United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Owyhee Field Office
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Marsing, ID 83639
(208) 896-5912

In Reply Refer To:
4160 ID130

December 24, 2013

CERTIFIED MAIL

Morgan Properties LP DBA Morgan Ranches
C/O David Rutan
Box 277
Jordan Valley, OR 97910

Notice of Field Manager's Final Decision on the Jim's Peak FFR Allotment

Dear Mr. Rutan:

Thank you for working with the Bureau of Land Management (BLM) during the permit renewal process for the Jim's Peak FFR allotment; I appreciate your interest in grazing the allotment in a sustainable fashion and am confident that this final decision achieves that objective.

The BLM remains dedicated to processing your updated grazing permit application for the Jim's Peak FFR allotment. I signed a proposed decision to renew that grazing permit on November 26, 2013. The proposed decision included terms and conditions that would make significant progress toward meeting the Idaho Standards for Rangeland Health, the Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP). You received that proposed decision November 27, 2013. The BLM received a letter from you protesting that proposed decision on December 10, 2013. In addition to your protests, the BLM received other protests regarding the proposed decision. Protest points raised and the submissions received and my responses are provided in the table below titled 'Protest Responses'. This Final Decision has been revised from the proposed decision, as noted in protest responses provided. Additionally, the final decision has been revised to clarify details of the terms and conditions of the permit that will be offered.

As you know, the BLM recently evaluated current grazing practices and current conditions in the Jim's Peak FFR allotment. We undertook this effort to ensure that any renewed grazing permit(s) on this allotment will be consistent with the BLM's legal and land management obligations. As part of our evaluation process, rangeland health assessment, evaluation and a determination were completed; this final decision incorporates by reference the information contained in those documents.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Jim's Peak FFR allotment. The process for completing the Morgan Group allotments Livestock Grazing Permit Renewal Preliminary Environmental Assessment (hereinafter "Morgan Group EA") began with the mailing of a scoping letter on January 11, 2013. The letter encouraged comments and information to be received by February 25, 2013, for the Morgan Group allotments but did not set a closing date for the receipt of public comments. All comments are addressed in the Morgan Group EA, as are BLM Responses to comments considered during development of the Morgan Group EA. The package solicited comments to better identify issues associated with renewing livestock grazing permits on these allotments. In addition, my staff met with you April 16, 2013 at Marsing, ID to develop an amended grazing proposal and allotment specific clarification of existing conditions. During this meeting, BLM discussed with you their 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 (for which includes the Jim's Peak 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 Morgan Group EA. Additionally, a preliminary environmental assessment (without a FONSI) 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 Morgan Group EA and inform me in preparation of completing a final grazing decision. After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the Jim's Peak FFR allotment.

On January 11, 2013, the Owyhee Field Office initiated the public scoping process for the Toy Mountain, South Mountain, and Morgan groups of grazing allotments, Groups 3, 4, and 5, respectively. A scoping letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with rangeland health standards and the Owyhee Resource Management Plan (ORMP). This effort helped develop grazing management alternatives for three grazing permit renewal Environmental Assessments (EAs), including the Morgan Group 5 EA # DOI-BLM-ID-B030-2013-0023-EA (hereinafter "Morgan Group EA").

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).

On November 26, 2013, we issued the Group 5 Proposed Decisions, including a decision to renew your grazing permit associated with the Jims Peak FFR allotment. Protests pertaining to the Jims Peak FFR allotments were received and are presented in the table below: 'Response to Protests'.[1]

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

After evaluating conditions on the land and meeting with in April 16, and again December 3, 2013 on the allotment, I am now prepared to issue a final decision to renew your permit to graze livestock within the Jim's Peak FFR allotment. Thank you for your counter proposal for the grazing schedule, however it did not meet our resource needs. After careful consideration, I have selected Alternative 4 as a final decision for the Jim's Peak FFR allotment. Upon implementation of the decision, your permit(s) to graze livestock in the Jim's Peak FFR allotment will be fully processed. See 43 CFR sub-part 4100.

This final decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management systems that the BLM considered in the Morgan Group EA;
- Respond to the applications for grazing permit renewal for use in the Jim's Peak FFR allotment;
- Outline my final decision to select Alternative 4 in Jim's Peak FFR allotment;
- Explain my rationale for the Final Decision.

