



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



In Reply Refer To:
4160 ID130

March 28, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

WF and Carolyn D. Peton
PO Box 998
Veneta OR, 97487

Notice of Field Manager's Final Decision for the Feltwell Allotment

Dear Mr. and Mrs. Peton:

Thank you for working with the BLM during this permit renewal process. I appreciate your interest in grazing the Feltwell allotment in a sustainable fashion and am confident that this Decision achieves that objective.

The BLM remains dedicated to processing your updated grazing permit application for the Feltwell allotment. I signed a Proposed Decision to renew that grazing permit on January 24, 2014. The Proposed Decision included terms and conditions that would make significant progress toward meeting the Idaho Standards for Rangeland Health, the Guidelines for Livestock Grazing Management (Idaho S&Gs), as well as the objectives of the Owyhee Resource Management Plan (ORMP). On February 10, I received your letter which included your protest points of my Proposed Decision. In addition to your protest letter, I received protests from the State of Idaho and Western Watersheds Project (WWP). The table below titled *Protest Responses - Morgan Group Non-Owyhee 68 Allotments* provides a brief summary of protest points submitted regarding the Feltwell allotment. Subsequent to receiving protests, BLM met with you to discuss the proposed decision. I am appreciative of your work with us to develop a decision that recognizes and accomplishes our shared stewardship responsibilities. Additionally, a protest meeting requested by WWP was held at the BLM Idaho State Office, in which WWP discussed their protests and asked questions of the BLM regarding the Feltwell proposed grazing decision. After review of the protests received and consideration of the issues discussed during the protest meetings, this is my Final Decision (as modified from my January 24, 2014, Proposed Decision) pertaining to your term grazing permit and livestock grazing in the Feltwell allotment. See page 11 for the detailed grazing management modifications from my Proposed Decision to this Final Decision, and the Rationale beginning at page 13 for discussion associated with these Final Decision modifications.

As you know, the BLM recently evaluated current grazing practices and current conditions in the Feltwell 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 the BLM's evaluation

process, rangeland health assessments, evaluations, and determinations were completed. This Final Decision incorporates those documents by reference and the information contained therein.

The BLM also engaged in public scoping and met with members of the public interested in grazing issues in the Feltwell allotment¹. To assist us in addressing livestock impacts to public land resources, my office prepared and issued the Morgan Group Allotments Livestock Grazing Permit Renewal Environmental Assessment EA # DOI-BLM-ID-B030-2013-0023-EA (Hereinafter, Morgan Group EA). The process for completing the Morgan Group EA began with a scoping letter on January 11, 2013. The letter solicited comments and information from the public to be received by February 25, 2013, for the Feltwell allotment. Any comments received were addressed in the Morgan Group EA, including BLM responses to comments considered during development of the EA. In addition to the scoping period identified above, my staff and members from the NEPA Permit Renewal Team met with you, as requested, in April 2013 to discuss your grazing permit renewal application received on June 14, 2011, current allotment conditions, and share information about your livestock operations within this allotment. During this meeting, we discussed our preliminary conclusions regarding rangeland health standards and guidelines and made grazing management recommendations associated with your grazing permit renewal application, which you updated at that time. After evaluating conditions on the land and meeting with you and the public, it became clear that resource concerns currently exist on the allotment.

In the Morgan Group EA, the BLM considered a number of options and approaches to maintain and improve resource conditions. Specifically, the BLM considered and analyzed in detail five alternatives for the Feltwell allotment. We also considered other alternatives that we did not analyze in detail. Our goal in developing alternatives was to consider options that were important to you as the permittee, and to consider options that, if selected, would ensure that natural resource conditions on the Feltwell allotment are consistent with the goals and objectives of the Owyhee Resource Management Plan (ORMP) and the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (Idaho S&Gs). This Final Decision incorporates by reference the analysis contained in the Morgan Group EA. The Morgan Group EA incorporates by reference the Jump Creek, Succor Creek, and Cow Creek Watersheds Grazing Permit Renewal EIS # DOI-BLM-ID-B030-2012-0014-EIS and the analysis contained therein (see Appendix J).

I am now prepared to issue a Final Decision to renew your permit to graze livestock within the Feltwell allotment. After careful consideration, I have selected Alternative 4 (as modified) as a Final Decision for the Feltwell allotment. This decision is the culmination of a comprehensive review of the relationship between resource conditions and livestock grazing practices on the Feltwell allotment, completed in accordance with the grazing regulations, Idaho S&Gs, the National Environmental Policy Act (NEPA), and the ORMP.

This Final Decision will:

- Describe current conditions and issues on the Feltwell allotment;
- Briefly discuss the alternative grazing management systems that the BLM considered in the Morgan Group EA;
- Respond to your application for grazing permit renewal for use in the Feltwell allotment;

¹ Alternative livestock grazing management practices for permit renewal within the Boone Peak, Bridge Creek, Red Mountain, Quicksilver FFR, Stahle FFR, and Moore FFR allotments were analyzed through the NEPA process associated with Group 3 of the Owyhee 68. Similarly, the Dougal, South Dougal, and Sheep Creek allotments were analyzed with Group 4 and the Feltwell allotment was analyzed with Group 5. They were not themselves part of the 2008 Stipulated Settlement Agreement nor subject to its completion deadlines, and Final Decisions addressing them are now being issued. These allotments were included and analyzed in the relevant NEPA documents because of their location in the watersheds.

- Outline my Final Decision to select Alternative 4, as modified with elements from Alternative 3, in the Feltwell allotment; and
- Explain my rationale for selecting Alternative 4, as modified.

