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BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 ID130

CERTIFIED MAIL

December 24, 2013

Morgan Properties LP
c/o Dave Rutan
PO Box 277
Jordan Valley, OR 97910

Notice of Field Manager's Final Decision for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR Allotments

Dear Mr. Rutan:

Thank you for your application for permit renewal on the following Group 5 (Morgan) allotments: Big Field FFR (0594), Rail Creek FFR (0627), and Walt's Pond FFR (0659) allotments¹. Thank you as well for working with the BLM during the permit renewal process. I appreciate your interest in grazing these allotments in a sustainable fashion and am confident that this final decision achieves that objective.

As you know, the BLM evaluated current grazing practices and current conditions in the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments through 2013. We undertook this effort to ensure that any renewed grazing permit on the allotments would be consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, rangeland health assessments, evaluations, and determinations were completed; this final decision incorporates by reference the information contained in those documents.

On January 11, 2013, the Owyhee Filed Office initiated by letter the collective public scoping for Groups 3 through 5 of the Owyhee 68 grazing permit renewal process. These groups are referred to as the Toy Mountain, South Mountain and Morgan groups, respectively. The Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments are 3 of the 19 allotments in Group 5, the Morgan Group. The letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with the Idaho Rangeland Health Standards and Guidelines (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) for the purpose of developing grazing management alternatives for all three NEPA groups, including the Morgan Group Allotments Livestock Grazing Permit

¹ Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

Renewal Environmental Assessment (EA) EA # DOI-BLM-ID-B030-2013-0023-EA (hereinafter, “Morgan Group EA”)².

The Final Morgan Group 5 EA, which was published on November 26, 2013, incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal Final EIS # DOI-BLM-ID-B030-2012-0014-EIS and the analysis contained therein. This Final Decision incorporates by reference the analysis contained in those documents (see Appendix J).

The letter requested comments and information be received by February 25, 2013 for these allotments. All comments are addressed in the Morgan Group EA, including BLM Responses to comments considered during development of the EA.

In addition to the scoping identified above, my staff and members from the NEPA Permit Renewal Team met with you on April 16, 2013, to discuss your grazing permit renewal application and current allotment conditions and to share information about your livestock operations within these allotments. During this meeting, BLM discussed with you our preliminary conclusions regarding rangeland health and standards and guidelines and made grazing management recommendations associated with your grazing permit renewal application.

On August 27, 2013, BLM issued the completed 2013 Rangeland Health Assessments (RHA), Evaluations, and Determinations for the Group 5 Morgan allotments (which include the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments) to you and all interested publics of record. Issuance of the RHAs and Determinations afforded you an opportunity to meet with my staff to discuss any additional grazing management changes, your application, and to provide input for completion of the Group 5 EA. Additionally, a preliminary environmental assessment (without a Finding of No Significant Impact) was issued to the public on October 18, 2013, for 15-day review and comment. Issuance of the preliminary EA afforded yet another opportunity for grazing permittees and interested publics to provide additional input on the EA and inform me in preparation of completing a proposed grazing decision. Morgan Properties submitted comments regarding the preliminary EA on November 12, 2013. Comments were reviewed and considered by the interdisciplinary team in preparation of the final EA.

After evaluating current resource conditions on public lands associated with the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments, and meeting with you and reviewing information provided during the scoping and review periods, it is clear that some resource concerns currently exist on these allotments; and as described in the determinations, current livestock grazing management is a significant causal factor or an influencing factor in some instances.

To assist us in addressing livestock impacts to public land resources, my office prepared and issued the Group 5 EA in which we considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments. We also considered other alternatives that we did not analyze in detail. Our goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that resource conditions on these allotments is consistent with the goals and objectives of the ORMP and the Idaho S&Gs.

² EA number DOI-BLM-ID-B030-2013-0023-EA analyzed 5 alternatives for livestock grazing management practices to fully process permits within the allotments.

On November 26, 2013, we issued the Group 5 Proposed Decisions, including a decision to renew your grazing permit associated with the Big Field, Rail Creek, and Walt's Pond FFR allotments. Besides the protest submitted by you on December 10, 2013, two other protests pertaining to these allotments were submitted: Western Watershed Projects (WWP) and Idaho Governor's Office.³ Although these allotments weren't highlighted in WWP's protest, general issues including sage-grouse and invasive plant species throughout the entire Group 5 project area were presented by WWP. In addition, I met with you on December 3 where you submitted comments and proposed modifications to the grazing schedules as found in my proposed decision. Thank you for your counter proposals for the grazing schedules, however they did not meet our resource needs. All comments received during the completion of the EA, discussions in meetings with you and other interested publics, and protests submitted during the protest period were considered in the completion of this Final Decision. All applicable protest points have been reviewed and addressed by BLM and are discussed in the table below (Reponses Protest Points).

We have now completed the permit renewal process, and I am prepared to issue a final decision to renew your permit to graze livestock within the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. This decision is the culmination of a comprehensive review of the relationship between resource conditions and livestock grazing practices on the allotments, completed in accordance with the grazing regulations, Idaho S&Gs, the National Environmental Policy Act (NEPA), and the ORMP.

This final decision will:

- Describe current conditions and issues on the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments;
- Respond to the applications for grazing permit renewal for use in the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments;
- Outline my final decision to select Alternative 3 for Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments; and
- Explain my rationale for selecting Alternative 3.

Background

Allotment Setting

General

The Morgan Group allotments, which are under the purview of the Owyhee Field Office, are located adjacent to one another within the west-central portion of Owyhee County, Idaho. They occupy the central portions of the Owyhee Mountains south-southeast of Jordan Valley, Oregon. Elevations range from around 4,483 feet in the Walt's Pond FFR allotment to 6,491 feet in the Rail Creek FFR allotment.

Big Field FFR⁴

The Big Field FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 1,044 public land acres (38%) and 1,712 private acres (62%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided

³ Although the protest submission received from the State of Idaho, Office of the Governor was not received timely, protest points identified were considered and responses are provided in the attached document.

⁴ Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

that the 147 animal unit months (AUMs) permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

Rail Creek FFR⁵

The Rail Creek FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 124 public acres (3%), 1,857 private acres (62%), and 1,033 State acres (34%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 13 AUMs permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

Walt’s Pond FFR⁵

The Walt’s Pond FFR allotment is located near South Mountain, in Owyhee County, Idaho, approximately 30 miles south of Mud Flat Road (Figure 1.1). The allotment contains 1,320 public land acres (38%), 2,174 private acres (62%), and 11 State acres (<1%). Because this allotment includes a large acreage of private land, under the current permit the livestock numbers and dates have varied annually as determined by you, the permittee, provided that the 76 AUMs permitted on public lands were not exceeded and unacceptable impacts to public land resources did not occur (See attached maps).

Current Grazing Authorization

You currently graze livestock within the Big Field FFR, Rail Creek FFR, and Walt’s Pond FFR allotments pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows (Table CGA-1):

Table CGA-1: Morgan Properties, LP - Current Term Grazing Permit

Allotment	Livestock		Grazing Period		% PL	Type AUMs	Active Use	Suspended AUMs	Permitted AUMs
	Number	Kind	Begin	End					
Big Field FFR (0594)	142	Cattle	12/1	12/31	100	Active	147	21	168
Rail Creek FFR (0627)	13	Cattle	12/1	12/31	100	Active	13	0	13
Walt’s Pond FFR (0659)	75	Cattle	12/1	12/31	100	Active	76	0	76

Other terms and conditions:

1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. 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.

⁵ Regarding allotments with FFR in their name: the BLM’s legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

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. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. 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.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.
12. Utilization may not exceed 50 percent of the current year's growth.

As part of a U.S. District Court settlement agreement, the following terms and conditions were added to the permit in March of 2000:

- Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the streambank, 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 streambanks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Streambank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

Current Grazing Management

Based on actual use reports over the last 10 years, it is clear that in most years you have grazed the public lands located in these allotments with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility authorized in the permit.

Actual use is important when considering the renewal of a grazing permit because actual use and not authorized levels of use 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 it is the result of the removal of a varied number of AUMs and seasons of use over the past several years.

Big Field FFR

The current permit authorizes 147 AUMs of forage and a season of use between June 1 and October 25, annually. Actual use in this allotment has ranged from 104 to 181 AUMs, with an average of 140 AUMs,

between 2003 and 2012. Over the same period of time, the season of use has generally been consistent with livestock grazing between June 1 and October 25.

Rail Creek FFR

The current permit authorizes 13 AUMs of forage and a season of use between June 1 and November 30, annually. Actual use in this allotment has generally been constant with 14 AUMs, between 2005 and 2012. Over the same period of time, the season of use has varied significantly with May - June grazing in 2008-09; July - August grazing in 2007 and 2010-12; August 1-31 grazing in 2006; and September 1-30 grazing in 2005.

Walt's Pond FFR

The current permit authorizes an annual use of 76 AUMs of forage and a season of use between April 1 and June 5, annually. Actual use in this allotment has ranged from 52 to 77 AUMs, with an average of 72 AUMs, between 2003 and 2012. Over the same period of time, the season of use has generally been consistent with livestock grazing between April 1 and June 5, annually.

Current Resource Conditions

The following sections provide a brief overview of current resource conditions on the public lands as extracted from the Group 5 EA and the 2013 Rangeland Health Assessments, Evaluations, and Determinations for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. Resources presented include: *Vegetation - Uplands, Watersheds (soils), Water Resources and Riparian/Wetlands Areas, and Wildlife/Wildlife Habitats and Special Status Animals*. Special Status Plants are not addressed because no special status plant populations are known to occur within these allotments.

Big Field FFR

The BLM completed a land health assessment, evaluation, and a determination for the Big Field FFR Allotment in 2013 (issued on August 27, 2013). As described in the RHA and Determination documents, BLM determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), and 8 (Wildlife); and current livestock grazing management practices were a significant causal factor in not meeting Standards 1, 2, 3, and 8.

Vegetation - uplands

Rangeland Health Standard 4 is not being met on the public lands the Big Field FFR allotment. Evidence of historic grazing impacts is present throughout the allotment, with the reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions. Historic actual use shows up to 425 AUMs consumed from public lands in 1990, which is approximately three times greater than current active use (147 AUMs). A greater dominance by increaser species (e.g., Sandberg bluegrass and squirreltail), juniper encroachment, and invasive annuals currently exist. Historic grazing was identified as being the causal factor in the failure to meet Standard 4.

The ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met. Vegetation communities appear to have shifted to shallow-rooted bunchgrasses community, with the expansion of annual invasive grasses and juniper encroachment.

Watersheds

As presented in the Group 5 EA (see Sections 3.1.2 and 3.3.3.1.2), current and past livestock grazing management practices are significant causal factors for not meeting watershed Standard 1 on the public lands in the Big Field FFR allotment. Accelerated erosional processes and water flow patterns have increased bare ground and plant pedestaling; trails and mechanical disturbance are common and have

affected the biological soil crust component in the interspatial areas, have churned soils, and have reduced soil stability.

Past and current grazing has reduced deep-rooted bunchgrasses and increased plant decadence and mortality. As a result, soil degradation associated with mechanical damage by livestock hoof action is common due to a reduction in protective vegetation. In addition, western juniper is encroaching into the plant community and is affecting hydrologic function and soil stability.

The decreased ecological function and physically impaired soils indicate that soil and hydrologic function are an issue in not meeting Standard 1. Current and historic livestock management are the primary causal factors for not meeting either Standard 1 or ORMP soil management objectives aimed at improving unsatisfactory watershed health/conditions.

Water Resources and Riparian/Wetland Areas

Standards 2 and 3 are not being met in the Big Field FFR allotment, and current livestock grazing management is a significant causal factor. Approximately 1.2 miles of Combination Creek were assessed in 2001 and given a functioning-at-risk (FAR⁷) rating. The same segment was re-visited in 2011. The 0.9-mile reach that traverses BLM land along the western boundary of the allotment had areas of inadequate composition and age classes of riparian vegetation present (needed to provide deep roots that aid in protecting the streambanks during peak spring runoff and thunderstorm events). The point bars were not re-vegetating and were scoured, and there were areas where the sinuosity and width-to-depth ratios were out of balance, with areas of excessive soil erosion and deposition. A shorter 0.3-mile reach was assessed in 2001, and revisited in 2011, where it was concluded that there was no change from the 2001 FAR rating. Combination Creek serves as the primary, most accessible perennial livestock water source found on public land within this allotment.