Background

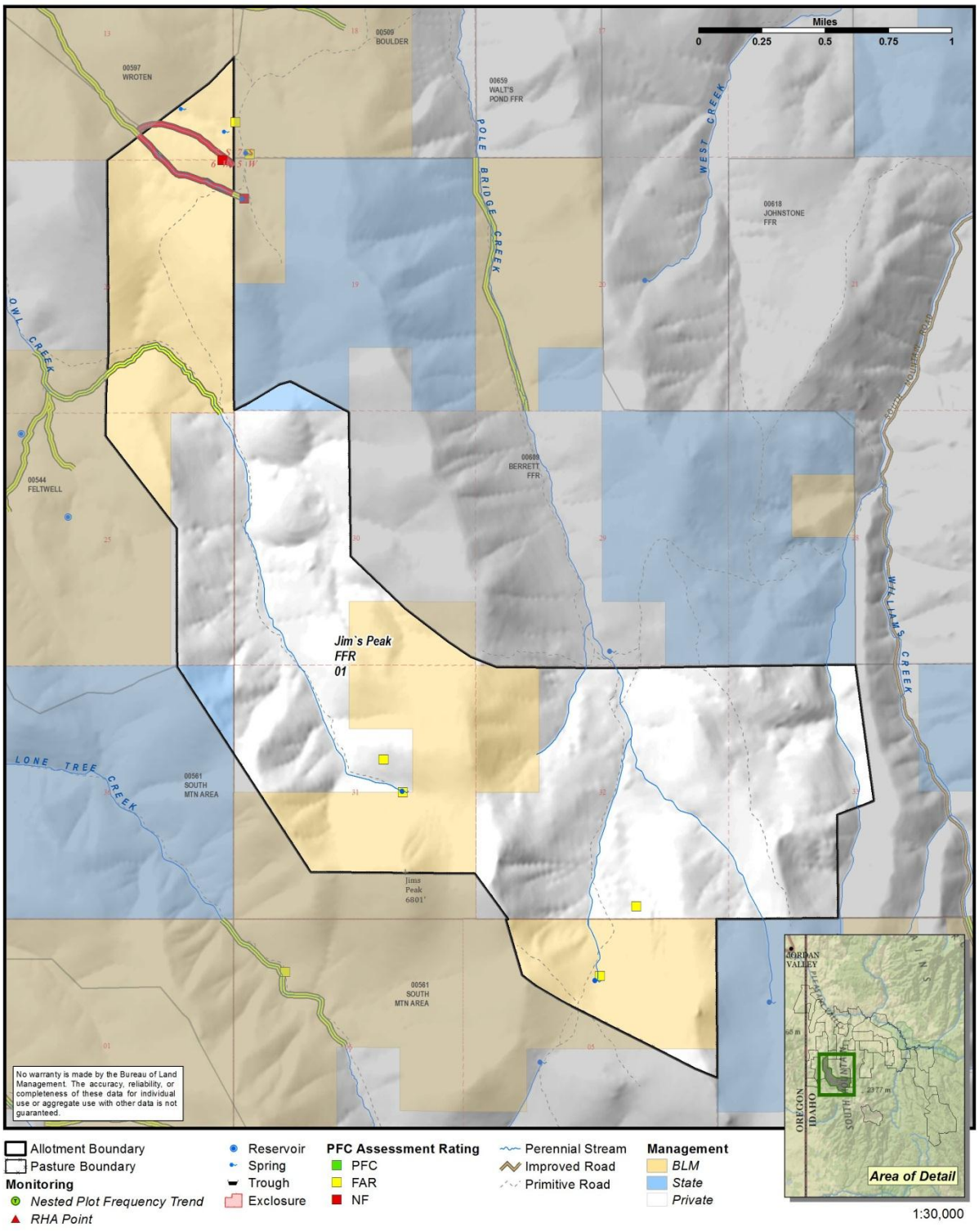
Allotment Setting

The Jim's Peak FFR[2] allotment is located approximately 12 miles southwest of Silver City (Map 1). Of the 2,595 acres in the allotment 1,042 acres are BLM managed land, 1,508 acres are private land, and 45 acres are State lands. In the 1999 ORMP, the Jim's Peak FFR allotment was placed in Selective Management Category "Maintain." Allotments in this category are administered with an objective to manage the public lands with minimal expenditure of appropriated funds and maintain current satisfactory resource conditions. These allotments must also meet or make progress in meeting the Idaho S&Gs. The ORMP identified 56 animal unit months (AUMs) of active preference for livestock grazing.

One existing grazing permit authorizes livestock grazing use of the Jim's Peak FFR allotment with a current total permitted use of 56 AUMs, of which all are active use and none are suspended AUMs. Although the existing permit identifies a season of use between 12/1 and 12/31 recent actual use data, annually provided by the permittee, indicates that the allotment is typically used beginning in mid-June and extending to mid-September.

[2] 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.

Map 1: Jim`s Peak FFR (00576) Allotment



Current Grazing Authorization

You currently graze livestock on the Jim's Peak FFR allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

Table 1 Morgan Properties LP DBA Morgan Ranches

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00576 Jim's Peak FFR	55	Cattle	12/1	12/31	100	Active	56

Other terms and conditions:

1. The number of livestock and the season of use on the fenced federal range (FFR) allotments are at the permittees discretion.
2. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____. Changes to the scheduled use require approval.
3. Livestock turn-out is subject to the District range readiness criteria.
4. 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.
5. 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.
6. 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.
7. 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.
8. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use.
9. 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.
10. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
11. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50%.