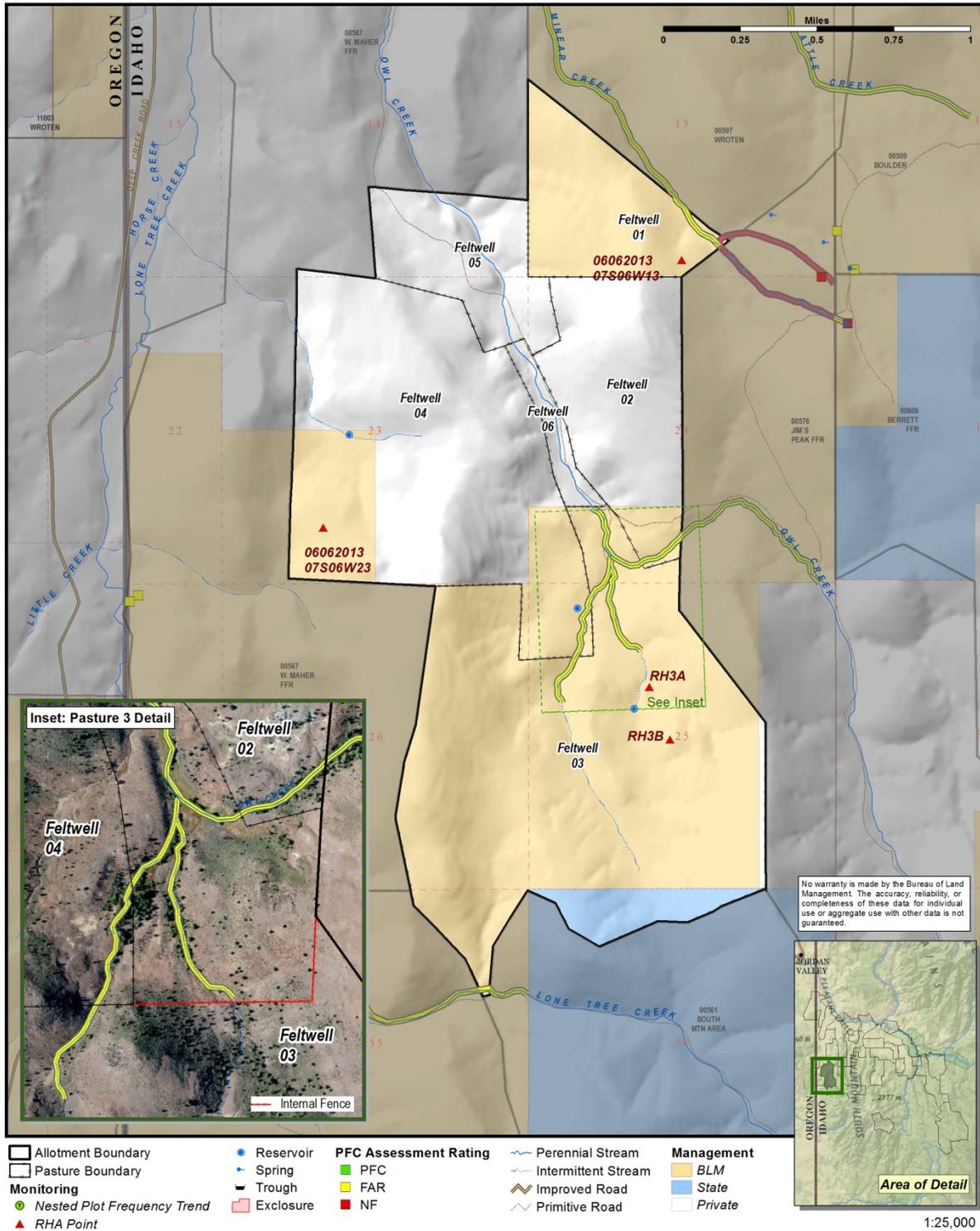
Background

Allotment Setting

The Feltwell allotment is located in western Owyhee County, Idaho, approximately 12 miles southeast of Jordan Valley, OR (Map 1). The allotment lies in a sagebrush shrub steppe vegetation community type in the western foothills of the Owyhee Mountains. Elevations range from approximately 4,941 feet at the northern end of the allotment to 6,162 feet on the southernmost boundary of the allotment. This six-pasture allotment is primarily grazed May through August annually. The BLM manages 63 percent (1,033 acres) of the approximately 1,820 acres within the allotment; there are also 47 acres of state land and 740 acres of private land. *See* Map 1. In the ORMP, the Feltwell allotment was placed in the Maintain Selective Management (M) category. *Maintain* allotments are managed with minimal expenditure of appropriated funds and are maintained for current satisfactory resource conditions. They must also meet or make progress toward meeting the Idaho Standards for Rangeland Health. The ORMP identified 279 AUMs of active preference for livestock grazing in the Feltwell allotment.



Map 1: Feltwell (00544) Allotment



Current Grazing Authorization

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

Table LVST-1: Current Grazing Permitted for the Feltwell allotment and WF & Carolyn D. Peton

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00544 Feltwell	69	Cattle	5/1	8/31	100	Active	279

Other terms and conditions:

1. Grazing use will be in accordance with the grazing schedule identified in your existing grazing decision. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval.
2. Turn-out is subject to the Boise District range readiness criteria.
3. The permittee's certified actual use report is due within 15 days of completing the authorized annual grazing use.
4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations or water developments.
5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
7. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer.
9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.
11. Utilization may not exceed 50 percent of the current year's growth.

The current permit authorizes annual livestock grazing in accordance with Mandatory Terms and Conditions found in Table LVST-1; however, based on recent management actions over the last 10 years, it is clear that in most years you have used the allotment with different livestock numbers and seasons compared to the numbers and dates identified in the Mandatory Terms and Conditions, utilizing the flexibility that was authorized in the grazing permit. This resulted in an average actual use lower than the authorized active AUMs (Table LVST-2).

Table LVST-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
Feltwell	279	224	-20%

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

Resource Conditions

The BLM completed a rangeland health assessment, evaluation, and determination for the Feltwell allotment in 2013. That document concluded that some of the resources on the allotment were not meeting the Idaho S&Gs. These documents are available on the web:

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

The Feltwell allotment is used as a six-pasture system. Pasture 3 has some internal drift fencing, as shown in Map 1, and pastures 5 and 6 are private and will not be discussed further. Standards 1, 2, 3, 4, 7, and 8 of the applicable Standards for Rangeland Health are not being met in the Feltwell allotment; Standards 5 and 6 are not applicable to resources present within the allotment. Current livestock grazing management practices are a significant factor in failing to meet Standards 1, 2, 3, 7, and 8, but are not a significant causal factor for not meeting Standard 4 (Table 3).

Soils - Uplands ³

Current and past livestock grazing management practices are significant causal factors for failing to meet upland watershed Standard 1 in pastures 1, 2, and 4 in the Feltwell allotment; pasture 3 is meeting the Standard.

Both past and active accelerated erosional processes have resulted in pedestaling of plants, water flow patterns, and widespread physical soil impacts by livestock hoof action from a large network of trails. Biological soil crusts are variable, ranging from being present to being greatly reduced or absent, especially in interspatial areas. Repeated spring and early summer season use by cattle under wet conditions has promoted mechanical damage to the soil surface and bare ground.

Non-mechanical impacts are associated with altered plant community composition and distribution from a decrease in relative abundance of large, deep-rooted native perennial bunchgrasses. Although soil surface loss varies across the landscape, the reduced protection resulting from absent vegetation and loss of persistent cover increases the susceptibility to erosion, especially when soils are churned and bare. Where pugging occurs, soil structure and hydrologic function is altered and vegetation is impacted or removed.

Degraded ecological conditions have resulted in the departure from reference conditions, affect infiltration and runoff, and do not predict improvement in watershed health, especially with limited rest and spring grazing during the critical growing season and/or when soils are saturated. Taken together, the decreased ecological function and impaired soils indicate that soil and hydrologic function are compromised. Current and past livestock management is the primary causal factor in the allotment's not meeting Standard 1 and the ORMP's soil management objectives of improving unsatisfactory watershed health/conditions in the Feltwell allotment.

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.8.1.2 and Appendix E.

Vegetation - Uplands⁸

Rangeland Health Standard 4 is not being met in pasture 4 of the Feltwell allotment; the Standard is being met in pastures 1, 2, and 3. Although evidence of historic grazing impacts is present throughout the allotment seen in the reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) (a departure from reference site conditions) and a greater dominance of increaser species (e.g., Sandberg bluegrass and squirreltail), both historic grazing and invasive annuals (bald brome, cheatgrass, and bulbous bluegrass) are the causal factors in the allotment's not meeting Standard 4.

Qualitative rangeland health assessment data indicate that Standard 4 in pasture 4 is not being met due to departure of functional/structural groups at three RHAs sites dominated by shallow-rooted bunchgrasses and invasive annuals, rather than the ecological reference site conditions dominated by deep-rooted species (bluebunch wheatgrass and Idaho fescue).

The ORMP management objective to improve unsatisfactory and maintain satisfactory vegetation health/condition on all areas is also not met within pasture 4. The presence of vegetation communities dominated by shallow-rooted bunchgrasses in pasture 4, with the expansion of annual invasive grasses, leads to a conclusion that the vegetation management objective is not met. Historic livestock grazing and annual invasives are the causal factors for not meeting ORMP management objectives.