North Boulder Creek serves as the north western allotment boundary between the Upper Deer Creek and the Big Field FFR allotments, and a 1.2-mile segment of North Boulder Creek flows through the Big Field FFR allotment. The majority of the segment flowing through the allotment is heavily wooded, rock armored, and inaccessible to livestock. When assessed in 2001, this reach was rated FAR-U (with an apparent upward trend). In 2001, invader and shallow rooted species were a component of the floodplain and leafy spurge occupied over 35 percent (with a trace of Canada thistle observed) of the riparian area surveyed. When re-visited in 2011, the same riparian area was rated as Proper Functioning Condition (PFC) because conditions had improved and vegetation was sufficient to protect stream banks.

Wildlife/Wildlife Habitats and Special Status Animals

Upland Habitat

Evaluation of Standard 4 determined that the Big Field FFR allotment is not meeting rangeland health standards due to historic grazing practices. Currently, the plant community is dominated by smaller, more grazing-tolerant species such as Sandberg bluegrass and squirreltail. These species do not have the robust growth form or stature of bluebunch wheatgrass and do not provide the plant composition, structure, and function for sagebrush steppe-dependent species. Due to current upland conditions as stated here, and above under *Vegetation - uplands*, Standard 4 is not being met and current upland resources in this allotment are not providing adequate upland habitat cover and forage values for sagebrush steppe species. Therefore, it was determined that Standard 8 is not being met and historic livestock grazing practices are identified as the causal factor.

⁷ See Group 5 EA Sections 3.2.3 and 3.3.3 for more riparian/wetlands information.

Riparian Habitat

Evaluation of Standards 2 and 3 identified streams within this allotment that are not properly functioning due to historic and current grazing practices. As mentioned above under *Water Resources and Riparian/Wetland Areas*, Combination Creek was rated FAR and North Boulder Creek PFC. BLM determined that, due to the FAR rating on Combination Creek, the allotment was failing to meet Standards 2 and 3 and current livestock grazing management is a significant causal factor. Because Combination Creek is lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment, this riparian area fails to provide adequate riparian conditions to support viable aquatic and terrestrial species populations. Therefore, it was determined that Standard 8 is not being met and current livestock grazing is a significant causal factor.

Focal Species

Sage-grouse

A total of 523 acres of sage grouse Preliminary Priority Habitat (PPH) exists in this allotment (Group 5 EA, Section 3.3.3.1.4). In addition, western juniper has encroached into these PPH acres. The current value of this allotment for sage-grouse is further reduced when combined with the transition of the upland plant community to smaller-stature grasses from bluebunch wheatgrass to Sandberg. There are no active leks within this allotment. This allotment is not meeting Standard 8 for sage-grouse due to historic grazing practices that have contributed to the decline in the plant community composition and the expansion of junipers into sagebrush steppe habitats.

Columbia Redband Trout and Columbia Spotted Frog

Columbia River redband trout are known to occur within the Combination Creek system. Evaluation under Standard 2 identified Combination Creek as FAR due to historic and current grazing practices. Redband trout require intact channels with well-developed riparian communities that stabilize banks to minimize erosion and create undercuts, minimize impacts of flood events, filters sediments, provide shade to reduce water temperatures, and contribute woody debris to create channel structure and regulate seasonal flow. Because these in-stream and near-stream habitat characteristics are not adequately represented, this allotment is not providing adequate riparian habitat for redband trout and therefore is not meeting Standard 8 due to historic and current grazing practices. This allotment is not within the modeled distribution area of the Columbia spotted frog.

Rail Creek FFR

The BLM completed a land health assessment, evaluation, and a determination for the Rail Creek FFR Allotment in 2013. As described in the RHA and Determination documents, BLM concluded that some of the resources on the Rail Creek FFR Allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Wildlife); and current livestock grazing management practices were a significant causal factor in not meeting Standards 2, 3 and 8.

Vegetation - uplands

Rangeland Health Standard 4 is not being met in pasture 2 of the Rail Creek FFR allotment; however, Standard 4 is being met in pasture 1. As identified in the 2013 Rail Creek FFR RHA and Determination, evidence of historic grazing impacts are present throughout the allotment with the reduced composition of deep-rooted decreaser bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions and a greater dominance of shallower-rooted species (e.g., Sandberg bluegrass and squirreltail). Standard 4 is not being met due to departure of plant mortality and decadence in the with moderate departure ratings in annual invasives, including juniper, and reproductive capabilities of perennial plants. This conclusion is supported by current ecological site descriptions and correlation with vegetation inventories. In addition, as identified in the RHA and Determination, invasive plant species (cheatgrass and

western juniper) are an issue in this allotment and determined to be an influencing causal factor towards not meeting Standard 4.

The ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met. Vegetation communities shifting to shallow-rooted bunchgrasses, with the expansion of annual invasive grasses and juniper, and moderate ratings of reproductive capabilities of perennial plants lead to a conclusion that the vegetation management objective is not being met.

Watersheds

Pasture 1 is meeting Standard 1 (Watersheds); however, it was determined that pasture 2 of the Rail Creek FFR allotment is not meeting Standard 1. The current season of use allows for livestock grazing between June 1 and November 30, annually. Historically, actual use identifies that the allotment has not been rested, with grazing occurring primarily in May-June, July-August annually (2006-2012). As identified in the Group 5 EA, Standard 1 is not being met in pasture 2 because accelerated erosional processes and water flow patterns have caused an increase in bare ground, and pronounced pedestaling of plants on public land in the Rail Creek FFR allotment. Additionally, soil surface sealing is reducing infiltration while historic and some active soil loss has resulted in a degraded soil surface horizon that is otherwise stabilized by rocks and gravel. A shift from deep-rooted bunchgrasses to more shallow-rooted species has occurred, and herbaceous cover between shrubs is lacking. With the protective vegetative and persistent cover components lacking to provide soil stability and infiltration, soil degradation is common.

It was determined that historic livestock grazing management practices are the primary causal factor in not meeting Standard 1.

Water Resources and Riparian/Wetland Areas

Standards 2 and 3 are not being met in pasture 2 of the Rail Creek FFR allotment, and current livestock grazing management practices are a significant causal factor. Actual use data identifies that the allotment has not received a rest treatment, with grazing occurring primarily in May-June and July-August annually (2006-2012). Approximately 0.7 mile of South Mountain Creek that occurs on BLM lands within pasture 2 was assessed as FAR in 2000. The FAR rating was based on the riparian vegetation being in poor condition or absent altogether and minimally controlling erosion, stabilizing streambanks, and shading the stream channel. Riparian-wetland vegetation with deep, strong-binding roots was not sufficient to stabilize streambanks, and the age class and structural diversity of riparian-wetland vegetation was inadequate. Approximately a 0.3 mile portion of this same reach was re-visited in 2011, and the FAR rating was verified.

Standard 7 is not being met in this allotment based upon Idaho Department of Environmental Quality's (IDEQ)⁸ placement of South Mountain Creek on the State's Clean Water Act 303(d) list due to unacceptable mercury levels and temperature. However, the allotment is in conformance with the Guidelines for Livestock Grazing Management because a Total Maximum Daily Load (TMDL) has been developed for temperature, removing it from the 303(d) list, and livestock are not the causal factor for the elevated mercury levels.

⁸ See Group 5 EA Section 3.1.3 for additional IDEQ information regarding the Rail Creek FFR allotment.

Wildlife/Wildlife Habitats and Special Status Animals

Upland Habitat

Evaluation under Standard 4 determined that pasture 1 of the Rail Creek FFR allotment is meeting the Standard; however, pasture 2 is not meeting the Standard and the primary causal factor is due to historical livestock grazing management practices.

Currently the plant community in pasture 2 is dominated by smaller, more grazing-tolerant species such as Sandberg bluegrass. In addition, invasive plant species, including cheatgrass and western juniper, are common and contribute to the not meeting Standard 4 conclusion. Sandberg bluegrass and cheatgrass lack the robust growth form or stature necessary to provide adequate plant composition, structure, and function for sagebrush steppe dependent species. Therefore this allotment is failing to provide adequate upland habitat conditions for sagebrush steppe species, and is not meeting Standard 8 (uplands) due to historic grazing practices and the increased dominance of invasive annual species (cheatgrass and western juniper).

Riparian Habitat

As indicated above at *Water Resources and Riparian/Wetland Areas*, Standards 2, 3, and 7 currently are not being met. Current livestock grazing (grazing between June 1 and October 25, annually) is a significant causal factor for not meeting Standards 2 and 3. South Mountain Creek was rated as FAR and lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment. Consistent with Standards 2 and 3, this allotment is failing to provide adequate riparian conditions to support viable aquatic and terrestrial species populations; therefore, it is not meeting Standard 8 for riparian habitat due to current livestock grazing management practices.

Focal Species

Sage-grouse

The Rail Creek FFR allotment lies within PPH⁹ for sage-grouse. This allotment includes approximately 446 acres (15 percent) of PPH sagebrush habitat; and 2,569 acres (85%) of PPH where juniper has encroached into sage grouse habitat. As a result, the allotment provides limited seasonal breeding, summer, riparian, and winter habitat for sage-grouse. There are no known active sage grouse leks within this allotment. No sage-grouse habitat assessments have been collected for this allotment.

*Columbia Spotted Frog*¹⁰

This allotment is within the Owyhee Field Office's Columbia spotted frog distribution area. Spotted frogs are usually found along vigorous grassy/sedge margins of streams, lakes, ponds, springs, and marshes not far from sources of quiet permanent water. They migrate along these vegetation corridors between habitats used for spring breeding, summer foraging, and winter hibernation. Evaluation under Standards 2, 3, and 7 identified streams and springs that are not properly functioning or meeting water quality parameters due to current grazing practices (grazing between June 1 and October 25, annually). Because streams and springs are not functioning properly, this allotment is not providing adequate aquatic conditions to sustain viable populations of spotted frogs and therefore is not meeting Standard 8 due to historic and current grazing practices.

Walt's Pond FFR

The BLM completed a land health assessment, evaluation, and a determination for Walt's Pond FFR Allotment in 2013. As described in the RHA and Determination documents, BLM concluded that some of the resources on Walt's Pond FFR Allotment were not meeting the Idaho S&Gs. Specifically, the BLM

⁹ PPH acres in the Rail Creek FFR allotment are total acres including BLM, State, and private lands.

¹⁰ See Group 5 EA Sections 3.1.5 and 3.3.14.1.4 for more Columbia spotted frog information pertaining to the Owyhee Field Office and the Rail Creek FFR allotment.

determined that the allotment did not meet Standards 1 (Watersheds), 2 (Riparian), 3 (Stream Channel), 4 (Native Plant Communities), 7 (Water Quality), and 8 (Wildlife); and current livestock grazing management practices are a significant causal factor in not meeting Standards 1, 2, 3, and 8.

Vegetation - uplands

Rangeland Health Standard 4 is not being met in pastures 1 and 2 of the Walt's Pond FFR allotment, and historic grazing practices are the primary reason for not meeting the standard. Evidence of historic grazing impacts are present throughout the allotment, reflected in the departure of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) from reference site conditions and a greater dominance by shallow-rooted species (e.g., Sandberg bluegrass and squirreltail). In addition, invasive annuals, including juniper encroachment, are causal factors for not meeting Standard 4.

Vegetation communities shifting to shallow-rooted bunchgrasses, with the expansion of annual invasive grasses and juniper, have reduced reproductive capabilities of perennial plants. Consequently, the ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met.

Watersheds

Standard 1 (Watersheds) is not being met in both pastures 1 and 2 in the Walt's Pond FFR allotment. The current season of use has generally been consistent with livestock grazing between April 1 and June 5, annually. The reduction in soil and hydrologic function is associated with physical soil disturbance and an altered plant community composition and distribution due to decreased abundance of large, deep-rooted native perennial bunchgrasses, and an increase in invasive species (including western juniper).

The reduction in soil and hydrologic function is primarily associated with accelerated erosional processes that have increased pedestaling of plants and altered soil infiltration and runoff through elevated water flow. Soil loss is in various stages, primarily due to widespread mechanical damage and increased bare ground. The physical damage from hoof action to soils by livestock continues to affect the biological soil crust component, especially in the interspatial areas, adding to a reduction in soil stability. An increase in invasive species also contributes to an ongoing decline in hydrologic function and nutrient availability.

The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and historic livestock management is the primary contributing factor for not meeting Standard 1 or ORMP soil management objectives of improving unsatisfactory watershed health/conditions for the Walt's Pond FFR allotment.