As part of a settlement agreement, the following additional terms and conditions were added to the above permits in March of 2000:

- Key herbaceous riparian vegetation, where stream bank stability is dependent upon it, will have a minimum stubble height of 4 inches on the stream bank, along the greenline, after the growing season;
- Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals;
- Key herbaceous riparian vegetation on riparian areas, other than the stream banks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and
- Stream bank damage attributable to grazing livestock will be less than 10 percent on a stream segment.

The current permit authorizes active use as seen in Table 2, below. However, based on management actions over the last ten years, you have made use of the flexibility authorized in the grazing permit and utilized the allotment with different livestock numbers and seasons compared to the numbers and dates specified in the Mandatory Terms and Conditions. The result of this management is reflected in the average actual use.

Table 2 Average Actual use as compared to Active Use AUMs

Allotment Name	Baseline Active AUMs	Average Actual Use	Percent Difference Active vs. Average Actual Use AUMs
Jim's Peak FFR	56	54	-4%

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

Guidelines for Livestock Grazing Management

The BLM's 2013 Determination for the Jim's Peak FFR allotment 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 bases) 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 10: Implement grazing management practices and/or facilities that provide for complying with the Idaho Water Quality Standards.

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.

Table LIV 1.0: Standards and Guidelines that are not being met under current BLM grazing management

Allotment	Standards Met	Standards Not Met, But Making Significant Progress	Standards Not Being Met	Standards Not Being Met *and* Current Livestock Grazing Significant Causal Factor	Standards Not Applicable	Guidelines
Jim's Peak FFR	None	None	4	1,2,3,7,8	5,6	1,3,4,5,7,8, 10, 11,12

Since the Jim's Peak FFR allotment is not meeting one or more of the Idaho S&Gs because of current livestock management practices, the BLM used these guidelines as a starting point for developing grazing schedules to bring the authorized actions within the allotment into compliance with resource objectives.

Resource Conditions

The BLM completed updated land health assessments, evaluations and determinations for the Jim's Peak FFR allotment in 2013. Those documents concluded that some of the resources on these allotments were not meeting the Idaho S&Gs.

The Jim's Peak FFR allotment consists of a single pasture. Standards 1, 2, 3, 4, 7, and 8 of the applicable Standards for Rangeland Health are not being met in the Jim's Peak FFR allotment; whereas, Standards 5 and 6 are not applicable to resources present within the allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1, 2, 3, 7, and 8. Livestock management practices do not conform with the applicable Livestock Grazing Management Guidelines 1, 3, 4, 5, 7, 8, 10, 11, and 12.

Soils - uplands[3]

Current and historic livestock grazing management practices are significant causal factors for not meeting watershed Standard 1 in the Jim's Peak FFR allotment. Accelerated erosional processes and water flow patterns have caused an increase in bare ground and pronounced pedestaling of plants; mechanical disturbance along trails is common and has reduced the protective vegetative and persistent cover component needed to provide soil stability and infiltration.

A shift from deep-rooted bunchgrasses to more shallow-rooted species is occurring and that, along with grazing during the active growing season, has resulted in less cover in the shrub interspaces. As a result, soil degradation is common, especially when associated with trampling on exposed soils. The decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and historic livestock management are the primary contributing factors for not meeting Standard 1 and the ORMP soil management objectives of improving unsatisfactory watershed health/conditions for the Jim's Peak FFR allotment.

Vegetation – uplands[4]

Rangeland Health Standard 4 is not met in the Jim's Peak FFR allotment. Evidence of historic grazing impacts are 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 and a greater dominance by increaser species (e.g., Sandberg bluegrass and squirreltail). Historic grazing and invasive annuals are causal factors in not meeting Standard 4.

Qualitative rangeland health assessment (RHA) data indicate that Standard 4 is not met due to departure of functional-structural groups in the RHAs with more than expected shallow-rooted bunchgrass and invasive annuals, moderate departure ratings in litter, and reproductive capabilities of perennial plants. This conclusion is supported by current ecological site descriptions and correlation to vegetation inventories.

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 moderate ratings of reproductive

[3] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1
[4] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1

capabilities of perennial plants, lead to a conclusion that the vegetation management objective is not met.