Water Resources and Riparian/Wetland Areas⁴

Standards 2 and 3 are currently not being met in pastures 1-4 (BLM lands) of the Feltwell allotment. Pastures 1, 2, and 4 contain short reaches of stream that, according to the permittee, are currently used as water gaps. However, the reaches are between 0.25 and 0.3 mile in length, and BLM has assessed the streams and will continue to manage them as riparian areas. Although bisected by pasture fences, the three reaches of stream and their riparian areas are important to the overall drainage network, and present conditions prevent these reaches from functioning properly.

Within pastures 1, 2, and 4, approximately 0.2 mile of Minear Creek, Owl Creek, and a tributary of Owl Creek were rated functional-at risk (FAR) because there were unstable banks, the channel was incised, and sedimentation was occurring. Within pasture 3, approximately 0.2 mile of Owl Creek and 0.7 mile of a tributary to Owl Creek were also assessed FAR (Table RIPN-20 in EA) because there was inadequate riparian vegetation present to stabilize and protect the stream banks and channels.

Standard 7 is not being met in Lone Tree Creek, Minear Creek, Owl Creek, and an unnamed creek because they are water-quality limited (IDEQ) and do not meet the beneficial uses assigned to the watershed. The habitat bioassessments identified the E. coli pollutant as the cause for the waters not meeting the beneficial uses and identified that current livestock grazing has caused or contributed to E. coli contamination.

Wildlife/Wildlife Habitat and Special Status Animals⁵

Upland Habitat

Pastures 1, 2, and 3

Pastures 1, 2, and 3 are managed as native plant communities. Plant community information associated with the determination for Standard 4 identified that these pastures are meeting Rangeland Health Standards. Sage-grouse habitat assessment data collected in 2012 supports the evaluation of Standard 4. Therefore, the

³ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.8.1.1 and Appendix E.

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.8.1.3.

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.8.1.4 and Appendix E.

plant community composition and structure are providing adequate upland habitat condition for sagebrush steppe-dependent species.

Pasture 4

Pasture 4 of the allotment is managed as a native plant community and is not meeting Standard 4. Evaluation of this pasture under Standard 4 noted a reduced composition of deep-rooted native perennial bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) and a greater dominance of increaser species (e.g., Sandberg bluegrass and squirreltail), and annual invasive species (e.g. bald brome, cheatgrass, and bulbous bluegrass), showing a transition in the plant community composition from larger native bunchgrasses to smaller more grazing-tolerant native and annual species. These smaller and less robust species do not have the growth form or stature like that of bluebunch wheatgrass and do not provide the plant community composition, structure, and function for sagebrush steppe-dependent species. Because of the undesirable transition in plant community composition identified and the absence of any other vegetation information to the contrary (e.g., sage-grouse habitat assessment data), this allotment was determined to not be providing adequate upland habitat conditions for sagebrush steppe species and is not meeting Standard 8 due to historic livestock practices and increased dominance of invasive annuals.

Riparian Habitat

Evaluation of the allotment under Standards 2, 3, and 7 determined that streams within this allotment are not properly functioning and are not meeting water quality parameters due to historic and current livestock grazing. Streams that are functioning-at-risk are lacking adequate riparian vegetation composition and distribution to provide the structure and function to support a productive riparian environment. Because Standards 2, 3, and 7 are not being met, this allotment is failing to provide adequate riparian habitat 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 (Centrocercus urophasianus)

Modeling results indicate that all (100 percent) of the Feltwell allotment lies within preliminary priority habitat (PPH) for sage-grouse. No active leks are known to occur within this allotment. This allotment provides seasonal breeding, upland summer, riparian, and winter habitat for sage-grouse. Overall, sage-grouse habitat assessments showed that this allotment (for pastures 1 and 3 where assessments were collected) is providing suitable overstory/understory conditions for breeding, upland summer, and winter habitat conditions for sage-grouse. However, pasture 4 is not providing adequate upland habitat conditions for sage-grouse due to the shift in vegetation community composition and structure (discussed in Uplands - Pasture 4 and Vegetation-Uplands) that has transitioned from deep-rooted large bunchgrasses (e.g., bluebunch wheatgrass and Idaho fescue) to a dominance of shallower-rooted increaser bunchgrasses (e.g., Sandberg bluegrass) and invasives annuals (e.g., bald brome, cheatgrass, and bulbous bluegrass), reducing the availability and access for nesting and brood-rearing sage-grouse to adequate hiding and escape cover and forage species.

Columbia Redband Trout and Columbia Spotted Frog

Columbia redband trout and the Columbia spotted frog are not documented to occur within this allotment nor have surveys been conducted to determine their presence or absence. However, perennial stream flow does occur in this allotment and could potentially provide or contribute to watershed riparian and aquatic habitat conditions to support Columbia spotted frogs and possibly Columbia redband trout.

Guidelines for Livestock Grazing Management

The BLM’s 2013 Determination for the Feltwell allotment identified grazing management practices that did not conform to the BLM’s Guidelines for Livestock Grazing Management for Idaho (Table ALLOT-1). 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 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 plants, 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 ALLOT-1: 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 <i>and</i> Current Livestock Grazing Significant Causal Factor	Standards Not Applicable	Guidelines Not Met
Feltwell	None	None	4	1, 2, 3, 7, 8	5, 6	1, 3, 5, 7, 8, 10, 11, 12

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

Issues⁶

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 Feltwell allotment:

1. **Habitat conditions for greater sage-grouse:** Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Feltwell 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 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. Alteration 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. **Noxious and invasive weeds:** Livestock grazing and trailing has the potential to increase or spread noxious and invasive weeds.
6. **Socioeconomic impacts:** Livestock grazing affects local and regional socioeconomic activities generated by livestock production.
7. **Wildfire fuels:** Livestock grazing has the potential to change vegetation that may affect wildfire.
8. **Climate Change:** The issue of climate change and its relationship to the Final federal action of renewing this grazing permit 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 developed in the Morgan Group EA include: Alternative 1 - No Action/Current Condition, Alternative 2 - Permittee's Application, and Alternative 5 - No Grazing, as well as Alternatives 3 and 4 which were developed based on resource constraints, applied as appropriate. These alternatives were developed in response to current conditions on the Feltwell allotment and the issues identified above to ensure that any renewed grazing permit would result in maintaining good conditions and improving unsatisfactory conditions on the allotments. Overall, five alternatives were considered and analyzed in the Morgan Group EA, and Alternatives 1-5 were considered in detail and analyzed for the Feltwell allotment.

The Preliminary Morgan Group EA detailing these alternatives was made available for public review and comment for a 21-day period ending November 8, 2013. The general themes of the alternative as well as the specifics of how they apply to the Feltwell allotment are discussed in detail in the Morgan Group EA. 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.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 1.6.3

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:

Feltwell allotment - Alternative 4 as described in Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA, and as modified subsequent to meetings with you and WWP between issuance of the my Proposed Decision and completing of this Final Decision. Grazing management in this Final Decision has been modified in comparison to livestock grazing under my January 24, 2014, Proposed Decision. The following outlines these changes and my Final Decision:

The modifications to Alternative 4 are listed below and are consistent with elements from Alternative 3 in the EA:

1. Spring use 5/1 through 6/4 during year 2 in pastures 1 and 2 and year 3 in pasture 4.
2. During year 2, within pasture 3, the internal fences that enclose the riparian area associated with Owl Creek and Owl Creek Tributary must be used to prevent livestock from entering the riparian areas prior to 10/1 (see Map 1 & Other Terms and Conditions No. 3 below).