Water Resources and Riparian/Wetland Areas

In 2013, Walt's Pond FFR allotment was determined to not be meeting Standards 2 and 3, and current livestock grazing management practices are a significant causal factor in not meeting these standards. Pasture 1 includes 0.4 mile of Glass Gulch and 0.5 mile of Jordan Creek on public land. The segment of Glass Gulch that traverses public land in pasture 1 was assessed as FAR in 2000. The site was re-visited in 2012, at which time a lack of hydric species and mechanical damage to the streambanks were identified. Jordan Creek was originally assessed in 2001 and revisited in 2011. In 2011, Jordan Creek was classified as an ephemeral stream without the capabilities of producing and maintaining riparian vegetation.

Pasture 2 includes 0.7 mile of Glass Gulch, which was assessed in 2000 and 2003. In 2000 this reach was assessed FAR; and in 2003, the reach was assessed as FAR (with an upward trend) with intermittent mechanical damage of the herbaceous understory where livestock access the stream and that the channel had been previously deeply incised. Pasture 2 also includes 0.6 miles of Williams Creek, which was assessed in 2001 and 2012, and was rated PFC.

Standard 7 is not being met in this allotment based upon IDEQ¹¹ data which indicates that Jordan and Williams creeks in pasture 1 are 303d-listed for flow alterations and failure to meet cold-water aquatic life (CWAL) - temperature beneficial uses on. Williams Creek in pasture 2 was rated as fully supporting IDEQ water quality standards in the allotment and therefore is meeting Standard 7. Although Standard 7 is not being met in Walt's Pond FFR allotment, current livestock grazing management is not a causal factor. In addition, because these streams are 303(d) listed based on flow alterations, the allotment is in conformance with the Guidelines for Livestock Grazing Management because livestock are not the causal factor.

Wildlife/Wildlife Habitats and Special Status Animals

Upland Habitat

As was stated under Standard 4 above, upland vegetative communities are dominated by shallow-rooted perennial grasses such as Sandberg bluegrass and squirreltail, with cheatgrass common throughout the pastures. In addition, encroachment of western juniper into the native plant communities is a primary causal factor to not meeting Standard 4. The determination for Standard 4 is consistent with vegetation data from sage-grouse habitat assessments showing the dominance of invasive annuals in Walt's Pond FFR pastures. Cheatgrass does not have the robust growth form or stature to provide the plant community composition, structure, and function for sagebrush steppe-dependent species. Because of the upland conditions, this allotment is failing to provide adequate upland habitat conditions for sagebrush steppe species, and is not meeting Standard 8 due to historic livestock grazing practices (grazing between April 1 and June 5, annually) and invasive plants.

Riparian

Evaluation of Standards 2 and 3 determined that streams within this allotment are not meeting standards due to historic and current livestock grazing. Streams functioning at-risk lack adequate riparian vegetation composition and distribution to provide the structure and functions that support a productive riparian environment. Glass Gulch, which flows through pastures 1 and 2, does not meet riparian Standards, and historic and current livestock grazing are significant causal factors. The remaining perennial riparian areas within pasture 2 were rated as PFC.

Because Standards 2 and 3 are not being met in portions of pastures 1 and 2, the allotment fails to provide adequate riparian habitat conditions to support viable aquatic and terrestrial species populations. Therefore, Standard 8 for wildlife/wildlife habitat and special status animals is not being met and both historic and current livestock grazing management practices are causal factors.

Focal Species

Sage-grouse

Walt's Pond FFR allotment lies within PPH¹² for sage-grouse. This allotment includes approximately 3,332 acres (95 percent) of PPH sagebrush habitat and 174 acres (5%) of PPH where juniper has encroached into sage grouse habitat. The allotment still provides limited seasonal breeding, summer, riparian, and winter habitat for sage-grouse. There are no known active sage grouse leks within this allotment. Sage-grouse habitat assessment information collected in 2012 for pastures 1 and 2 showed unsuitable breeding and upland summer habitat conditions for nesting and late brood-rearing sage-grouse. The assessments identified marginal sagebrush overstory conditions combined with a substantially reduced perennial grasses and forbs in the understory. Because of the absence of understory cover and the reduced availability of forbs, this allotment is not providing adequate breeding and late brood-rearing nesting and security cover for sage-grouse and does not meet Standard 8 due to historic grazing practices and invasive annuals.

¹¹ See Group 5 EA Section 3.1.3 for additional IDEQ information regarding Walt's Pond FFR allotment.

¹² PPH acres in Walt's Pond FFR allotment are total acres including BLM, State, and private lands.

*Columbia Redband Trout*¹³

Columbia River redband trout are known to occur within the Jordan Creek system. However, the segment of Jordan Creek flowing through Walt's Pond FFR allotment on public land has been classified as an ephemeral stream, which does not support redband trout.

Guidelines for Livestock Grazing Management

In addition to a discussion of land health standards, the BLM's 2013 Determination for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments identified grazing management practices that did not conform to the BLM's Guidelines for Livestock Grazing Management for Idaho. Specifically, grazing management did not conform to the following guidelines:

Guideline 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 cover appropriate to site potential.

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

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

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

Guideline 11: Use grazing management practices developed in recovery plans, conservation agreements, and Endangered Species Act, Section 7 consultations to maintain or improve habitat for federally listed threatened, endangered, and sensitive plants and animals.

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.

¹³ See Group 5 EA Sections 3.1.5 and 3.3.14.1.4 for more Columbia redband trout information pertaining to the Owyhee Field Office and Walt's Pond FFR allotment.

Issues

Based on the BLM's evaluation of the current grazing scheme, the current conditions on the allotments, public response to scoping, and the BLM's obligations to meet the Idaho S&Gs and move toward meeting the ORMP management objectives, the BLM identified the following resource issues applicable to the grazing permit renewal for the allotments:

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.

Issue 5: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.

Issue 6: Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.

Issue 7: Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.

Issue 8: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.

Issue 9: Climate Change: The issue of climate change and its relationship to the proposed federal action of renewing grazing permits is twofold. 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.

Analysis of Alternative Actions

Based on the current resource conditions on the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments and the issues identified above, BLM considered a number of alternative livestock management schemes and changes in the Group 5 EA to ensure that if the grazing permit was renewed, Morgan Properties, LP management will result in the maintenance of or some improved conditions in the allotments. 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.¹⁴ The alternatives analyzed in detail include the following:

- Alternative 1 - *Current Situation*
- Alternative 2 - *Applicant's Proposed Action*
- Alternative 3 - No Title (BLM developed alternative with resource constraints and deferment)
- Alternative 4 - No Title (additional BLM developed alternative with resource constraints, deferment and or rest, and Active AUM reductions)
- Alternative 5 - *No Grazing*

Final Decision

After considering the current livestock grazing management practices, the current conditions of the natural resources, and the alternatives and analysis in the Group 5 EA, comments received from you and other interested publics, as well as other information, it is my final decision to authorize grazing for 10 years consistent with Alternative 3 of EA # DOI-BLM-ID-B030-2013-0023-EA. Implementation of Alternative 3 over the next 10 years will allow the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments to make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed Morgan Properties, LP grazing permit will be as follows:

Table PROP 1.0. Terms and Conditions

Allotment	Livestock		Grazing Period		% PL	Type AUMs	Active Use	Suspended AUMs	Permitted AUMs
	Number	Kind	Begin	End					
Big Field FFR (0594)	168	Cattle	6/15	11/15	40	Active	147	21	168
Rail Creek FFR (0627)	300	Cattle	6/1	12/15	3	Active	13	0	13
Walt's Pond FFR (0659)	75	Cattle	4/1	12/25	20	Active	76	0	76

Other terms and conditions:

1. Big Field FFR Allotment - A minimum of 6 inch stubble height, 30 percent browse (where applicable), and less than 10 percent bank alteration will be required in key riparian areas when livestock are removed.
2. Big Field FFR Allotment - Cattle numbers may vary up to 168 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.
3. Rail Creek FFR Allotment - Cattle numbers may vary up to 300 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.
4. Walt's Pond FFR Allotment - Cattle numbers may vary up to 75 head as long as the total active use AUMs by pasture or allotment and permitted season of use are not exceeded annually.

¹⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

5. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated December 24, 2013. Changes to the scheduled use require approval.
6. Livestock turn-out is subject to the District range readiness criteria.
7. You are required to submit a signed and dated Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days of the last day of your authorized annual grazing use.
8. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
9. Trailing activities must be coordinated with the BLM prior to initiation. A crossing permit may be required prior to trailing livestock across public lands. Permittee will notify any/all affected permittees or landowners in advance of crossing.
10. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on Federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
11. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
12. Prior to turn-out, all range improvements must be maintained and in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance activities that may result in ground disturbance require prior approval from the authorized officer.
13. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
14. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

Table PROP 1.1. Big Field FFR, Rail Creek FFR, and Walt's Pond FFR Allotments - Grazing Schedules

Pasture	Year 1	Year 2	Year 3
Big Field FFR Allotment (0594)			
Pasture 1	6/15-10/15	6/15-10/15	10/1-11/15
Rail Creek FFR Allotment (0627)			
Pasture	Year 1	Year 2	Year 3
Pasture 1	6/1-8/31	6/1-8/31	10/1-10/31
Pasture 2	9/1-11/30	9/1-11/30	11/1-12/15
Walt's Pond FFR Allotment (0659)			
Pasture	Year 1	Year 2	Year 3
Pasture 1	10/1-12/25	10/1-12/25	4/1-6/5
Pasture 2	4/1-6/5	4/1-6/5	10/1-12/25

Notes on the Terms and Conditions

Flexibility is provided as identified on your grazing schedule. You will be offered a grazing permit for a term of 10 years for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. Implementation of Alternative 3 will result in no change in active AUMs from your previous term permit, but will limit how those AUMs are allocated throughout the grazing year. Permitted use will be as follows:

Operator	Allotment	Active Use	Suspension	Permitted Use
Morgan Properties LP	Big Field FFR	147 AUMs	21	168 AUMs
	Rail Creek FFR	13 AUMs	0	13 AUMs
	Walt's Pond FFR	76 AUMs	0	76 AUMs

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the Big Field FFR, Rail Creek FFR, and Walt's Pond 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 the Group 5 EA number DOI-BLM-ID-B030-2013-0023-EA, the 2013 rangeland health assessments/evaluations, determinations, and other documents in the grazing files, it is my decision to select Alternative 3 for the Big Field FFR, Rail Creek FFR and Walt's Pond FFR allotments. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will continue to 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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed¹⁵

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. I want you to know that I considered each alternative in light of the specific issues raised in conjunction with this allotment before I made my decision. My selection of Alternative 3 was in large part because of my understanding that this selection best addressed those issues, given the BLM's legal and land management obligations.

Big Field FFR Allotment

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.

And

Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.

Deferred rotation grazing schedules provide for 1 or more years of grazing use after seed-set, following 1 or more years of growing season use. Moderate utilization levels (40-60%) at either deferred or rest-rotation grazing systems can allow for adequate recovery of upland herbaceous root growth and associated

¹⁵ Your allotments are, as you know, members of one group of six groups of allotments forming the Owyhee 68 Allotments, which are the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. 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, I am looking not just at your individual allotment, reviewing its RHA/Evaluation/Determination, selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), but looking at this allotment from a landscape perspective. Viewed this way, it is clear that there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments which have riparian areas, at least 47 are not meeting IS&Gs for riparian/water issues due to current livestock management; of approximately 73 allotments, 43 are not meeting the ISG for upland vegetation ; in many cases, performance under Standard 8 tracks these results. In spite of the efforts of BLM and the ranching operators, resource conditions are not good. Some of these allotments have seen spring use year after year; some have had summer-long riparian use every year. 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, but as land stewards 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 drive us to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipation of organizational ability, and does so on a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that if monitoring is required to make progress under a particular alternative (for example), and is not performed, the result may be decreasing ecological health for the allotment and, at the time of the next permit renewal, decreased grazing opportunity from public land for the operator. My responsibility and challenge here is to make decisions that lead to success which includes healthy, sustainable resource conditions and predictability for ranching operators.

carbohydrate storage following the impact of critical-season defoliation. Additional years of deferment or rest increase opportunity for recovery, maintenance of plant health and vigor improvement. Implementing these grazing practices (deferment and rest) will improve or maintain native rangeland species to attain composition, density, foliar cover and vigor appropriate to site potential (USDI BLM 1999b) can help achieve desired conditions for native plant communities.