Water Resources and Riparian/Wetland Areas[5]

Current and historic livestock grazing management practices are significant causal factors for not meeting Standards 2, 3, and 7 in the Jim's Peak FFR allotment. Of the total 2.1 miles of intermittent, 1.2 miles of perennial, and 1 spring (National Hydrograph Dataset (NHD)) on the allotment, approximately 0.9 mile of Minear Creek was most recently assessed non-functioning (NF) because the riparian area had lost extent[6], plants had low vigor from excessive utilization, and stabilizing species were sparse. Approximately 0.6 mile of Owl Creek was functioning-at-risk (FAR) in 2000 because riparian vegetation lacked appropriate age distribution and was not controlling erosion, stabilizing streambanks, or shading the channel; the riparian/wetland vegetation with deep strong binding roots was not sufficient to stabilize streambanks on portions of the segment; and age class and structural diversity of riparian-wetland vegetation were not appropriate; and Canada thistle occurred on a small portion of the floodplain. Subsequent to the FAR rating, a Multiple Indicator Management (MIM) site was established on Owl Creek in 2011. The streambank alteration was 28 percent and exceeded the criteria established in the ORMP. However, both the stubble height and the woody use were within appropriate limits for healthy and sustainable riparian areas.

Five springs that occur within the allotment were assessed in 2004 and 2011. Minear Spring was NF in 2004 because the lentic area was losing extent due to a lack of surface water to support riparian species. The area lacked species composition, age class, and the species present were not stabilizing the soils. Owl Creek Spring and Pole Bridge Spring were both FAR in 2004 because there was a lack of stabilizing species present and the flow patterns had been altered by livestock trailing and trampling. Two Unnamed Springs were assessed FAR in 2011 because both occur on relatively steep slopes where livestock trailing and trampling has altered the flow patterns and caused drying of the wetland soils. Both the woody and herbaceous riparian species had been heavily utilized and had low vigor.

Special Status Plants[7]

No special status plants are known to occur on public lands within the Jim's Peak FFR allotment; therefore, this will not be discussed further.

Wildlife/Wildlife Habitats and Special Status Animals[8]

Upland Habitat

The Jim's Peak FFR allotment is managed as native plant community and is determined to be failing to meet Standard 4 due to past livestock grazing practices and annual invasive species. The downward trend in the plant community composition is favoring more grazing tolerant, shallow-rooted grass species. These species do not have the robust growth form or stature such as bluebunch wheatgrass and do not provide the plant composition, structure, and function for sagebrush steppe-dependent species. Due to the downward trend and shift in the plant community,

[5] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1
[6] The term extent is "referring to" the geographic size or acreage of the wetland area.
[7] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.7.1
[8] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.6.1

BLM concluded that the allotment is not meeting Standard 8 due to historic livestock practices and annual invasive species.

However, this determination is not consistent with the vegetation information recorded in sage-grouse assessments (see Focal Species discussion below) that rated this allotment as meeting Standard 8 for sage-grouse. This discrepancy is explained by the fact that the rangeland assessment information was collected on low sagebrush sites (Shallow Claypan) that represented a majority of the habitat type on public lands; while the sage-grouse assessments were collected on two non-representative Wyoming big sagebrush and mountain big sagebrush Loamy sites that comprised a smaller portion of the allotment. Despite the somewhat favorable information gleaned from the sage-grouse assessments for the specific habitat areas, the information did not warrant changing the determination on the allotment overall.

Riparian Habitat

Habitat for the Columbia redband trout and the Columbia spotted frog are not known to occur within this allotment. Evaluation of Standards 2, 3, and 7 identified approximately 0.9 mile of Minear Creek was most recently assessed NF) and 0.6 mile of Owl Creek was FAR and not meeting water quality parameters due to current grazing practices. Streams, springs, and wetlands that are lacking adequate riparian vegetation composition and distribution to provide the structure and function also do not provide habitat conditions for wildlife. Because Standards 2, 3, and 7 are not being met, this allotment is failing to provide adequate riparian conditions to support viable aquatic and terrestrial species populations and therefore is not meeting Standard 8 due to historic and current grazing practices.

Focal Species

Sage-grouse

The Jim's Peak FFR allotment lies within Preliminary Priority Habitat (PPH)/Preliminary General Habitat (PGH) for sage-grouse (Table WDLF-1). No active leks are known to occur within this allotment. This allotment provides seasonal breeding, upland summer, riparian, and winter habitat for sage-grouse. Sage-grouse habitat assessments showed the Wyoming and Mountain Big sagebrush inclusions of the allotment are providing suitable overstory/understory composition and structure for breeding, summer upland, and winter habitat conditions.

Table WDLF-1: Acres[1] and portions of PPH and PGH within the Jim's Peak FFR allotment

Allotment/Pasture Name	Acres of PPH Sagebrush Habitat in Allotment[2]	Acres of PPH Perennial Grassland in Allotment	Acres of PPH Juniper Encroachment in Allotment	Acres of PGH in Allotment	Portion of Allotment in PPH/PGH
Pasture 1	407 (16%)	0	1557 (60%)	632 (24%)	2595 (100%)

[1]PPH/PGH habitat acreage totals include public lands, State lands, and private property.
[2]PPH sagebrush can also include small amounts of perennial grasslands, conifer encroachment, and non-habitat.