The grazing schedule in the Proposed Decision followed a rest rotation system with deferment that precluded grazing during the spring and early summer in all pastures. While the modifications made to the grazing schedule and presented in this Final Decision include spring grazing during year 2 in pastures 1 and 2, and during year 3 in pasture 4, all resource constraints found in Alternative 4 are implemented with this decision. Impacts of spring use in this Final Decision are analyzed under Alternative 3 in EA DOI-BLM-ID-B030-2013-0023-EA. With this Final Decision, all resources present in the allotment will not be grazed two out of three years during the vulnerable time period associated with each resource, and the resource needs will be met. Implementation of this alternative over the next ten years will allow the Feltwell allotment to meet or make significant progress toward meeting the Idaho S&Gs while also moving toward achieving the resource objectives outlined in the ORMP.

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

Table LVST-3: WF & Carolyn D. Peton Mandatory Terms and Conditions

Allotment	Livestock		Grazing Period		% PL ⁷	Type Use	AUMs
	Number	Kind	Begin	End			
00544 Feltwell	69	Cattle	5/1	10/31	63	Active	188

Other terms and conditions:

1. Cattle numbers may vary up to a maximum of 69 head; however, AUMs may not exceed 188.
2. Grazing use will be in accordance with the grazing schedule identified in the Final Decision dated March 28, 2014, of the Owyhee Field Office Manager. Changes to the scheduled use require prior approval by the authorized officer.
3. During year 2, within pasture 3, the internal fences that enclose the riparian area associated with Owl Creek and Owl Creek Tributary must be used to prevent livestock from entering the riparian areas prior to 10/1 (see Map 1).
4. Livestock turn-out is subject to the Boise District range readiness criteria.

⁷ PL is based on percentage of BLM lands in the allotment.

5. 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.
6. 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.
7. 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.
8. 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.
9. Livestock enclosures located within the grazing allotment are closed to all domestic grazing use.
10. 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.
11. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out.
12. Upland forage utilization by livestock on key upland herbaceous forage species is limited to 50 percent.

Livestock Management

The permit for grazing use in the Feltwell allotment will be defined as shown in Table LVST-4.

Table LVST-4: Alternative 4 grazing schedule for the Feltwell allotment

Pasture	Year 1	Year 2	Year 3
Pasture 1	Rest	5/1-6/4	10/1-10/29
Pasture 2	Rest	5/1-6/4	10/1-10/29
Pasture 3	6/13-9/28	9/16-10/31 ¹	Rest
Pasture 4	9/29-10/22	Rest	5/1-6/4
Pasture 5/6 (Private) ²	3/1-2/28	3/1-2/28	3/1-2/28

¹The internal fences that prevent livestock from accessing Owl Creek and Owl Creek tributary must be used and livestock must not enter the area prior to 10/1 (see T&C #3 above).

²The BLM does not manage private lands; management prescriptions apply to the Public Lands only. These pastures are reflected here to acknowledge the inclusion of private pastures within the Feltwell Allotment that are used in rotation with BLM administered lands.

Notes on the Terms and Conditions

WF and Carolyn D. Peton will be offered a grazing permit for a term of ten years for the Feltwell allotment. Adoption of Alternative 4 for the Feltwell allotment will result in a reduction in AUMs from your current permit; however, the affected 91 active use AUMs will not be transferred to suspension, in conformance with regulatory direction at 43 CFR § 4110.3-2. Permitted use within the Feltwell allotment will be as follows (Table LVST-5):

Table LVST-5: Permitted Use

Allotment	Active Use	Suspension	Permitted Use
Feltwell	188 AUMs	0 AUMs	188 AUMs

Other Notes on the Final Decision

It is my Final Decision not to authorize additional projects.⁸ 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). Although your application did not request specific range improvements, discussions during the February 2014 protest meeting, you brought up the possibility of water gap fencing for future range improvement projects.

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to its last grazing permit. Accordingly, I have reviewed your records as grazing permit holders for the Feltwell allotment and have determined that you 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 the Morgan Group EA number DOI-BLM-ID-B030-2013-0023-EA, FONSI, the rangeland health assessment, evaluation, and determination and other documents in the project record, it is my Final Decision to select Alternative 4, as modified with the incorporation of grazing management elements from Alternative 3 for the Feltwell allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate, and will result in the Feltwell 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 Feltwell 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, as modified, for the Feltwell allotment was in large part because of my understanding that this selection best addressed the allotment's 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 of each alternative. Ultimately, I had to choose the alternative that best protects the resource while considering your livestock operation, current

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3.

resource conditions, and expectations from you as the permittee and the BLM as the responsible land manager.⁹

Issue 1: Habitat conditions for greater sage-grouse (Centrocercus urophasianus): Sage-grouse habitat health is directly related to upland vegetation and watershed conditions. Specific areas of the Feltwell 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, and thus the attributes of suitable sage-grouse habitat provide an effective barometer for health of the sagebrush ecosystems that dominate the Feltwell allotment. Sage-grouse habitat quality is inseparable from the vegetation community conditions discussed in Standard 4 (Native Plant Communities). Therefore, the following is a combined rationale for my alternative selection as it relates to the issues of sage-grouse habitat, upland vegetation and watershed conditions.¹⁰

Rangeland Health Standard 4 is not being met (due to historic grazing and invasive species) in pasture 4 of the Feltwell allotment; however, Standard 4 is being met in pastures 1, 2, and 3. Rangeland Health Standard 1 is not being met (due to current livestock grazing) in pastures 1, 2, and 4 but is met in pasture 3; pastures 5 and 6 are private.

⁹ Your allotment is, as you know, part 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 EAs and an EIS that forms the basis of 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 part 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 rangeland health assessment, evaluation and determination, and selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision), but rather I am 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 that have riparian areas, at least 47 are not meeting Idaho S&Gs for riparian/water issues due to current livestock management. Of approximately 73 allotments, 43 are not meeting the Idaho S&Gs for upland vegetation. In many cases, performance under Standard 8 tracks these results. In spite of the efforts of the 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. Added to this is the uncertainty associated with the BLM's organizational capacity to manage this landscape: in a time of budget cutting, staff reductions and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish. These compelling factors drive us to develop grazing management on individual allotments that combines the greatest assurance of ecological resilience with the most likely anticipation of organizational ability, and does so on a landscape level. My challenge is this: looking out at the field office, what intensity of management can I reasonably expect to accomplish, knowing that if monitoring is required to make progress under a particular alternative (for example) and is not performed, the result may be decreasing ecological health for the allotment and, at the time of the next permit renewal, decreased grazing opportunity from public land for the operator. My responsibility and challenge here is to make decisions that lead to success which includes healthy, sustainable resource conditions and predictability for ranching operators.

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 3.3.8.2.4.1, 3.3.8.2.4.2, 3.3.8.2.4.4 and Appendix E.

Under Alternative 4, as modified by elements from Alternative 3, upland and sage-grouse habitat conditions in pasture 4 will have the opportunity to improve because there will be 2 out of 3 years of deferment/rest and reduced AUMs. Because of the reduced grazing pressure and a season of regeneration, plant vigor and health is expected to improve along with habitat composition and structure. Nesting/early brood-rearing and late brood-rearing sage-grouse will benefit because of the increased security and hiding cover, which will reduce detection and predation by terrestrial and avian predators.