Big Field FFR utilization data was collected in 2009 and ranged from 0 to 20 percent (slight to light utilization). Areas of repeated light grazing will result in static or increased community diversity (Group 5 EA Sections 3.2.1). Generally, the vigor of forage grass species can be sustained with light or moderate utilization, while heavy utilization reduces photosynthetic tissue below levels needed to maintain root reserves, diminishing the vigor of utilized species. Utilization effects to specific key forage species are described generally as the degree of increasing or decreasing presence in the vegetative community from grazing pressure. Bluebunch wheatgrass as a key forage species decreases with heavier grazing pressure while Sandberg bluegrass increases. Most sources recommend that bluebunch wheatgrass be grazed under a deferred, rotational grazing system to ensure plants remain healthy.

Implementation of Alternative 3 will institute pasture rotation schedules that include less frequent use during the critical growth periods, or deferred use, compared to the current situation. Increased years of deferment will allow opportunity for recovery and maintenance of plant health and vigor to improve (Bailey and Brown 2011). The decrease in the frequency of growing-season use will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives.

Implementation of Alternative 3 will include June through October grazing 2 out of 3 years and deferment from October through November in year 3 of a 3-year grazing rotation with a maximum of 168 head of cattle and 147 AUMs. Increased years of deferment as compared to repeated grazing during the critical growing period in Alternatives 1 and 2 in the Big Field FFR allotment will improve vegetative health and vigor, which will result in movement toward meeting vegetation standards and ORMP objectives for vegetation health.¹⁶ Vegetation resources not meeting ORMP vegetation management will improve compared to Alternatives 1 and 2.

Livestock grazing management as described under Alternative 3 will improve upland habitat conditions, benefiting identified sage grouse as well as other associated shrub-steppe species (e.g., migratory birds, pygmy rabbits, big game). Alternative 3 identified resource constraints for soil, vegetation, riparian, and focal species resources and will defer grazing during the critical growth period 1 out of 3 years (Group 5 EA Section 2.2.3).

Upland communities and the species that use these habitats will benefit from implementation of this alternative and will make significant progress toward meeting Standard 8 and achieve desired habitat management objectives. Significant progress towards meeting this standard and achieving ORMP objectives (compared to Alternatives 1 and 2) will be expected because the avoidance of grazing during the spring growing periods will allow for plants to complete the annual growth cycle (to seed set) without livestock grazing. As described, deferred livestock grazing in the Big Field FFR allotment will allow upland native perennial species to complete their annual growth cycles more often in the absence of defoliation by livestock and will improve plant community health and vigor and herbaceous composition and structure (Group 5 EA Section 3.2.1.3). This will result in greater security cover for nesting and brood-rearing sage-grouse and increased preferred forb diversity and availability. Overall, the incorporation of deferment into

¹⁶ While current grazing was not determined to be a significant cause of this allotment's not meeting standards for uplands (4 and 8), the reduction in grazing pressure will improve upland vegetation conditions and wildlife habitat.

the grazing schedule will reduce repeated grazing pressure during the critical growth season and during critical wildlife nesting periods.

Under Alternative 3, upland habitat and sage-grouse habitat conditions will benefit from this grazing schedule and the incorporation of grazing deferment outside of the critical growth period (May 1-June 30) and sage-grouse nesting/early brood-rearing period (April 1-June 30) 1 out of every 3 years. Deferment will modify the repeated spring grazing cycle and allow plants the opportunity to grow during the critical growth season and recover vigor and health. As habitat composition and structure improves, sage-grouse will benefit by the increased security and escape cover being provided during the nesting/early brood-rearing period and the decreased vulnerability of detection and predation from terrestrial and avian predators.

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

And

Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

Under Alternative 3, the Big Field FFR allotment will be available to grazing during the summer and fall for 2 years, and during the fall for the 3rd year of the 3-year rotation (see Group 5 EA Table RIPN-7 and Section 3.2.3.1). Currently, 1.2 miles of Combination Creek is not meeting Standards 2 and 3 due to current livestock grazing. Implementation of the defined 3-year grazing schedule that will implement growing season deferment and no summer grazing 1 out 3 years. This will be a substantial change from current grazing management, which has been from June through October, with no deferment or rest, and grazing every year through the hot summer months of July, August, and September. This will eliminate summer grazing 1 out of 3 years on Combination Creek during the months when cattle tend to congregate more in lush riparian areas adjacent to water and shade of woody riparian vegetation. Other mandatory terms and conditions of the permit under this alternative will include measures that will reduce impacts (stubble height, woody browse, and bank alteration) associated with the riparian areas condition. Monitoring will be required during the years that the riparian areas are grazed during the constraint period, and will add assurances that progress will be made toward meeting standards. These grazing management changes along with increased monitoring of the streams in the Big Field FFR allotment will make significant progress towards meeting Standards 2 and 3 and meet ORMP objectives.

Implementation of Alternative 3 with the incorporation of deferment will reduce grazing during the riparian critical growth period (July 15-Sept. 30) 1 out of 3 years. The improved regeneration and establishment of herbaceous and woody plants in the riparian areas will improve capabilities to dissipate energy of high flows, trap sediments, harden streambanks, provide shade to streams, deliver woody debris, and improve water quality. Columbia redband trout will benefit because of the increased stream shade, woody debris, pool development, flow regulation, and less sediment delivery due to reduced livestock activity and improved riparian function. Additionally, reduced occurrence of livestock trampling in the stream corridor during the spawning season (March 15-June 15) will improve egg and fry survival.

Rail Creek FFR Allotment

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.

And

Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.

Livestock grazing authorized in accordance with Alternative 3 will incorporate deferred grazing 1 year out of 3 years (with grazing occurring after the critical growing period in pasture 2 annually). See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR Allotment, above. These same upland vegetation and watershed resource benefits will be realized in the Rail Creek FFR Allotment.

Rail Creek FFR utilization data was collected in 2011 (pastures 1 and 2) and 2012 (pasture 1), and ranged from 11 to 18 percent (slight utilization). Areas of repeated light grazing will result in static or increased community diversity (Group 5 EA Sections 3.2.1). Generally, the vigor of forage grass species can be sustained with light or moderate utilization, while heavy utilization reduces photosynthetic tissue below levels needed to maintain root reserves, diminishing the vigor of utilized species. Utilization effects to specific key forage species are described generally as the degree of increasing or decreasing presence in the vegetative community from grazing pressure. Bluebunch wheatgrass as a key forage species decreases with heavier grazing pressure while Sandberg bluegrass increases. Most sources recommend that bluebunch wheatgrass be grazed under a deferred, rotational grazing system to ensure plants remain healthy.

Implementation of Alternative 3 will institute pasture rotation schedules that include less frequent use during the critical growth periods, or deferred use, compared to the current situation. Increased years of deferment will allow opportunity for recovery and maintenance of plant health and vigor to improve (Bailey and Brown 2011). The decrease in the frequency of growing-season use will allow native perennial species to complete the annual growth cycle more often in the absence of defoliation by livestock grazing and allow significant progress toward meeting upland vegetation health and vigor and ORMP objectives.

Implementation of Alternative 3 will include the following grazing seasons of use: Pasture 1 - June through August, 2 out of 3 years; and October 1-31, in year 3; and Pasture 2 - September through November, 2 out of 3 years, and November through December 15, in year 3. The maximum number of cattle could vary up to 300 head. Deferment, compared to repeated grazing during the critical growing period in Alternatives 1 and 2, will improve vegetative health and vigor, moving toward meeting vegetation standards and ORMP objectives for vegetation health. Vegetation resources not meeting ORMP vegetation management objectives will improve or continue to maintain satisfactory vegetation health and condition on all areas compared to Alternatives 1 and 2.

See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR allotment above. These same watershed/soils benefits will be realized in the Rail Creek FFR allotment under Alternative 3.

Under Alternative 3, a 3-year, two-pasture grazing rotation will occur. Pasture 1 will be grazed 2 out of 3 years in the spring followed by a deferment year where grazing will occur in the fall. Grazing in pasture 2 will be deferred to between September 1 and November 30 or between November 1 and December 15 in a 3-year rotation.

Currently, pasture 1 is meeting Standard 8, and pasture 2 is not providing adequate upland and sage-grouse habitat conditions (Group 5 EA Section 3.3.14.1.4). Under Alternative 3, habitat composition and structure will be improved by improving the health and vigor of perennial bunchgrasses by limiting grazing during the critical spring growing period. This will further benefit sage-grouse because adding security, escape cover, and forage elements during the nesting/early brood-rearing period (April 1-June 30) thereby reducing vulnerability to detection and predation. In pasture 2, substantial upland and sage-grouse habitat improvement will occur because of the deferment out the critical growth period (May 1-June 30).

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

And

Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

Standards 2 and 3 are not being met in pasture 2 of the Rail Creek FFR allotment, and current livestock grazing management practices are a significant causal factor. Approximately 0.7 mile of South Mountain Creek that occurs on BLM lands within pasture 2 was assessed as FAR in 2000 (and re-visited and verified as FAR in 2011). Under Alternative 3, pasture 2 of the Rail Creek FFR allotment would be available to grazing during the fall (September through October 2 out 3 years; and November 1 through December 15 in year 3). Pasture 2 contains the riparian-wetland areas; a recent actual use reports shows that the allotment has primarily been used during the spring and summer, and standards were not being met. Authorizing livestock grazing during the fall months is expected to eliminate the grazing impacts associated with the current conditions. Additionally, the changes in season of use will result in a 16 percent reduction in active AUMS over the life of the 10-year permit. With these grazing management changes, the allotment will make significant progress toward meeting the riparian-wetland standards and meet ORMP objectives.

Currently this allotment is not providing adequate riparian function and aquatic habitat conditions (EA Section 3.3.14.). Under Alternative 3, reduced grazing pressure will benefit the herbaceous and woody plant community in riparian areas and benefit Columbia spotted frogs because of the increased stream shade, woody debris, flow regulation, and reduced sediment delivery. Pasture 2 will show substantial improvement by implementing deferment to the fall-early winter, with no grazing during the critical growth period (July 1–Sept 30). Furthermore, as riparian function improves, more herbaceous and woody species will be established. Consequently, the quality of aquatic habitats will improve as banks stability improves; erosion is reduced; and sediment delivery is minimized. Columbia spotted frogs will benefit from the absence of livestock activity in aquatic habitats during the breeding/egg mass laying period (May 1–June 15) which will likely allow for improved survival of eggs and larvae.

Walt's Pond FFR Allotment

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus; hereinafter, sage-grouse): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Morgan Group allotments contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.

And

Issue 4: Upland vegetation and watershed conditions: Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function.

Livestock grazing authorized in accordance with Alternative 3 will incorporate deferred grazing 1 year out of 3 years in pasture 2 (and deferment 2 out of 3 years in pasture 1). See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR allotment, above. For the same reasons, the same upland vegetation and watershed resource benefits will be realized in Walt's Pond FFR allotment.

Implementation of Alternative 3 will institute pasture rotation schedules that will result in less frequent use during the critical growth periods compared to current management (under the current situation livestock

grazing has been April 1 through June 5, annually, with both pastures grazed concurrently). Deferred rotations will provide an opportunity for recovery and maintenance of plant health and vigor. The decrease in the frequency of growing-season use will allow native perennial species to complete their annual growth cycles more often, allowing significant progress toward achieving upland vegetation health and vigor, and ORMP objectives.

Implementation of Alternative 3 will include the following grazing seasons of use: Pasture 1 - October 1 through December 25, for 2 years; and April 1 through June 6 in year 3. Pasture 2 - April 1 through June 5, 2 out of 3 years; and October 1 through December 25, in year 3. The maximum number of cattle could vary up to 75 head on the 3,401-acre allotment that includes only 20 percent public land. Increased years of deferment as compared to repeated spring grazing during the critical growing period in Alternatives 1 and 2 in Walt's Pond FFR allotment will improve vegetative health and vigor, which will move toward meeting vegetation standards and ORMP objectives for vegetation health. Health and condition of vegetation resources not currently meeting ORMP vegetation management objectives will improve under Alternative 3, as compared to Alternatives 1 and 2.

See discussion of benefits of deferred grazing under Issues 1 and 4 for the Big Field FFR allotment above. These same watershed/soils benefits will be realized in Walt's Pond FFR allotment under Alternative 3.