Issues[9]

Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in the Jim's Peak FFR allotment:

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 Jim's Peak FFR allotment contain altered sagebrush community composition, structure, and function that are affecting sage-grouse and other sagebrush habitat-dependent species.
2. Riparian vegetation conditions: Livestock grazing is affecting riparian condition, water quality and aquatic habitat by changing the health and composition of riparian vegetation communities.
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.
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.
5. Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat, and reproduction of individuals. (Not applicable to this allotment).
6. Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
7. Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.
8. Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.
9. Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.
10. Climate Change: The issue of climate change and its relationship to the final 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

The range of alternatives for the Jim's Peak FFR allotment developed included: Alternative 1 – No Action/Current Situation, Alternative 2 – Permittee's Application, Alternative 5 – No Grazing, as well as Alternatives 3 and 4, which were developed in order to improve conditions on the allotment. These alternatives were developed in response to current conditions on the Jim's Peak FFR allotment and the issues identified above to ensure that any renewed grazing permit would

[9] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.5.

result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered and analyzed in the Morgan Group EA, with Alternatives 1, 2, 4, and 5 considered in detail and analyzed for the Jim's Peak FFR allotment.

The following sections describe the general theme of each of the alternatives for the Jim's Peak FFR allotment, for full details refer to the Morgan Group EA # DOI-BLM-ID-B030-2013-0023-EA and Appendix D for permittees full proposals.

Alternative 1 – Current Situation

Alternative 1 would allow a continuation of your current management on the allotment and include the interim terms and conditions imposed by the U.S. District Court in February 29, 2000 are also included.

Alternative 2 - Permittee Applications

Alternative 2 would authorize livestock grazing consistent with your application. The management on the Jim's Peak FFR allotment is based on 40 percent public land, and the season of use is between June 15 and November 15, with every third year of deferment; as long as total 56 AUMs are not exceeded, cattle number may vary up to maximum 100 head.

Alternative 3 [10]

Alternative 3 was not developed for the Jim's Peak FFR allotment because Alternative 2 addressed resource constraints.

Alternative 4 [11]

The grazing schedules for the Jim's Peak FFR allotment would include deferment and/or rest under Alternative 4. The management on the Jim's Peak FFR allotment is based on 40 percent public land and the season of use is between June 15 and November 15, with every third year of rest; as long as total 54 AUMs are not exceeded, cattle number may vary up to maximum 53 head.

Alternative 5- No Grazing

This alternative would result in no grazing during a 10-year period for the Jim's Peak FFR allotment.

The Morgan Group EA detailing these alternatives was made available for public review and comment for a 15-day period ending November 8, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments. Timely comments that were received are summarized and

[10] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 3 in Section 2.2.3.
[11] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Alternative 2 in Section 2.2.4.

responses are provided as an Appendix L to the completed Morgan Group EA available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal0.html

Final Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the Morgan Group EA, as well as other information, it is my final decision to renew your grazing permit for 10 years with modified terms and conditions consistent with the following:

Jim's Peak FFR allotment – Alternative 4 as described in EA number DOI-BLM-ID-B030-2013-0023-EA.

Implementation of this alternative over the next 10 years will move the Jim's Peak FFR allotment towards meeting Standards or making significant progress toward meeting the Standards. This decision will also allow the allotment to move toward achieving the resource objectives outlined in the ORMP.

The terms and conditions of the renewed grazing permit(s) will be as follows (Table FINAL 1.0):

Table FINAL 1.0. Morgan Properties LP DBA Morgan Ranches Mandatory Terms and Conditions

Allotment	Livestock		Grazing Period		% PL[12]	Type Use	AUMs
	Number	Kind	Begin	End			
00576 Jim's Peak FFR	53	Cattle	6/15	11/15	40	Active	54

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 _____. Changes to the scheduled use require approval.
2. Livestock turn-out is subject to the District range readiness criteria.
3. 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.
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. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.

[12] PL is based on percentage of BLM lands in the allotment.

5. 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.
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 exclosures located within the grazing allotment are closed to all domestic grazing use.
8. 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.
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.
10. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50 percent.