Alternative 4, as modified, prescribes May-through-October grazing with a 3-year rotation grazing system (at least 2 out of 3 years of deferment or rest in the critical growing season) and a maximum of 69 head of cattle and 188 AUMs. Although historic grazing and invasive annuals are the causal factors for not meeting Standard 4 in pasture 4, increased years of deferment out of the critical growing season for upland vegetative communities and an AUM reduction will allow opportunity for recovery of upland vegetation communities and move the allotment toward meeting vegetation Standards and ORMP objectives for vegetation health. Vegetation resources not meeting ORMP vegetation management objectives in pasture 4 will have the opportunity to improve unsatisfactory vegetation health and condition as compared to Alternative 1.

Alternative 4, as modified, will provide deferment or rest from grazing for all public land pastures in two of three years reducing physical impacts to soils during the wettest time period when they are most susceptible to damage. Such deferment/rest allows native plant communities an opportunity to improve because there is increased soil cover, decreased bare ground, and reduced watershed susceptibility to accelerated erosion. The grazing schematic under Alternative 4 (as modified) will also lessen concentrated summer use on upland soils that surround riparian areas. Subsequently, the reduced spring and critical-growth-period grazing and adjustment in stocking rates will result in a reduction of active AUMs that will benefit soils by limiting physical impacts from hoof action. Alternative 4 (as modified) will therefore allow the greatest opportunity for making progress toward maintaining, meeting and improving vegetative vigor and health including soil and hydrologic function over the life of the permit.

Overall, under Alternative 4, as modified, current conditions of the Feltwell allotment will improve and allow pastures 1, 2, and 4 to move toward meeting Rangeland Health Standards and Guides as well as the ORMP objectives. Vegetation vigor and health will improve along with wildlife habitat composition and structure. Sage-grouse will benefit because of improved hiding and escape cover during nesting/early brood-rearing and late brood-rearing periods and the increased availability of forage. Under Alternative 4, as modified, current upland vegetation, soils and sage-grouse habitat conditions will improve and make significant progress towards meeting Standards 1, 4, 8, and the ORMP objectives in the Feltwell allotment.

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. Alteration of the riparian community may affect the health and sustainability of fish and amphibian populations.

On the Feltwell allotment under Alternative 4 (as modified with elements from Alternative 3), pastures 1, 2, and 4 will be available to grazing during the spring for one year, during the fall for one year, and rested the third year of a 3-year rotation. Pasture 3 will be open to grazing during the summer for one year, during the fall for one year, and rested the third year. Consequently, within the allotment, 1.1 miles of perennial stream and 3.9 mile of intermittent stream will be affected by the impacts associated with the spring, summer, and fall seasons of grazing alternating among the years and pastures.

The Feltwell allotment is not meeting the Standards associated with riparian-wetland resources under current management. Under this decision, the allotment will be managed under a defined 3-year grazing schedule, with riparian area deferment and/or rest incorporated 2 out of 3 years. Thus, the impacts associated with grazing during the summer will be eliminated during the 2 years of rest or deferment. Therefore, the allotment will make progress towards meeting the Standards and attain the ORMP objectives under this alternative.

Currently the allotment is not providing adequate riparian habitat conditions in pastures 1 and 3. Under Alternative 4, as modified, riparian function will substantially improve due to the incorporation of deferment and rest during the riparian area's most vulnerable time period (July 1 through Sept 30). Combined with a reduction in AUMs, this grazing schedule will offer grazing relief 2 out of 3 years. This will aid in the recovery of the vigor and health of herbaceous and woody plants which dissipate the energy of high flows, trap sediments, improve streambank stability, provide shade to streams, deliver woody debris, and improve water quality. As riparian habitat conditions improve, terrestrial and aquatic wildlife will benefit from the reduced access of livestock; improved stream, wetland, and spring habitats; and the subsequent improved availability of cover and forage.

Under Alternative 4, improved riparian vegetative composition and structure will improve and will subsequently improve health and resiliency of stream corridor habitat conditions for wildlife and significant progress will be made toward meeting Standard 8 and the ORMP objectives.

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

No noxious weeds are known to exist on public land on the Feltwell allotment. My selection of Alternative 4 (as modified with elements from Alternative 3) for the Feltwell allotment is intended to, at a minimum; maintain conditions where they are meeting the Rangeland Standards and Guides and improve upland and riparian vegetative communities where they are not meeting. 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, 2, and 3, the risk of invasive species spreading is lower under Alternative 4, as modified, as native perennial species health and vigor is improved and progress is made toward the ORMP vegetation management objective. Alternative 4, as modified, will promote native perennial species and therefore reduce the competition from invasive species establishment.

Issue 6: 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 on 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 that support activities 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 will provide, as accurately as possible, the best information about socio-economic impacts expected from the different alternatives, and I have utilized this information in making my Final Decision.

Issue 7: Wildfire fuels: Livestock grazing has the potential to change vegetation that may affect wildfire.¹¹

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 the Feltwell allotment 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, as modified with elements from Alternative 3, for the Feltwell allotment will not significantly alter the BLM's ability to fight wildfire in the area.

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

Alternative 4, as modified, 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.¹²

Issue 8: 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 4, as modified with elements from Alternative 3, for the Feltwell 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. Alternative 4, as modified, combines season, intensity, and duration of livestock use to promote long-term plant health and vigor. Assuming that climate change affects the arid landscapes in the long-term, the native plant communities on this allotment will be better armed to survive such changes. The native plant health and vigor protected under this alternative will provide resistance and resilience to additional stressors, including climate change.

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3 Alternatives considered and dismissed.

¹² For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0023-EA Section 2.3

Additional Rationale

I did consider selecting Alternative 5 (No Grazing) for this allotment; however, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the Feltwell allotment. In selecting Alternative 4, as modified with elements from Alternative 3, for the Feltwell allotment rather than Alternative 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternative, (2) the impact of implementation of Alternative 5 on your operation and on regional economic activity, and (3) past performance under the previous permit. The resource issues identified are primarily related to improper seasons of use and site-specific intensities of grazing use. By implementing Alternative 4 (as modified), 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.¹³

Finding of No Significant Impact

A FONSI was signed on November 20, 2013 and concluded that the Final Decision to implement Alternative 4, as modified by elements from Alternative 3, is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the ten significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0023-EA is available on the web:

<https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=49459>

Conclusion

In conclusion, it is my decision to select Alternative 4, as modified, for the Feltwell allotment because livestock management practices under this alternative best meet the ORMP objectives allotment-wide and will meet or make progress of upland and riparian habitats towards the Idaho S&Gs. Alternatives 1 and 2 fail to implement livestock management practices on the Feltwell allotment that will meet the objectives and standards. Specifically, both alternatives fail to implement actions that will meet Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and 8 (Threatened and Endangered Animals). Alternative 3 proposes measures to benefit resources, and some progress will be made towards meeting the S&Gs. Alternative 5 has the potential to remove significant economic activity from Owyhee County and southwest Idaho, a region where livestock production and agriculture is a large portion of the economy. That, in conjunction with current resource conditions and the improvement anticipated by implementation of Alternative 4 (as modified with elements from Alternative 3), leads me to believe elimination of livestock grazing from the Feltwell allotment is unnecessary at this point.

¹³ A tremendous amount of thought and effort went into developing grazing management systems that are responsive to your allotment-specific resource needs, geography, and size. We attempted to address all resource and operational concerns and the resource and stewardship requirements for which the BLM is responsible. We recognize that each allotment has different ecology and management capability due to the size and location/topography which result in various issues and priorities. With these features in mind, attempts to coordinate grazing throughout the entire allotment were made by me and my staff with you and were informed by comments from the interested public. 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.