Currently, pastures 1 and 2 are not meeting Standard 8 because they are not providing adequate upland and sage-grouse habitat conditions (Group 5 EA Section 3.3.16). Under Alternative 3, a 3-year, two-pasture grazing rotation will occur. Pasture 1 will be grazed 1 out of 3 years in the spring followed by 2 years of deferred grazing. Pasture 2 will be grazed 2 out of 3 years in the spring followed by a year of grazing in the fall. Under Alternative 3, upland habitat and sage-grouse habitat conditions will benefit by this grazing schedule because grazing will not occur during the sage-grouse nesting early brood-rearing seasons in 2 of 3 years in pasture 1, and 1 of 3 years in pasture 2. Deferment will modify the repeated spring grazing cycle and allow plants to grow during the critical growth season. This will improve plant vigor and health, and improve habitat composition and structure. Sage-grouse will benefit by the increased security and escape cover provided during the nesting/early brood-rearing period, resulting in decreased vulnerability to detection and predation by terrestrial and avian predators.

Overall, under Alternative 3, current upland and sage-grouse habitat conditions will show considerable improvement. Habitat conditions in both pastures will continue to improve and recover plant vigor and health and habitat composition and structure. Sage-grouse will benefit by the increased security and escape cover available during the nesting/early brood-rearing period.

Issue 2: Riparian vegetation conditions: Livestock grazing is affecting riparian condition and aquatic habitat by changing the health and composition of riparian vegetation communities.

And

Issue 3: Fish and amphibian habitat conditions: Stream, floodplain, wetland, and mesic (moderately moist) habitat conditions are directly related to conditions within the riparian vegetation community. Altering of the riparian community may affect the health and sustainability of fish and amphibian populations.

In 2013, Walt's Pond FFR allotment was not meeting Standards 2 and 3, and current livestock grazing management practices were a significant causal factor in not meeting these standards.

Under Alternative 3, pasture 1 of the Walt's Pond FFR allotment would be available to grazing during the spring for 1 year and during the fall for 2 years of a 3-year rotation. Pasture 2 will be grazed during the spring for 2 years and during the fall for the 3rd year. Pasture 1 and 2 include 0.4 and 0.7 miles of Glass

Gulch which are not meeting Standards 2 and 3, and current livestock grazing are significant causal factors. Actual use reports (2003-2012) indicate April 1-June 5 grazing annually.

In accordance with Alternative 3, the allotment will be managed under a defined 3-year schedule with at least 1 year of growing season deferral in pasture 2, and 2 out of 3 years of deferred grazing (until October 1) in pasture 1. The prescribed grazing rotation which incorporates deferment during the spring 2 out of 3 years in pasture 2, and 2 out of 3 years in pasture 1 (in addition to maintaining no summer grazing in both pastures), will allow for making significant progress towards meeting the standards and ORMP objectives. Currently 1.1 miles of Glass Gulch in pastures 1 and 2 rating FAR and with the incorporation of deferment, riparian vegetation will be allowed to complete growth cycles before grazing occurs 1 out of 3 years in pasture 2, and 2 out 3 years in pasture 1. Riparian vegetation will increase in abundance and overall health and vigor with these reductions in grazing pressure during the spring and summer months. Therefore, significant progress will be made towards meeting Standards 2 and 3.

Currently, this allotment does not provide adequate riparian habitat along Glass Gulch. In both pastures, the incorporation of deferment will reduce grazing during the critical growth period (July 15-Sept. 30) at least 1 out of 3 years (2 out of 3 years in pasture 1). This will regenerate and establish herbaceous and woody plants in the riparian zone that function to dissipate high-flow energy, trap sediments, harden streambanks, shade streams, deliver woody debris, and improve water quality. Under Alternative 3, upland and riparian conditions will improve and make significant progress towards meeting Standard 8 and ORMP objectives.

All Allotments - Big Field FFR, Rail Creek FFR, and Walt's Pond FFR

Issue 5: Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.

And

Issue 6: Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.

Although no noxious weeds are known exist on public land in these allotments, invasive annuals (cheatgrass) are found in areas of each allotment. The dominant visual aspect in these allotments is sagebrush with Sandberg bluegrass dominating the understory, while bluebunch wheatgrass and western juniper are common. Although some invasive species are present, the native plant community is generally healthy and capable of competing for resources. Under Alternative 3, current resource conditions are expected to improve for all Standards and meet ORMP objectives.

Although Alternatives 4 and 5 would further reduce the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 3, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment.

Issue 7: Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.

During the NEPA and public comment process, a concern was raised that selection of certain alternatives could impact regional socio-economic activity. I share this concern, and have taken this into consideration in making my decision. However, my primary obligation is to ensure that 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 Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments in large part because the selection accomplishes those latter goals, while maintaining the current level of AUMs.

Consideration of Alternatives 1 and 2 disclosed that neither alternative would allow the allotments to meet Idaho S&Gs or the ORMP resource objectives. Therefore, I could not select them despite the lesser economic impacts that they may have. Over the long term, your grazing operation relies upon maintenance of the natural resources, including productive and healthy rangelands capable of supplying a reliable forage base. Selection of an alternative based in unsustainable grazing practices that do not meet rangeland health standards would result in less reliable amounts of forage over the long term, in addition to reducing economic opportunities derived from healthy, functional, and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. I have minimized reductions in grazing use levels where current levels are compatible with meeting rangeland health standards and ORMP objectives. Where not compatible, I attempted to select alternatives designed to meet resource needs. In cases of particular or particularly acute resource needs, I have selected the alternative most responsive to such needs, with the aim of best promoting rangeland health.¹⁷

Issue 8: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.

During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments will not significantly alter the BLM's ability to fight wildfire in the area.

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

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotments, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.¹⁸

¹⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.1.2.3.6.

¹⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

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

Climate change is another factor I considered in building my decision around Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing-induced impacts is within the scope of this decision. The selected alternative combined seasons, intensities, and durations of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long term, the native plant communities on these allotments will be better armed to survive such changes. The native plant health and vigor protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

Additional Rationale

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

I did consider selecting Alternative 5 for 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 the allotments. In selecting Alternative 3 for the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on you, and (3) your past performance under previous permits.

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

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on November 20, 2013, and concluded that the final 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 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0023-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal3.html

Conclusion

In conclusion, it is my decision to select Alternative 3 over the other four alternatives analyzed because livestock management practices under this selection best meet the ORMP objectives allotment-wide and the Idaho S&Gs. This grazing decision and subsequent permits are being issued under the authority of 43 CFR 4100 and in accordance with the ORMP (43 CFR 4100.0-8), thus all activity thereunder must comply with the objectives and management actions of the Plan.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The ORMP designates the Big Field FFR, Rail Creek FFR, and Walt's Pond FFR allotments available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This final decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Appeal

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

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West

Marsing, Idaho 83639

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

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

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

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

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

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

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

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

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

Sincerely,



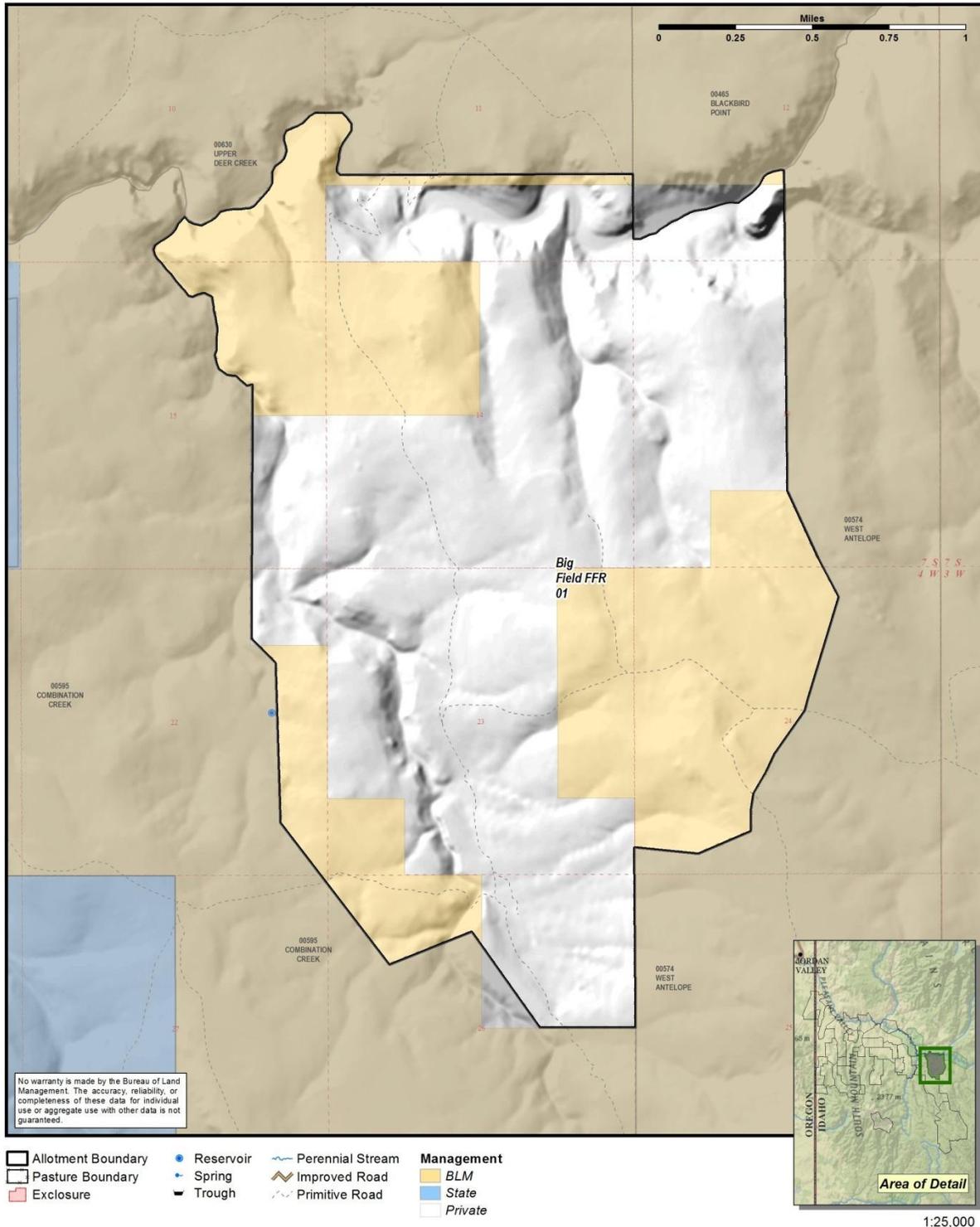
Loretta V. Chandler
Owyhee Field Manager