Livestock Management

As a result of the above Alternative 4 actions, mandatory and other terms and conditions of the offered permit for grazing use in the Jim's Peak FFR allotment schedule would be defined as listed in Table PROP-1.1 and the applicable Boise District terms and conditions and other terms and conditions as follows:

Table PROP 1.1: Alternative 4 grazing schedule for the Jim's Peak FFR allotment

Allotment	Year 1	Year 2	Year 3
Jim's Peak FFR	6/15-10/15	10/1-11/15	Rest

Notes on the Terms and Conditions

Morgan Properties LP DBA Morgan Ranches will be offered a grazing permit(s) for a term of 10 years for the Jim's Peak FFR allotment. Adoption of Alternative 4 in the Jim's Peak FFR allotment, will result in a reduction in AUMs from your current permit; however, the affected 2 active use AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2. Permitted use within allotments will be as follows (Table PROP 1.2):

Table PROP 1.2: Permitted Use

Allotment	Active Use	Suspension	Permitted Use
Jim's Peak FFR	54 AUMs	0 AUMs	54 AUMs

Other Notes on the Final Decision

Finally, it is my final decision not to authorize additional projects[13]. The existing coordinated process to identify, analyze, and authorize as appropriate the restoration, improvement, or development of livestock water sources and other projects remains in place for project-specific consideration outside the permit renewal process. Project maintenance obligations identified in current range improvement permits and cooperative agreements for range improvements are unchanged by this final decision. Implementation of this final decision is contingent upon maintenance of projects in a functioning condition (i.e., boundary and internal fences are in such good and functioning condition as to assure their ability to accomplish the purposes for which they were constructed, barriers to livestock movement).

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 Morgan Properties LP DBA Morgan Ranches records as a grazing permit holder for the Jim's Peak FFR allotment and have determined that both have a satisfactory record of performance and are qualified applicants for the purposes of a permit renewal.

Justification for the Final Decision

Based on my review of Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA, the rangeland health assessment/evaluation, determinations, specialist reports, and other documents in the project record, it is my final decision to select Alternative 4 for the Jim's Peak FFR allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and it will result in the Jim's Peak FFR allotment meeting or making significant progress towards meeting the resource objectives of the ORMP and the Idaho S&Gs.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision making process for the Jim's Peak FFR allotment. I want you to know that I focused my attention on the allotment-specific issues as I weighed each alternative and made my decision. My selection of Alternative 4 for the Jim's Peak FFR allotment was in large part because this selection best addressed the specific issues, given the BLM's legal and land management obligations. I spent hours with members of my staff and the NEPA Permit Renewal Team to discuss pros and cons for each alternative. Ultimately, I had to choose the alternative that best protects the resource while

[13] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4.

considering your livestock operation, current resource conditions, and expectations from you as the permittee, and the BLM as the responsible office.[14]

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 Jim's Peak FFR allotment 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.*

The sage–grouse is an indicator species for the sagebrush ecosystem, thus the attributes of suitable sage-grouse habitat provide an effective barometer for health of the sagebrush ecosystems that dominate the Jump allotments. Sage-grouse habitat quality is inseparable from the vegetation community conditions discussed in Standard 4 (Native Plant Communities). Therefore, the

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[14] 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 Standards for riparian/water issues due to current livestock management; of approximately 73 allotments total, 43 are not meeting the Standards 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 we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors 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. We must do 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 on 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.

following is a combined rationale for my alternative selections as they relate to the issues of sage-grouse habitat and upland vegetation and watershed conditions.

Jim's Peak FFR Allotment[15]

The Jim's Peak FFR allotment consists of a single pasture. Standards 1, 4, and 8 for Rangeland Health are not being met in the Jim's Peak FFR allotment. Current livestock grazing management practices are significant factors in not meeting Standards 1 and 8.

Alternative 4 prescribes June through November grazing for 1 of 3 years, and deferment or rest during the critical growth period for the remaining 2 years in a 3-year grazing rotation with a maximum of 53 head of cattle and 54 AUMs. The increased years of deferment and rest, resulting in a 33 percent reduction in active AUMs over a 10-year permit, would allow vegetation health and vigor to improve under the Standards and ORMP objectives (based on average actual use and as compared to Alternatives 1 and 2). Vegetation resources not meeting ORMP vegetation objectives would have the opportunity to improve as compared to Alternatives 1 and 2.

Alternative 4 provides yearly deferment and rest during soils critical period that will reduce physical impacts to soils during the wettest and most susceptible period. Additional benefits are provided from 2 out of 3 years of deferment or rest from critical growing season use and summer riparian grazing. This offers native plant communities an opportunity to improve and respond with increased soil cover, decreased bare ground, and reduced susceptibility to accelerated erosion, and it would lessen concentrated summer use on upland soils that surround riparian areas.

Upland habitats and sage-grouse would benefit by the 2 out of 3 years deferred or rested from grazing out of the critical growth period (May 1 through June 30) and sage-grouse nesting/early brood-rearing period (April 1 through June 30). This grazing schedule will allow perennial grasses to grow through the critical growth period and mature in the summer. Plant vigor and health will be improved and along with habitat composition and structure. Improvements in composition and structure will provide increased security and escape cover that would further reduce sage-grouse vulnerability to detection and predation.