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 (2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The ORMP designates the Feltwell 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 Manager
20 First Avenue West
Marsing, Idaho 83639

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

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

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

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

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

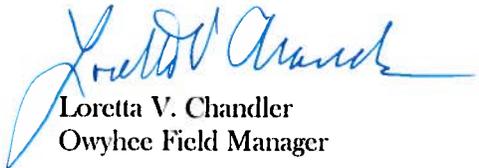
- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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

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

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

Sincerely,



Loretta V. Chandler
Owyhee Field Manager

Copies sent to:

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
Estate of Charles Steiner	John	Steiner	24597 Collett Rd.	Oreana	ID	83650
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910
ID Cattle Association			PO Box 15397	Boise	ID	83715
ID Conservation League	John	Robison	PO Box 844	Boise	ID	83701
ID Dept. of Agriculture	John	Biar	2270 Old Penitentiary Rd., PO Box 7249	Boise	ID	83707
ID Fish & Game	Rick	Ward	3101 S. Powerline Rd.	Nampa	ID	83686
ID Wild Sheep Foundation	Director: Jim	Jeffress	PO Box 8224	Boise	ID	83707
ID Wild Sheep Foundation	Herb	Meyr	570 E. 16 th N.	Mountain Home	ID	83647
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720-0050
Idaho Farm Bureau Fed			PO Box 167	Boise	ID	83701
IDEQ			1445 N. Orchard	Boise	ID	83706
Hardee & Davies LLP	Michael & Marcus	Christian	737 N. 7 th St.	Boise	ID	83702
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651
Josephine Ranch	Steve	Boren	1050 N. Briar Lane	Boise	ID	83712
Juniper Mtn. Grazing Assn.	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910
LU Ranching	Bill	Lowry	PO Box 415	Jordan Valley	OR	97910
Moore Smith Buxton & Turcke	Paul	Turcke	950 W Bannock, Ste. 520	Boise	ID	83702
Natural Resources Defense Council	Johanna	Wald	111 Sutter St, 20 th Floor	San Francisco	CA	94104
Northwest Farm Credit Services			815 N. College Rd.	Twin Falls	ID	83303
Northwest Farm Credit Services, FLCA	Maudi	Hernandez	16034 Equine Drive	Nampa	ID	83687
Oregon Division State Lands			1645 NE Forbes RD., Ste. 112	Bend	OR	97701
Owyhee Cattlemen's Assn.			PO Box 400	Marsing	ID	83639
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 128	Murphy	ID	83650
Ranges West			2410 Little Weiser Rd.	Indian Valley	ID	83632
Resource Advisory Council	Chair: Gene	Gray	2393 Watts Lane	Payette	ID	83661
Schroeder & Lezamiz Law Offices			PO Box 267	Boise	ID	83701
Shoshone-Bannock Tribes	Tribal Chair: Nathan	Small	PO Box 306	Ft. Hall	ID	83203
Sierra Club			PO Box 552	Boise	ID	83701
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604
State Historic Preservation Office			210 Main St.	Boise	ID	83702
State of NV Div. of Wildlife			60 Youth Center Rd.	Elko	NV	89801
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208
The Nature Conservancy			950 W Bannock St., Ste. 210	Boise	ID	83702
US Fish & Wildlife Service			1387 S Vinnell Way, Rm. 368	Boise	ID	83709
USDA Farm Services			9173 W. Barnes	Boise	ID	83704
Western Watershed Projects			PO Box 1770	Hailey	ID	83333

Company Name	First Name	Last Name	Address 1	City	State	Zip
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701
Zions First National Bank	Bertha	Scallon	500 5 th St.	Ames	IA	50010
	Russ	Heughins	10370 W. Landmark Ct.	Boise	ID	83704
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704
	Charles	Lyons	11408 Hwy. 20	Mountain Home	ID	83647
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650
	Martin & Susan	Jaca	21127 Upper Reynolds Creek Rd.	Murphy	ID	83650
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910
	John	Edwards	15804 Tyson Rd.	Murphy	ID	83650
	Rohl	Hipwell	18125 Oreana Loop Rd.	Oreana	ID	83650
	Robert	Thomas	17947 Shortcut Rd.	Oreana	ID	83650
	Craig & Georgene	Moore	PO Box 14	Melba	ID	83641
	Scott & Sherri	Nicholson	PO Box 690	Meridian	ID	83680
	Joseph	Parkinson	123 W. Highland View Dr.	Boise	ID	83702
	Senator: James E.	Risch	350 N. 9th St., Ste. 302	Boise	ID	83702
	Senator: Mike	Crapo	251 E. Front St., Ste. 205	Boise	ID	83702
	Congressman: Raul	Labrador	33 E. Broadway Ave., Ste. 251	Meridian	ID	83642
	Congressman: Mike	Simpson	802 W. Bannock, Ste. 600	Boise	ID	83702
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918
	Gene	Bray	5654 W. El Gato Ln.	Meridian	ID	83642
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641
	Lloyd	Knight	PO Box 47	Hammett	ID	83627
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837
	John	Richards	8933 State Hwy. 78	Marsing	ID	83639
Office of Species Conservation	Cally	Younger	304 N. 8 th St., Ste. 149	Boise	ID	83702
Corral Creek Grazing Assoc. LLC	Tim	Lequerica	PO Box 135	Arock	OR	97902
Lequerica & Sons Inc.			PO Box 113	Arock	OR	97902
	Craig & Rhonda	Brasher	4401 Edison	Marsing	ID	83639
	Frankie	Dougal	36693 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Thenon & Jana	Elordi	59010 Van Buren	Thermal	CA	92274
Larrusea Cattle Co.			PO Box 124	Arock	OR	97902
Morgan Properties	David	Rutan	PO Box 277	Jordan Valley	OR	97910
South Mountain Grazing Coop	Terry	Warn	PO Box 235	Jordan Valley	OR	97910
Wroten Land & Cattle Co.			30314 Juniper Mtn. Rd.	Jordan Valley	OR	97910
	Dale	Berrett	3540 Hwy. 95	Jordan Valley	OR	97910
	WF & Carolyn	Peton	PO Box 998	Veneta	OR	97487
	Phillip & Benjamin	Williams	1807 Danner Loop Rd.	Jordan Valley	OR	97910
	Thomas	Gluch	PO Box 257	Jordan Valley	ID	97910
	Mindy	Kershner	2904 Jones Road	Jordan Valley	ID	97910