Attached:
Maps 1-3
BLM Group 5 Protest Responses

Sent to:
- See attached Group 5 Mail List

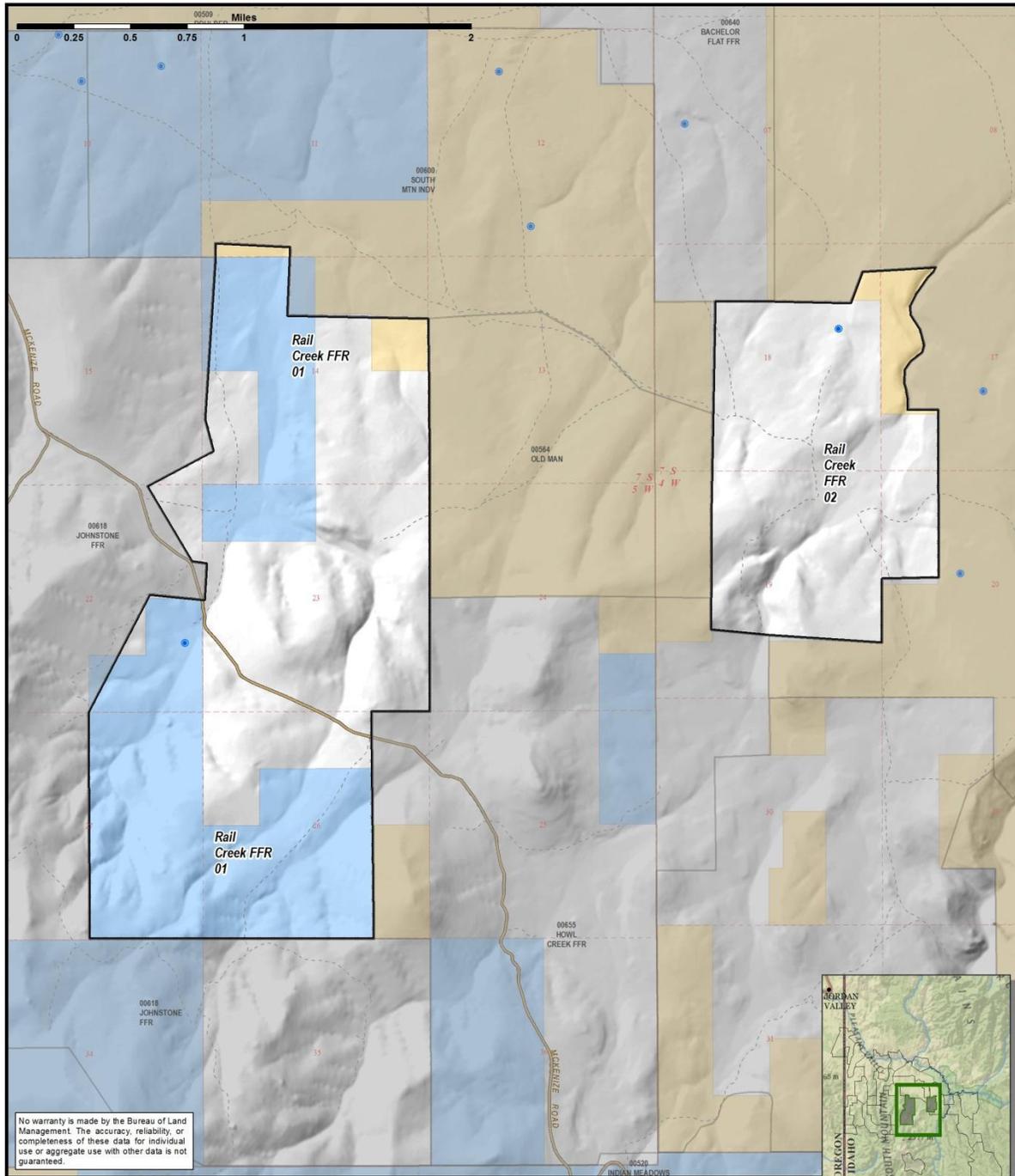


Map 1: Big Field FFR (00594) Allotment





Map 2: Rail Creek FFR (00627) 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 Boundary | Reservoir | Perennial Stream | Management |
| Pasture Boundary | Spring | Improved Road | BLM |
| Exclosure | Trough | Primitive Road | State |
| | | | Private |



1:35,000

Group 5 Final Decision Mail List

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
Chipmunk Grazing Assoc.	Elias	Jaca	PO Box 175	Marsing	ID	83639
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
Holland & Hart LLP			PO Box 2527	Boise	ID	83701
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
ID 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
Idaho Farm Bureau Fed			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
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
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
Morgan Properties	David	Rutan	PO Box 277	Jordan Valley	OR	97910
Natural Resources Defense Council	Johanna	Wald	111 Sutter St., 20th Floor	San Francisco	CA	94104
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
Quintana Ranch LP	Tim	Quintana	3876 Hwy. 95	Homedale	ID	83628
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
South Mountain Grazing Coop	Terry	Warn	PO Box 235	Jordan Valley	OR	97910
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 950 W Bannock St., Ste.210	Louisville	KY	40208
The Nature Conservancy			950 W. Bannock St., Ste. 605	Boise	ID	83702
The Wilderness Society			1387 S Vinnell Way, Rm. 368	Boise	ID	83702-5999
US Fish & Wildlife Service			9173 W. Barnes	Boise	ID	83704
USDA Farm Services			PO Box 1770	Hailey	ID	83333
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Western Watershed Projects			30314 Juniper Mtn. Rd.	Jordan Valley	OR	97910
Wroten Land & Cattle Co.	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704

Company Name	First Name	Last Name	Address 1	City	State	Zip
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	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
	Dale	Berrett	3540 Hwy. 95	Jordan Valley	OR	97910
	Loetta	Larsen	PO Box 156	Jordan Valley	OR	97910
	WF & Carolyn	Peton	PO Box 998	Veneta	OR	97487
	Phillip & Benjamin	Williams	1807 Danner Loop Rd.	Jordan Valley	OR	97910
	Senator: Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Senator: James E.	Risch	350 N. 9 th St., Ste. 302	Boise	ID	83702
	Congressman: Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman: Mike	Simpson	802 W. Bannock St., 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
	Thomas	Gluch	PO Box 257	Jordan Valley	ID	97910
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
	Ed	Moser	22901 Lansing Ln.	Middleton	ID	83644
	Charles	Lyons	11408 Hwy.20	Mountain Home	ID	83647
	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

Group 5 Response to Protests

Protest ID	Protest Point No.	Protest Text	Protest Response
5DBerrett12102013	1	<p>Berrett FFR - I strongly protest Term and Condition 1 of the Berrett FFR Proposed Decision which states "Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval." I also protest Term and Condition 14 on page 12 of the Proposed Decision which states "Berrett FFR Allotment-Cattle numbers may vary up to 200 head as long as the total active use by pasture or allotment and permitted season o(use are not exceeded annually." BLM cannot dictate when and how I use my private property or my State of Idaho Grazing Leases. Furthermore, I protest the 200 head limit on cattle in the Berrett FFR as identified in Term and Condition 14 (page 12 of proposed decision) due to the fact that the majority of the land in the Berrett FFR is either managed by the Idaho Department of Lands or it is my private land. BLM has no management authority on private and State lands in Idaho.</p>	<p>The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.</p>
5DBerrett12102013	2	<p>Berrett FFR - I further protest that fact that BLM has arbitrarily changed the percent public land from 100% public land to 16% public land in order to incorporate my private land and my State Grazing Leases into BLM's grazing management schematic without my knowledge and especially when BLM has the smallest percentage of land ownership in the Berrett FFR.</p>	<p>The BLM disagrees and has changed the percent public land to reflect what is actually occurring on the landscape. Percent public land for the Group 5 allotments were calculated based on the normal year potential production of ecological sites for the proportion of public lands in the allotment, as compared to the total of public lands plus lands which may be controlled by the permittee (USDA NRCS 2009). Although the ecological condition of lands within the allotment may not be in reference condition, the assumption was made that both public lands and lands controlled by the permittee are in equal condition and the proportion of production from each does not differ from the proportion of production at reference site</p>

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			conditions. Instead of using 100 percent public lands as displayed in Alternative 1, the BLM displays these lands in Alternative 2-4 using the calculations as appropriate. The BLM is managing only the Public Lands.
5DBerrett12102013	3	Berrett FFR - BLM in their proposed decision has done just the opposite and changed the percent public land use to 16% which includes all private and state lands, and then BLM applies all of these lands by pasture to their Grazing Schedule identified on page 12 of their proposed decision instead of considering this land for disposal (2013 supplement RHA).	Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership. As noted above, BLM management prescriptions apply only to the Public Lands.
5DBerrett12102013	4	Berrett FFR - I protest the fact that BLM did not adequately follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases. " Had BLM properly followed 43 CFR 4130.2 and consulted, cooperated, and coordinated with me, they would have known at the very beginning of this permit renewal process I had no interest or desire in putting my private lands and my State Grazing Leases under their grazing schedules identified on page 12 of the proposed decision (Table PROP 1.1 Berrett FFR Allotment Grazing Schedule).	The BLM met with you in April and December of 2013 and discussed the issues and your protest points and incorporated them into the Final Decision. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM has completed

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			extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents occurred.
5DBerrett12102013	5	Berrett FFR - Terms and Conditions 12 and 13 should state that these Terms and Conditions apply only to the public lands within the Berrett FFR.	The BLM agrees and these authorizations are only for BLM acres associated with the Berrett FFR. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5DBerrett12102013	6	Berrett FFR - The Owyhee Resource Management Plan on pages 14 and 18 states bank alteration at 10% or less, not less than 10% as BLM has incorrectly identified in Term and Condition 13.	Final Decision language in T&C #13 adjusted to read '...less than or equal to 10%...'
5DBerrett12102013	7	Berrett FFR - How can BLM make management changes and state that their decision was based in part on upland vegetation and watershed conditions -Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function "with only one year of utilization monitoring data, and no upland trend data, and the one year of utilization data was rated at 14% use (very light grazing)?	The BLM agrees and used in part upland vegetation and watershed information, however, Berrett FFR allotment is not meeting desired conditions because of riparian and wildlife concerns as well, see the final determination and EA for full affected environment discussion.

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5DBerrett12102013	8	Berrett FFR - I protest the fact that BLM did not adequately follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases. "	The BLM met with you in April and December of 2013 and discussed the issues and your protest points and incorporated them into the Final Decision. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents occurred.
5DBerrett12102013	9	Berrett FFR - As the proposed decision currently stands with its grazing schedule identified on page 12, this will be an unworkable schedule for my operation as many years there is no way to use the higher elevation pastures due to these pastures still under snow on the dates BLM has scheduled livestock to be turned out.	The BLM has selected Alternative 3 as the Final Decision and feels that it adequately addresses resource concerns on the BLM managed lands within the Berrett FFR Allotment. The BLM also feels that one in three years of deferment instead of repeated May through October grazing annually is a reasonable decision.

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5DBerrett12102013	10	Boulder Allotment - I protest the fact that BLM did not adequately follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases. " Had BLM properly followed 43 CFR 4130.2 and consulted, cooperated, and coordinated with me, they would have known at the very beginning of this permit renewal process that their grazing schedule identified on page 12 of the proposed decision (Table PROP 1.1 Boulder Allotment Grazing Schedule) would not work in my situation due to the limited or lack of water during the fall of the year.	The BLM has modified the Final Decision for the Boulder Allotment as per CCC with you in December 17, 2013. See BLM response to protest point 9.

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5DBerrett12102013	11	Boulder Allotment - I protest alternative 4 where the active use AUMS will no longer be made available and will not be converted to suspension." This proposed reduction would cancel 65 AUMS and not placed them into suspension. BLM did not properly follow their grazing regulations (4110.3-3(a) in part which states "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 "	<p>The BLM is following the 9894 Federal Register I Vol. 60, No. 35, which clearly states that the Department does not believe that it is appropriate to add or carry suspended AUMs on a renewed grazing permit unless there is a reasonable expectation that the AUMs will be returned to active use in the foreseeable future. The EIS and determinations provided a thorough explanation of resource conditions and causal factors for the BLM to make clear decisions on whether the reduction in Active AUMs were likely to be re-activated in the foreseeable future. Reductions in Active AUMs were made on allotments that were not meeting or making significant progress due to current livestock grazing. Clearly, in these situations, resource conditions were impacted to the point that our minimum requirements (Idaho Standards for Rangeland Health and ORMP objectives) could not be achieved. This provided me the information to know with certainty that in order to meet or make significant progress towards the standards, the selected reductions were required for the term of the permit. There was no way to predict if any increases would be possible following the ten-year term, nor would it be appropriate for me to expect or predict that information. Also, see Response to Protest # 102.</p> <p>Additionally, regardless of whether the reduced Active AUMs were placed in suspension or eliminated, the exact same process to re-activate those AUMs would be required (43 CFR 4110.3-1).</p>
5DBerrett12102013	12	Boulder Allotment - BLM never met in person with me to discuss the AUM reductions at any point in time during my permit renewal process for the Boulder Allotment. Every point during my permit renewal process that I contacted BLM, they stated that everything was fine and gave me no inclination that there were any	See response to protest point 4.

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		proposals of reductions or major changes in the season of use.	
5DBerrett12102013	13	Boulder Allotment - BLM never discussed AUM reductions with me in person during my permit renewal process at any time. I question how BLM can say they have met their requirements of 43 CFR 4110.3-3(a) in part which states "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"	See response to protest point 4.
5MorganProp12102013	14	Morgan Properties - We must protest this recommendation, as this will harm our operation by severely limiting our ability to effectively use our allotments. When I asked what to do with the dates we were given in the recommended rotation that we know are going to be too late in the season to be able to use them, Carmela said that if we were not able to use them during the dates given, we would need to rest them. Since the Alternative 4 we were given already has one year of rest in a three-year rotation, this would effectively result in a 66% reduction in grazing for these allotments.	As discussed in our December meeting with you, these alternatives selected in the Final Decision were fully analyzed in detail in the Morgan Group 5 EA including the Socioeconomic impacts section.
5MorganProp12102013	15	Morgan Properties - Since many of these Morgan Properties BLM parcels are small, or located on the edge of private or State lands, it means that many are in close proximity to roads and/or fence lines. The recommendations do not take these factors into account, nor do they accurately reflect the true use or health of the land examined. We disagree with the science and the methods used to arrive at those recommendations and it appears that budget constraints dictated just how	We note your disagreement with our findings.