Overall, upland habitat conditions will considerably improve under Alternative 4 because of the incorporation of deferment/rest and the accompanying reduction of AUMs. Reduced critical growing season grazing will allow the vegetation to recover and sage-grouse will benefit because of the increased cover and forage elements provided during the nesting/early brood-rearing period. As well, terrestrial and aquatic wildlife will benefit because of improved riparian function and reduced access of livestock to stream, wetland, and spring habitats. This will improve riparian vegetation diversity, distribution and structure and decrease bank trampling, reduce erosion and reduce sediment loading. Under this grazing management strategy wildlife habitat conditions will make significant progress toward meeting Standard 8 and ORMP objectives

[15] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.6.4

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 4 the Jim's Peak FFR allotment will be grazed during the summer and fall for 1 year, and during the fall only for 1 year, and rested the 3rd year of a 3-year rotation. Consequently, within the allotment, 1.2 mile of perennial, 2.1 miles of intermittent stream, and one spring will be affected by the impacts associated with the summer and fall seasons of grazing alternating among the years. Recent actual use reported identifies that the allotment has primarily been used during the summer and early fall months annually, and Standards are not being met.

The Jim's Peak FFR allotment is not meeting the Standards associated with the riparian-wetland resources under current management. Under Alternative 4, the allotment would be managed with a defined 3-year schedule that incorporates one year of riparian area constraint period deferment as well as 1 year of rest. Thus, the impacts associated with grazing during the riparian area's vulnerable time (July-September) will be eliminated for 2 of 3 years. Additionally, the changes in season of use would result in a 33 percent reduction in active AUMs over the 10-year permit. Therefore, within the stream and spring riparian areas, the hydric vegetation and deep-rooted species will increase in abundance and vigor, streambanks will stabilize, erosion will be minimized, floodplains will expand, and the general function will improve.

Currently the allotment is not providing adequate riparian habitat conditions. Under Alternative 4, as riparian function improves, terrestrial and aquatic wildlife will benefit by the reduced access of livestock to stream, wetland, and spring habitats and increased abundance and availability of cover and forage as conditions improve.

Overall, riparian habitat conditions will improve significantly under Alternative 4 because of the incorporation of deferment/rest and the resulting reduction of AUMs. Terrestrial and aquatic wildlife will benefit because of improved riparian function and reduced access of livestock to stream, wetland, and spring habitats. This will improve riparian vegetation diversity, distribution and structure and decrease bank trampling, reduce erosion and reduce sediment loading. The Jim's Peak FFR allotment will, under Alternative 4, make significant progress toward meeting Standard 8 and ORMP objectives.

Issue 5: *Special Status Plant Species: Livestock grazing is adversely affecting special status plants by altering surrounding upland vegetation, habitat and reproduction of individuals.*

No special status plant species are known to exist on the public lands in this allotment; therefore, Issue 5 will not be addressed.

Issue 6: *Noxious and invasive weeds: Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.*

No noxious weeds designated by the State of Idaho are known exist on public land in this allotment. My selection of Alternative 4 for the Jim's Peak FFR allotment will, because the alternative was designed to improve rangeland health conditions, maintain or improve riparian and vegetative communities. Acknowledging that any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses, a reduction in active use and deferment or rest in the alternative selected will result in proportionally less soil surface disturbance and fewer animals to carry seed to, from, and within the allotment in fur, on hooves, and in their digestive system. As compared to Alternatives 1 and 2, the risk of invasive species spreading is lower under Alternative 4 as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Alternative 4 will promote native perennial species and therefore reduce the competition of invasive species establishment.

Issue 7: *Livestock trailing: Trailing may adversely affect upland vegetation, soils, weeds and riparian vegetation.*

Because no livestock trailing routes are known exist on public land in the Jim's Peak FFR allotment, Issue 7 is not applicable.

Issue 8: *Socioeconomic impacts: Livestock grazing affects local and regional socioeconomic activities generated by livestock production.*

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 will result in less reliable amounts of forage over the long-term, in addition to reducing economic opportunities from ecosystem services and alternate socio-economic resources, such as recreation, that rely on healthy, functional and aesthetically pleasing open spaces and wildlife habitats.

I have considered a wide range of issues at the allotment level, including the social and economic impacts that result from modifying grazing authorizations. We worked hard to develop a socio-economic analysis that would, as accurately as possible, provide the best information about socio-economic impacts expected from the different alternatives, and I have utilized this information in making my final decision.

I have minimized reductions in grazing use levels on allotments where current levels are compatible with meeting rangeland health standards and ORMP objectives, and where not compatible, I have attempted to select alternatives designed to meet resource needs.

Issue 9: *Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.*[16]

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 will be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks will help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 4 for the Jim's Peak FFR allotment will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel-breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types and specifically within seedings of grazing tolerant introduced grasses and annual grasses. Such conditions do not exist on these allotments at a pasture-wide scale. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels before 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 will not support that improvement.