Protest Responses - Morgan Group Non-Owyhee 68 Allotments

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho02072014	61	We protest on page 5 of the Proposed Decision where BLM claims Standard 1 is not being met in pasture 2. BLM has erred in determining that pasture 2 is not meeting Standards when the map on page 3 of the Proposed Decision identifies that no RHA were even conducted in pasture 2.	The 2013 Feltwell RHA and Determination clarifies in the updated 2014 errata document that "A field visit in the summer of 2013 confirmed that pastures 1 and 2 have been used concurrently over the past years, primarily because the fence has been down. Pastures 1 and 2 are therefore combined" (p. 24). Monitoring Site 07S06W13 consequently covers both pastures which have been managed as one for a long time. This is also reflected in Table LVST-4 (p. 10 PD) where the grazing schedule for Alternative 4 combines and treats pastures 1 and 2 as one.
5Idaho02072014	62	The State also questions the site location selected for the RHA conducted in Pasture 1. The RHA site location was conducted close to fence lines where livestock tend to normally trail. Only 1 transect was conducted in the very southernmost portion of pasture 1 near existing fence lines.	BLM relied on technical reference 1734-6 to choose data collection sites that, by the way, do not include transects, as assumed in the protest statement. Site specific analysis of current conditions can be found in the Feltwell Rangeland Health Assessment & Determination (2014 updated with errata) and in the Group 5 EA.
5Idaho02072014	63	It would appear that there are some inconsistencies and lack of important pieces of data missing in actual use that BLM claims is important data to consider in permit renewals. The state questions how BLM can make accurate determinations on the causal effects of standards not being met with this important data missing? In addition, it would seem this data is important in determining accurate stocking rates for the allotment also. The State protest BLM's decision making process with using limited and incomplete data.	The BLM disagrees that there was insufficient data. Although some years of Actual Use data were not reported by the permittees as required, there was sufficient data available to make a reasonable comparison for stocking rate determinations and subsequent decision for grazing. Stocking rates were developed for alternatives 3 and 4 by allotment in Appendix C-2 and used ESD production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009). The BLM believes that NEPA's hard look requirement

Protest ID	Protest Point No.	Protest Text	Protest Response
			has been fulfilled in this EIS because of the inclusion of all of the Act's considerations regarding grazing authorizations made to meet Rangeland Health Standards and Resource Management Plan Objectives for the health of multiple resources and their uses. The EIS analysis and the natural resources Specialist Reports support the NEPA's hard look requirements.
5Idaho02072014	64	The State questions how BLM can use monitor data from water gaps as representative areas to perform RHA for Standards 2, 3, and 7? These water gaps were developed for the specific purpose of livestock watering and should not be used as representative areas for monitoring data collection for the RHA process.	The RHA and EA disclose that according to permittee, there are reaches of stream that have been being used as water gaps; however, they are 0.25-0.3 mile in length and were assessed using the PFC protocol. The reaches of stream are important to the overall stability of the drainage network and were considered during alternative development. As discussed in the final decision, these reaches of stream will not be managed as water gaps in the new permit because they support important riparian areas.
5Idaho02072014	65	The State questions and protests the fact that BLM has changed the percent public land from 100% public land to 63% public land.	The Feltwell Allotment has acres of private, state and BLM mingled lands that are managed in conjunction (see map). This NEPA process is a reflection of what is already occurring on the ground and the BLM is taking the opportunity to better reflect those current actions and conditions by displaying accurate percentages as currently managed.
5Idaho02072014	66	BLM must disclose these calculations of livestock forage available on both the public and the private lands in order to arrive at an accurate percent public land number.	The BLM has changed the percent public land to reflect what actual ownership is. Percent public land for the Feltwell allotment was 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 similar condition and

Protest ID	Protest Point No.	Protest Text	Protest Response
			<p>the proportion of production from each does not differ from the proportion of production at reference site 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. Calculations of this data are available in the project record upon request.</p>
5Idaho02072014	67	<p>BLM cannot dictate how or when a permittee can or cannot use their private lands such as the grazing schedule indicates in the Feltwell Allotment Proposed Decision. The State of Idaho also protests Term and Condition(s) 1, 2, 3, and 11.</p>	<p>The BLM agrees and does not manage private or state lands; management prescriptions apply to the Public Lands only. The BLM's legal and regulatory management responsibilities for public land resources are not attenuated or reduced by the presence of limited public land acreage within larger parcels of non-federal ownership.</p>
5Idaho02072014	68	<p>For Term and Condition #1 on page 10, the BLM needs to provide better clarification so it is understood that the "Cattle numbers may vary up to a maximum of 69 head" applies only to the public lands in the Feltwell Allotment.</p>	<p>The BLM 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.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho02072014	69	<p>The State questions how BLM can make the statement on page 7 of their Proposed Grazing Decision that "overall, sage-grouse habitat assessments showed that this allotment is providing suitable overstory/understory conditions for breeding, upland summer, and winter habitat conditions for sage-grouse" and then on page 13, the authorized officer turns around and claims that the allotment is not providing adequate upland habitat and sage-grouse conditions in pasture 4.</p>	<p>For the purposes of this allotment, wildlife habitat conditions were assessed within 3 categories: upland habitat, riparian habitat, and sage-grouse habitat. Because of the dependence of wildlife on healthy vegetative composition and functional habitat structure, in the absence of specific wildlife species habitat information (i.e. sage-grouse habitat assessments), vegetative information collected from rangeland health assessments (RHAs) and rangeland trend monitoring can provide objective insight into current habitat conditions. In this case, in 2013, RHAs were conducted for pastures 1 (included pasture 2 because the fence was down) and pasture 3 and sage-grouse habitat assessments were collected for pastures 1 and 3 and were not collected in pasture 4. For pastures 1 and 3, the RHAs and the sage-grouse assessments were consistent for those particular pastures and were determined to be meeting Standard 4 for vegetation and Standard 8 for upland habitat conditions for wildlife (in general) and more specifically for sage-grouse. In pasture 4, the 2013 RHAs determined that a shift in the vegetation community from larger deep-rooted bunch grasses to shallow-rooted bunchgrasses and an increase of invasive species was occurring. Because of the downward trend in the vegetation community identified by the RHAs; the departure in the functional-structural groups (RHA, page 15, EA, page 287) from healthy ecological site conditions; because there was not any other habitat information available (i.e. sage grouse assessments); because Standard 4 was not being met; and because smaller stature grasses and invasive annuals do not provide adequate hiding and escape cover for wildlife and sage-grouse (EA, pages 197 and 198), the determination was made that pasture 4 was not meeting Standard 8 for wildlife including sage-grouse.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
			<p>We understand where the confusion lies and for clarification purposes, the statement in the Final Decision will read to the findings: “Overall, sage-grouse habitat assessments showed that this allotment [for pastures 1 and 3 where assessments were collected] [are] providing suitable overstory/understory conditions.... However, pasture 4 is not providing adequate upland habitat conditions for sage-grouse due to the downward trend in vegetation community composition and structure.] The statement will be further clarified in the final decision.</p>
5Idaho02072014	70	The State of Idaho protests the 91 AUM reductions in the Feltwell Allotment.	<p>Reductions in AUMs for Alternative 4 were based on average actual use by pasture and designing the pasture rotation to include rest every third year for each pasture on a rotational basis. Stocking rates were developed for alternatives 3 and 4 by allotment in Appendix C-2 and used ESD production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
5Idaho02072014	71	The ORMP allows up to 50% utilization of use is allowed, which falls in a moderate category. The State questions why BLM is proposing the severe reductions in AUMS identified in the authorized officers selection of alternative 4 when the utilization levels over the past few years have been well within and in most cases well below the allowable use levels identified in the ORMP.	Reductions in AUMs for Alternative 4 were based on average actual use by pasture and designing the pasture rotation to include rest every third year for each pasture on a rotational basis. Utilization levels would be assessed, as determined by the key forage plant method, at the end of the growing season for key species and before plant senescence. The light level is a class of utilization between 21 and 40 percent whereas the slight level is a class of utilization between 5 and 20 percent. The constraint is consistent with ORMP management action number 4 under the Livestock Management Objective LVST 1; limiting impacts to vigor and health of perennial bunchgrasses during the active growing season. Site specific analysis of current conditions can be found in the RHA (2014 updated with errata) and in the Group 5 EA. Stocking rates were developed for alternatives 3 and 4 by allotment in Appendix C-2 and used ESD production data (USDA NRCS, 2010) as a starting point and current average actual use to develop appropriate rates (Reed, Roath, & Bradford, 1999); using the method described in USDA technical reference Estimating Initial Stocking Rates method (USDA NRCS, 2009).
5Idaho02072014	72	The State of Idaho protests the fact that the proposed reduction would cancel 91 AUMS in the Feltwell Allotment rather than put them in suspension.	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