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		thoroughly the allotments were actually evaluated—or whether they were estimated from behind a desk.	
5QuintanaRanch12122013	16	I reiterate that the method by which the evaluation was completed was flawed. The permit holder should have been contacted and given the opportunity to be present.	The BLM met with you in April and December of 2013 and discussed the issues and your protest points and incorporated them into the Final Decision. As per 4130.3-3, “Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.” The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents occurred.

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5QuintanaRanch12122013	17	The process was arbitrary, and we have no way of confirming the sampling integrity. The individuals who collected the samples are not familiar with the area, and the input of the permit holder could have been very helpful. Phil Williams actually had conversation with one of the crews gathering assessment data in the spring of 2012, who informed him that they were assessing the Boulder Flat allotment. They were in fact in one of Barrett's allotments. It is impossible to accept the data presented when events like this occur.	The BLM has taken a hard look at the allotments as required by NEPA.
5QuintanaRanch12122013	18	Replacement discs were mailed, but the response time was not extended to compensate for the BLM mistake. This cut the comment response time to eight days. The combined documents that have to be evaluated total nearly nine hundred pages. I do not feel that any court in the United States would quantify that as adequate response time given the complexity and volume of data, and the gravity of the issue.	The BLM agrees that the response time for comments was quick. However, the CEQ regulations do not require agencies to make EAs available for public comment and review. However, the BLM met with you in April and December of 2013 and discussed the issues and your protest points and incorporated them into the Final Decision. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms

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			<p>and conditions of a permit or lease.” The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents occurred.</p>
5QuintanaRanch12122013	19	<p>Although seasons of use are reflected within the alternatives, details of the wildlife constraints, specifically perennial vegetation, reveal that utilization is restricted to 21% from 41% if more than 30 days grazing is allowed during the growing season. This effectively makes it impossible to utilize allotted aums.</p>	<p>Point noted. The alternatives analyzed in detail the effects of the season of use and utilization.</p>
5QuintanaRanch12122013	20	<p>The BLM cannot dictate how private nor State Land is utilized, and range improvements must be provided to allow BLM land to be segregated if the BLM wishes to change seasons of use. This is not the responsibility of the majority landholder.</p>	<p>The BLM agrees and does not manage private or state lands. On FFR allotments the BLM’s legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.</p>

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5QuintanaRanch12122013	21	Bachelor Flat - Truly, it is not a reasonable assessment site for the pasture at any time. Cattle have restricted entrance/egress of this section due to a rock rim that bisects this pasture section for approximately one third its width. Sampling in this location cannot adequately evaluate the health of the entire pasture, yet it was the sole sample point. Pasture 2 was the only site evaluated not meeting (specifically Watershed) due to current livestock grazing, despite the fact that Table RIPN 13 showed improvement between 2001 and 2011.	The BLM sampling location represent the BLM managed lands only and not a reflection of the entire pasture. The BLM agrees and does not manage private or state lands. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5QuintanaRanch12122013	22	Boulder Flat - Deferment of both Pasture 1 and Pasture 2 are a requirement of preferred alternative 3. This equates to one year in three of non use. There is no water source in either of these pastures to allow for late summer or fall use. This is an effective cut of one third of our aurns.	Opinion noted. The alternatives analyzed in detail the effects of the season of use and utilization.
5QuintanaRanch12122013	23	While it is stated that season of use may vary as long as total aurns are not exceeded, resource constraints restrict use March 1 to May 31 two of three years. In point of fact, the grazing schedule outlined in Table ALT-40 does not match the grazing periods contained within the resource constraints. To address this question I met with my range con on or about November 6 who could not provide an answer, and left a phone message for Jake Vialpando, which was not returned prior to submitting my comments. Coincidentally, the call was returned at 4:00p.m. on November 12, by Carmella Romerio. The comments were submitted at 8:00a.m. that morning, indicating the lack of a return call. Subsequent to that conversation, I met with Carmella and Loretta Chandler on November 14 in the Marsing BLM office. Carmella informed me that the resource constraint was a "typo", and that the table took precedence. Despite the comments and	The BLM met with Williams in April and you in November of 2013 and discussed the issues and your protest points and incorporated them into the Final Decision. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and

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		subsequent meeting, the "typo" was not corrected. This is indicative of the fact that the comments were not even considered before proposed decisions were made.	other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents occurred.
5WWP12112013	24	Morgan Allotment - We strongly Protest the FRH findings that are in-error, as current chronic cattle degradation is a highly significant factor, and there are vital resources that need to be protected. This includes redband trout and CSF habitat. See BLM Pole Creek and TS FEAs and FDs, describing how very awful hot season grazing is for streams.	The determination under standards 2 and 3 was based on best available information, and alternatives were developed that incorporate both riparian area deferment and/ or rest. The preferred alternative in the proposed decision avoids grazing during the riparian area's vulnerable time (6/15-9/30) in all riparian pastures.
5WWP12112013	25	Morgan and Toy Allotments - In all of these Proposed Decisions, we protest that BLM has not provided necessary protective measures as mandatory measurable use standards to provide for residual cover for sage-grouse, for watershed protection, for clean water, for hiding cover for a broad range of microfauna, to enable sufficient healing to meet the requirements of abundant native grasses and forbs in interspaces for sage-grouse, and to aid (along with intact microbiotic crusts) in armoring	The Alternative selected will continue to maintain or move towards desired conditions as analyzed in full in the EIS. A range of alternative was created that provide the BLM with management flexibility to select an option that will best progress conditions towards meeting range health standards and guides and ORMP objectives. Any alternative selected will maintain or move soils, upland vegetation community, riparian vegetation community, sensitive plants, and wildlife habitats towards

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		the native plant community against highly invasive cheatgrass, medusahead, bulbous bluegrass, and other invasive grasses and exotic weeds.	desired conditions. The selection of an alternative and the rate of progress towards meeting desired conditions will depend on the existing conditions of the allotment/pasture.
5WWP12112013	26	We Protest the failure of BLM to comply with watershed, water quality, sensitive species (habitats and viable populations), big game, recreation, ACEC, and other requirements of the RMP.	Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health standards and guide. A range of Alternatives in the FEIS were further developed and an impact analysis was conducted to consider the direct, indirect, and cumulative effects of livestock grazing on focal species and their habitat to the pasture level and within the greater cumulative effects analysis area. Based on the current condition of the allotment and the level of progress required to meet range health standards and guidelines, an appropriate alternative was selected that modified grazing systems intended to maintain and improve upland/riparian composition and habitat structure and function for all wildlife largely based on the needs of selected focal species.
5WWP12112013	27	We Protest the failure to take a full and fair hard look at current ecological science, as well as the historical record and plant ecology.	All available data and information was used as required by NEPA. The most recent current vegetation data from PNNL that is approximately 12 years old remains the best available information and remain valid for sagebrush steppe vegetation types that change slowly. This data along with recent land health assessments were used to analyze the current condition when measured against past ecological condition (ecological site descriptions). The EA analysis and the natural resources Specialist Reports support the NEPA's hard look requirements.

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5WWP12112013	28	BLM never looked at all the conflicts and made a rational decision about whether some lands within a pasture or allotment and no longer withstand grazing disturbance for the next 10 years. We Protest this.	This protest point does not address which pastures and allotments are of concern, but we are attempting to address this within the context of the entire statement which alludes to the no-grazing alternative, and states that this was not considered for specific pastures. When analyzing the effects of each alternative (including the no-grazing alternative), the analysis applies to all allotments. This does not bind the BLM to select one alternative as a blanket prescription for every allotment as the protest point suggests. The BLM is choosing different alternatives for specific allotments based upon the resource needs. The no-grazing alternative was fully analyzed as to what the effects may look like on the allotment scale. The BLM stands behind this analysis of the no-grazing alternative.
5WWP12112013	29	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, and the erosional processes that are occurring across these lands and watersheds with their weedy, unraveling drainage networks that often abound in cultural materials.	BLM did conduct site specific inventory, monitoring and analysis, as is thoroughly explained in the EA. These surveys were on-the-ground visits to 66 percent of the potential livestock congregation areas and to 20 percent of the total number of previously recorded sites that are within 100 meters of a congregation area. BLM field personnel also recorded two newly discovered sites. Watershed health is not a cultural resources concern per se. BLM appreciates any specific information about areas on public land that abound with cultural material so they can be recorded, and protected if necessary. Impacts to sites produced by grazing activities or any other causes are assessed on a site specific basis. Mitigation or protection measures are determined by the nature of the effect and the site's National Register status. Many pre-NHPA Section 106 range projects have been surveyed for this EA and several other EAs.

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5WWP12112013	30	We Protest lack of necessary detailed analysis of these matters of concern. Full analysis and a site specific hard look is necessary to prevent undue degradation to all the affected resources, apply necessary mitigation, and understand what actually needs to be done to minimize grazing disturbance harms in the Owyhee landscape.	We stand by the site-specific analysis which starts in section 3.3 in the EA and continues for more than 200 pages with the effects analysis presented in allotment- specific subsections. Each alternative management action and the environmental effects that would result are explained at a site-specific (allotment) level.
5WWP12112013	31	We are also alarmed that BLM fails to apply any protective measurable use standards at all to springs, seeps, and meadows that are crucial to sage-grouse, even in PPH, and the agency has not even assessed many of these areas.	Where riparian pastures are grazing more than 1/3 years during the riparian area's critical time period (6/15-9/30), stubble height, browse, and bank alteration monitoring are required. They are a term and condition on the proposed permit.
5WWP12112013	32	And how much worse will climate change make all of this? BLM has not taken a hard, site-specific look at the sustainability of grazing use here in any of the allotments. We Protest this.	We stand by the site-specific analysis which starts in section 3.3 in the EA and continues for more than 200 pages with the effects analysis presented by allotment specific subsections. As for climate change, we L36recognized this as an issue to be considered (EA at section 1.6.3). Sections 3.2 and 3.4 of the EA discuss the potential effects from climate change, and the BLM uses several reference sources to aid in the consideration of climate change in the analysis process (see section 6 of the EA)
5WWP12112013	33	Historic grazing is never adequately defined, and BLM is inconsistent in how it applies the term in the FRH process, and in the NEPA analysis. If BLM is using the "before this 10 year permit" as its historic period, then this is completely arbitrary. That could be a year ago.	Current livestock grazing was in most cases the length of the existing permit or ten years; in some cases the current grazing management was less than that in instances where change of ownership occurred and different AUMs were authorized. Each allotment was taken a hard look at and the current situation was used as a baseline for analysis in the Morgan Group 5 EA, see Appendix B for recent actual use. Anything outside this period is historic use.

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5WWP12112013	34	BLM's series of rubberstamp EAs are all about "process", and constructing increasingly elaborate grazing schemes to cover up a serious flaw, i.e. that BLM has not taken the hard look and developed alternatives that fully recognize and deal with the magnitude of loss and chronic degradation that exists. BLM ignores the intensive site-specific hard look necessary to address, mitigate and minimize grazing harms in this landscape.	Refer to response to protest 25 and 26. The NEPA calls for a process by which agencies consider the effects of their actions. In this case, groupings of allotments and analyzing the effects of livestock grazing for these groups were the common-sense approach. Each EA considers environmental impacts on an allotment scale and each develops a range of alternative management schemes based upon resource needs. Through this approach, we believe that we not only fulfill the hard look requirement of the NEPA through site-specific analysis, but also believe this is the best way to present the effects of agency actions to the interested public.
5WWP12112013	35	BLM ignores any full and fair consideration of WWP's alternative and mitigation actions. BLM never met with us, never asked us for any clarification of alternative and mitigation actions for this current spate of EAs.	<p>Please see the description of Alternative 11 in section 2.3 of the Group 5 EA. The BLM did consider alternative management actions proposed by the Protestant. The BLM's Purpose and Need does not accommodate landscape level restoration projects or designations of special management areas such as ACECs. There are specific needs and specific purposes for this agency actions and these are clearly defined in the Purpose and Need statement in section 1.4 of the EA. If alternatives are proposed that do not satisfy the agency's purpose and need, the BLM will likely consider them, but is not obligated to implement them.</p> <p>(2) Many of the allotments at issue are currently being managed under permits developed prior to adoption of the Idaho Standards for Rangeland Health and approval of the 1999 ORMP.</p> <p>(3) BLM agreed to fully process permits for these allotments on or before December 31, 2013. (See WWP v. Dyer 1:97-cv-00519-BLW (Docket # 451 dated May 15, 2008). To meet this deadline, BLM is not considering new range improvements in this permit renewal process (see section 2.3 Morgan Group Allotments</p>

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			Livestock Grazing Permit Renewal Environmental Assessment for Alternatives Considered but not Analyzed in Detail, for further discussion of this point).
5WWP12112013	36	BLM never takes the necessary hard look at the big picture of degradation so it can understand how major the grazing changes - both within and across allotments - need to be to protect sensitive species, watersheds, water quality and quantity, and a full range of values of the public lands.	NEPA requires BLM to take a hard look. The S&G process evaluates 8 Standards simultaneously to assess the ecological condition of the landscape holistically. The cumulative effects allow resources to be evaluated across allotment boundaries.
5WWP12112013	37	We Protest the failure of the EIS to take a hard look at the large body of threats, habitat losses, habitat fragmentation and indirect and cumulative impacts to sensitive species habitats and population viability, as well as clean water, recreation, etc. across this landscape.	Refer to response to protest 25 and 26. This protest point references the EIS, however the NEPA document supporting the decision rationale for Group 5 is an EA. The BLM stands with the NEPA analysis and we believe the NEPA's hard look requirement has been fulfilled. The EA includes analysis of the effects to sensitive species and their habitat, addresses Standard 7 (water quality) and analyzes effects to recreation.