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to benefit and promote the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior, while enhancing post-fire recovery.[17]

Issue 10: *Climate Change: Livestock grazing is inter-related to the effects of annual grass invasion and wildfire frequency which are expected to worsen as a result of climate change.*

Climate change is another factor I considered in building my decision around Alternative 2 for the Jim's Peak FFR allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternatives combined seasons, intensities, and durations of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long

[16] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4 Alternatives considered and dismissed.
[17] For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.4.

term, the native plant communities on these allotments will be better armed to survive such changes. The native plant health and vigor protected under these alternatives will provide resistance and resilience to additional stressors, including climate change.

Additional Rationale

I did consider selecting Alternative 5 (No Grazing) for this allotment given the number of standards not being met; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotment. In selecting Alternative 4 for the Jim's Peak FFR allotment rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on the your operation and on regional economic activity, and (3) your past performance under previous permits. The resource issues identified are primarily related to the improper seasons and site-specific intensities of grazing use. By implementing this alternative, the resource issues identified will be addressed. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.[18]

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 which are associated with the Owyhee 68 permit renewal process. The scope of analysis in this EIS is relevant to all the allotments within the Owyhee Field Office and supports the analysis in the Groups 3, 4, 5, and 6. As stated earlier in this Decision, I am incorporating by reference the analysis in the Chipmunk Group 2 EIS.

Finding of No Significant Impact (FONSI)

A finding of no significant impact (FONSI) was signed on November 20, 2013, that concluded that the final decision to implement Alternative 4 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the ten significance criteria described at 40 CFR § 1508.27. Therefore, an EIS is

[18] Much thought and effort went into developing grazing management systems that are responsive to your allotments' specific resource needs, geography, and size. We attempted to address all resource and operational concerns and the resource and stewardship requirements mandated to the BLM. We recognize that 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 informed by the interested public with these features in mind. I recognize the difficulty of not only responding to BLM's (mandated) needs to protect the resources, but recognize as well the needs and capability that you, the permittees, have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

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 4 for the Jim's Peak FFR Allotment because livestock management practices under this alternative best meets the ORMP objectives allotment-wide and the Idaho S&Gs. Alternative 1 fails to implement livestock management practices on the Jim's Peak FFR allotment that would meet the objectives and Standards 1(Watersheds), 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 7 (Water Quality), and Standard 8 (Threatened and Endangered Animals). Alternative 2 would only minimally meet standards. Alternative 5 removes economic activity from Owyhee County and southwestern Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of the alternatives, leads me to believe elimination of livestock grazing from the Jim's Peak FFR allotment is unnecessary at this point. This grazing decision and subsequent permits are being issued under the authority of 43 CFR 4100 and in accordance with the Owyhee Resource Management Plan (43 CFR 4100.0-8), thus all activity thereunder must comply with the objectives and management actions of the Plan.

Authority

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

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

Right of Appeal

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

on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted:

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

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

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

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

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

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

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

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

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

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

Sincerely,

Loretta V. Chandler
Owyhee Field Manager

Attachments: Protest Responses – Poison Creek Allotment

cc: Nickel Creek FFR Allotment Interested Public

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. 16th 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	Louisville	KY	40208
The Nature Conservancy			950 W Bannock St., Ste.210	Boise	ID	83702

Company Name	First Name	Last Name	Address 1	City	State	Zip
The Wilderness Society			950 W. Bannock St., Ste. 605	Boise	ID	83702-5999
US Fish & Wildlife Service			1387 S Vinnell Way, Rm. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects			PO Box 1770	Hailey	ID	83333
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Wroten Land & Cattle Co.			30314 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	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. 9th 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. 8th St., Ste. 149	Boise	ID	83702

Group 5 Response to Protests

Protest ID	Protest Point No.	Protest Text	Protest Response
5DBerrett12102013	1	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.	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.
5DBerrett12102013	2	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.	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

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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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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 vegetaion 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 leessees, 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 ..... "	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. 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).
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 o[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 of2012, 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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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.
5QuintanaRanch12122013	19	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.	Point noted. The alternatives analyzed in detail the effects of the season of use and utilization.
5QuintanaRanch12122013	20	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.	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.

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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 aums.	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 tout 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

Protest ID	Protest Point No.	Protest Text	Protest Response
		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 harn1s 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.	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. (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. (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

Protest ID	Protest Point No.	Protest Text	Protest Response
			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 (IDF&G) 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 o[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 o{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 that 10% bank alteration will be maintained in key riparian areas at the end of the grazing season" is inaccurate. The 0RMP 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.

Protest ID	Protest Point No.	Protest Text	Protest Response
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 ldaho protests the reduction in 2 AUMS in	The alternative selected in the Final Decision was fully analyzed in detail

Protest ID	Protest Point No.	Protest Text	Protest Response
		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.