was considered by the BLM see group 3 EA section 2.3 Alternatives Considered but not Analyzed in Detail.

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.