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5WWP12112013	38	A critical and hard look at opposing science and full and fair analysis of competing views - such as the need for significant rest to jump start recovery and /or protect remaining better condition native vegetation communities so that they do not turn in to a weed lands is not undertaken.	The BLM has taken a hard look at the allotments as required by NEPA. Alternative 6 was analyzed in detail in the EA that looked at resting allotments for ten years.
5WWP12112013	39	A Supplemental EIS must be provided to take the careful hard look at ecological conditions, and ensure that sensitive species, watersheds, water flows, clean water, etc. are conserved, enhanced and restored.	The protest point calls for a Supplemental EIS (SEIS). A SEIS is appropriate when an EIS has already been prepared. The NEPA analysis supporting Decisions for the Group 5 permit renewal process is an EA. Once again, the BLM stands behind the EA's analysis and is comfortable that the NEPA's hard look requirement has been met.
5WWP12112013	40	BLM violates the GSG NTT and IMs, and the Owyhee RMP. BLM is required to conserve, enhance and restore sage-grouse habitat, and this includes by modifying grazing practices.	Each allotment was assessed and evaluated and determinations were generated to summarize current conditions and identify casual factors for not meeting rangeland health standards and guide. A range of Alternatives in the FEIS were further developed and an impact analysis was conducted to consider the direct, indirect, and cumulative effects of livestock grazing on focal species and their habitat to the pasture level and within the greater cumulative effects analysis area. Based on the current condition of the allotment and the level of progress required to meet range health standards and guidelines, an appropriate alternative was selected that modified grazing systems intended to maintain and improve upland/riparian composition and habitat structure and function for all wildlife largely based on the needs of selected focal species.
5TGluch12122013	41	Mr. Gluch states, "I am protesting the Field Manager's proposed decision on the Gluch FFR Allotment....I am protesting the proposed grazing use on Pasture 1, Pasture 2 and Pasture 3." There are no specific protest points in the protest letter.	Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	42	Berrett - The State protest the fact that BLM has not adequately follow their process identified in 43 CFR 4130.2(b) which states, "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases."	Please see comment response # 58. On January 11, 2013, The Owyhee Field Office initiated by letter the scoping process for Group 5 grazing permit renewal process. The letter served to request additional resources and monitoring information that could help the BLM to complete the permit renewal process. Comments were received from Idaho Department of Fish and Game (IDFG) and Idaho Department of Environmental Quality (IDEQ). A preliminary EA was issued on October 25 for a 15-day review and comment period.
5Idaho12192013	43	Berrett - BLM's has proposed a grazing schedule that has livestock scheduled to graze in pastures 1 and 3 beginning on April 15. Both of these pastures are high elevation pastures. Pasture 3 is at 8000 feet in elevation. The range at this elevation on April 15 each year is covered in snow and is impossible to turn out livestock at high elevation with grounds covered in snow.	Grazing schedules proposed were based in part on conversations with the permittee in April of 2013. Schedules were taken from Alternative 2 that were submitted by the permittee of April 15 through October 15 annually and modified for other Alternatives developed in detail in the EA.
5Idaho12192013	44	Berrett - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land to 16% public land.	The actual percentage of public land was not changed; the change in the permit characterization was based on the allotment boundary and better reflects that portion of the public lands found within the allotment. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership. As noted above, BLM management prescriptions apply only to the Public Lands.
5Idaho12192013	45	Berrett - BLM's grazing rotation on page 12 and in term and condition 14, which specifically states in part that "Cattle numbers may vary up to 200 head as long as the total active use by pasture or allotment and permitted season of use are not exceeded annually. "	Cattle numbers were based on permittees proposals.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	46	Berrett - Term and Condition 13 is incorrect when BLM states in part "less than 10 percent bank alteration will be maintained in key riparian." The Owyhee Resource Management Plan on pages 14 and 18 states bank alteration at 10% or less, not less than 10% as BLM has incorrectly identified in Term and Condition 13.	The BLM agrees that 10 percent is acceptable.
5Idaho12192013	47	Berrett - The State questions how BLM can determine that "Livestock grazing is affecting upland vegetation by reducing or removing native vegetation communities that protect watershed soil and hydrologic function" with incomplete to very limited data.	The BLM has taken a hard look with the data available and has created alternatives based input from permittees to come up with alternatives as analyzed in detail in the EA.
5Idaho12192013	48	Boulder - their grazing schedule identified on page 12 of the proposed decision (Table PROP 1.1 Boulder Allotment Grazing Schedule) would not work in the permittees situation due to the limited or lack of water during the fall of the year.	The BLM agrees, after meeting with the permittee and has made changes in the Final Decision.
5Idaho12192013	49	Boulder - I protest alternative 4 where the active use AUMS will no longer be made available and will not be converted to suspension."	Reduction in AUMs from current permits will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	50	Boulder - BLM never met in person with the permittee to discuss the AUM reductions at any point in time during his permit renewal process for the Boulder Allotment.	Meetings were held in April of 2013 and again in December 17, 2013 to discuss the permit renewal process with Dale Berrett. As per 4130.3-3, "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease." The BLM has completed extensive consultation, cooperation, and coordination with all parties involved and continues to coordinate with parties affected. As outlined the Final Decision meetings were held and multiple opportunities to review documents provided.
5Idaho12192013	51	Big Field - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land in the Big Field FFR 40% public land in the Big Field Allotment.	The percent public land was changed based on the allotment boundary to more accurately reflect the portion of public lands found in the allotment. These calculations are available in the project record.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	52	Big Field - By BLM implementing constraints such as Cattle numbers may vary up to 168 head as long as the total active use AUMS by pasture or allotment and permitted season of use are not exceeded annually, while the State hopes this just applies to the public land portions of the allotment, it severely limits the permittees ability to use his private/state lands as he desires.	The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5Idaho12192013	53	Big Field - First, the "less than 10% bank alteration will be maintained in key riparian areas at the end of the grazing season" is inaccurate. The ORMP on pages 14 and 18 state "10% or less bank alteration" and not less than 10% bank alteration. Second, the Term and Condition needs to state that it only applies to the public land portions of the Big Field FFR.	The BLM agrees that 10 percent is consistent with the ORMP.
5Idaho12192013	51	Rail Creek - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land in the Rail Creek FFR to 3% in the Rail Creek FFR.	The percent public land was changed based on the allotment boundary and reflects that portion of the BLM lands associated within the allotment. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership. As noted above, BLM management prescriptions apply only to the Public Lands.
5Idaho12192013	52	Rail Creek - BLM must disclose these calculations of livestock forage available on both the public and the private lands in order to arrive at a percent public land and not be arbitrary in the calculations of percent public land.	The BLM agrees and the calculations are available in the project record.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	53	Rail Creek - BLM further claims here on page 7 of the Initial Allotment Review and the Rangeland Health Assessment for the Rail Creek Allotment that BLM is "unable to manage the minimal public lands in the Rail Creek FFR allotment due to the limited ownership, lack of separation from private lands, and separation of public lands from other public lands by boundary fences. The actions on private lands determine how the allotment is used and managed. "	The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5Idaho12192013	51	Rail Creek - BLM claims on page 7 of the Initial Allotment Review and RHA that "Review of available information indicates that grazing or other issues are known to exist. However, the allotment has no or limited potential for management. Available information is adequate to complete the evaluation and determination. This is the RHA for this allotment. Complete the Evaluation/Determination form and consider the public land for disposal. "	The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5Idaho12192013	52	Rail Creek - Rail Creek FFR Allotment - Cattle numbers may vary up to 300 head as long as the total active use AUMS by pasture or allotment and permitted season of use are not exceeded annually.	Cattle numbers were based on permittees proposals.
5Idaho12192013	53	Rail Creek - BLM must include in this Term and Condition that this only applies to the public land portions of the allotment. BLM does not have the authority to manage a permittees private land or State lands.	The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho12192013	54	Walt's Pond - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land in the Walt's Pond Allotment to 20%.	Actual percentages were not changed; the permit's percentage of public land was changed based on the allotment boundary and reflects that portion of the public lands associated within the allotment. The BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership. As noted above, BLM management prescriptions apply only to the Public Lands.
5Idaho12192013	55	Walt's Pond - BLM has proposed and developed in their Grazing Schedule specific time frames and maximum livestock numbers without any input from the permittee.	Cattle numbers were based on permittees proposals.
5Idaho12192013	56	Walt's Pond - BLM is wording Term and Condition 16 so the operator is restricted on how he uses his 2,174 acres of private ground with restrictions such as cattle numbers may vary up to 75 head as long as the total active use AUMS by pasture or allotment and permitted season of use are not exceeded annually.	The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.
5Idaho12192013	57	Jim's Peak - The State questions and protests the fact that BLM has arbitrarily changed the percent public land from 100% public land in the Jim's Peak Allotment to 40%.	Please see response to Comment # 54. The percent public land was changed based on the allotment boundary and reflects that portion of the BLM lands associated within the allotment. Regarding allotments with FFR in their name: the BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership. As noted above, BLM management prescriptions apply only to the Public Lands.

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5Idaho12192013	58	Jim's Peak - BLM must consult and coordinate on a regular basis with the permittee as required in the grazing regulations (43 CFR 4130.2 (b) prior to issuing a grazing permit.	A scoping letter was mailed to permittees on January 11, 2013. The letter encouraged comments and information for the Morgan Group allotments. In addition, the OFO staff met with the Jim's Peak permittees on April 16, 2013 at Marsing, ID to develop an amended grazing proposal and allotment specific clarification of existing conditions. During this meeting, BLM discussed its preliminary conclusions regarding rangeland health and standards and guidelines and made grazing management recommendations associated with the grazing permit renewal application. On August 27, 2013, BLM issued the completed 2013 Rangeland Health Assessments (RHA), Evaluations, and Determinations for the Jim's Peak allotment to the permittees. Issuance of the RHAs and Determinations afforded an opportunity to meet again with the OFO staff to discuss any additional grazing management changes, the permittees' application, and to provide input for completion of the Morgan Group EA. The EA was issued October 18, 2013, for a 15-day review and comment period. Issuance of the preliminary EA afforded another opportunity for grazing permittees to provide additional input. The OFO staff met again with permittees on December 3, 2013.
5Idaho12192013	59	Jim's Peak - BLM must make clear in all of their Terms and Conditions that the Terms and Conditions apply only to the public lands within the Jim's Peak Allotment. The permittee must be able to use his private lands in the Jim's Peak Allotment as he desires in order for his operation to be feasible and produce positive economical returns.	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 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.
5Idaho12192013	60	Jim's Peak - The State of Idaho protests the reduction in 2 AUMS in	The alternative selected in the Final Decision was fully analyzed in detail

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		the Jim's Peak Allotment.	and a hard look was taken at the AUMs.

Appendix J

This appendix hereby incorporates by reference the below language in its entirety into the DOI-BLM-ID-B030-2013-0023-EA Final Environmental Assessment (EA).

During public scoping and comment periods for the Morgan 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.