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			<p>progress due to current livestock grazing. Clearly, in these situations, resource conditions were impacted to the point that our minimum requirements (Idaho Standards for Rangeland Health and ORMP objectives) could not be achieved. This provided me the information to know with certainty that in order to meet or make significant progress towards the standards, the selected reductions were required for the term of the permit. There was no way to predict if any increases would be possible following the ten-year term, nor would it be appropriate for me to expect or predict that information. Also, see Response to Protest # 102.</p> <p>Additionally, regardless of whether the reduced Active AUMs were placed in suspension or eliminated, the exact same process to re-activate those AUMs would be required (43 CFR 4110.3-1).</p>
5Peton02062014	73	Page 4-Table LVST-1 % of PL is Wrong it is NOT 100% it is 63%.	Thank you for your comment. The public land description in this table is describing how the existing permit reads as 100% public land. However the Proposed Decision is to describe it as 63% public land as stated on page 10.
5Peton02062014	74	Page 7-Pasture 4 It is stated in the last paragraph on pg.7 that Standard 4 is NOT met due to an increase in invasive grass species, but on Pg. 5 it clearly states Under Issue 5 that there are NO noxious or invasive weeds on Public Lands in Feltwell Allotment.	Thank you for your comment. To clarify this inconsistency in the Final Decision, Issue 5 will be clarified to state that "No noxious weeds are known to exist on public lands on the Feltwell allotment; however, there are non-native annual invasive weed species present- which is why Standard 4 is not met.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Peton02062014	75	*Page 7 Pasture 4: States the undesirable transition in plant community and absence of any Sage-grouse data are the reasons for not meeting Standard 8. When on Page 15 it clearly states NO noxious or invasive weed problem. Page 7 paragraph 3 Clearly states that this allotment provides suitable sage-grouse habitat.	Refer to Protest Response #69 and 74.
5Peton02062014	76	*Page 7 Riparian The FAR areas are Water Gaps which needs to be taken into consideration.	The RHA and EA disclose that according to permitted, there are reaches of stream that have been being used as water gaps; however, they are 0.25-0.3 mile in length and were assessed using the PFC protocol. The reaches of stream are important to the overall stability of the drainage network and were considered during alternative development. As discussed in the final decision, these reaches of stream will not be managed as water gaps in the new permit because they support important riparian areas.
5Peton02062014	77	Page 8 Issues You are contradicting here as it stated on Page 7 that: 1 Feltwell is suitable habitat.	Sage-grouse habitat assessments were collected in pastures 1 and 3. There was not any sage-grouse habitat assessments collected in pasture 4. In pastures where sage-grouse habitat assessments were collected, the Feltwell allotment is providing adequate overstory/understory conditions for sage-grouse. Refer to Protest Response #69.
5Peton02062014	78	Pasture 2 is roughly 99% deeded land with a PL water gap. This proposed grazing of Pasture 2 is not what is best for the land at all you can NOT only graze an area every year at the same time you must do a rotation.	Opinion noted. In the Proposed Decision, Pasture 2 is proposed to be grazed in the summer one year, in the fall the next year and rested the third year.

Protest ID	Protest Point No.	Protest Text	Protest Response
5Peton02062014	79	The taking of 91 active AUMS is in NO way acceptable. Suspending them is one thing, but totally taking them away is detrimental to the long range of our whole livelihood.	See response to suspension AUMs in comment #72 above.
5Peton02062014	80	Page 12 Issues Addressed: Issue 1: Contradicting yourself about Sage-Grouse habitat as stated multiple times from Page 7 paragraph 3, the Feltwell Allotment provides suitable Sage-Grouse Habitat.	Refer to Protest Response #69 and 74.
5Peton02062014	81	Pasture 4 was not excluded on Page 7 paragraph 3 where it clearly stated the "WHOLE" Feltwell Allotment is providing!: adequate upland and Sage-Grouse Habitat. So there is no reasoning to exclude Pasture 4 from not meeting Standard 4.	Refer to Protest Response #69 and 74.
5Peton02062014	82	Page 14 Issue 3 Pasture 4 only grazed in fall for 2 years in a row is not the best choice due to the fact there are some grasses that are only palatable in the spring. Also the larger FA R areas are fenced off and could be grazed after seed ripe later in the summer/fall.	Alternative 4 was developed based on resource conditions and analyzed in the EA. This EA was sent out for draft comments at such time we received no comments about interior fencing in pasture 4. In addition, BLM received no proposals from permittees that acknowledged the presence of the fences that could be used to exclude riparian areas.
5WWP02182014	83	These allotments and the surrounding landscape are greatly threatened by exotic invasive species. We are alarmed that BLM continues to ignore necessary alternative actions provided to BLM in an alternative submitted by WWP (and where we requested to work with BLM) to restore degraded lands and seedings, and protect remnant native sagebrush habitats before they become overrun with exotic grasses and other weeds caused by livestock grazing. We Protest this failure.	The Purpose and Need for the Group 5 EA was focused on determining whether to renew grazing permits and with what terms and conditions to comply with applicable laws and regulations. Restoration projects are not within the scope of this analysis. Management alternatives proposed by WWP were considered in the EA under Section 2.3 and dismissed from further analysis, because the BLM considered a reasonable range of alternatives that included a No Grazing Alternative as well as Alternative 3 and 4 that reduced grazing that took exotic invasive species into the development of those alternatives.

Protest ID	Protest Point No.	Protest Text	Protest Response
5WWP02182014	84	BLM tries to blame failure to meet standard 4 on historic use, and this simply is not the case. We Protest the continued use of the severely flawed NRCS Eco site and other modeling the EA is based on. We Protest BLM time after time making excuses for livestock, and its failure to give priority to sensitive species by fully admitting the harms livestock grazing is causing, and developing a strong set of alternative and mitigation actions to address these.	BLM accurately described the current conditions on each allotment and developed a full range of alternatives to address the failures to meet Standards for Rangeland Health. NRCS ecological sites represent the best available science on the plant community potential on these allotments. As described in the Group 5 EA and the Proposed Decision the selected alternative will allow the allotments to make progress towards meeting the Standards for Rangeland Health.
5WWP02182014	85	We Protest tiering to the Chipmunk EIS, which has greatly insufficient direct, indirect and cumulative effects analysis of complex issues.	The analysis within the group 2 EIS was considered in addition to the group 3 EA to inform the decision maker on the potential impacts of the Proposed Decision.

Protest ID	Protest Point No.	Protest Text	Protest Response
5WWP02182014	86	<p>We also ask that BLM incorporate into this Protest all of our concerns submitted to date and copied to the OFO Manager about the serious adverse direct, indirect and cumulative effects of the BOSH, a sprawling juniper eradication project that appears to be designed to distract BLM from addressing issues of significant livestock degradation within sagebrush habitats. We Protest the failure of BLM to fully assess the serious adverse effects of this action, especially as it is based in part on the severely flawed NRCS Ecosites. BLM has not properly determined the actual historical extent of native forested juniper woodland areas in the Owyhee region. BLM must act to restore the many severely degraded crested wheat or post-fire or other seedings, and reduce the livestock facility footprint in this OR-ID borderlands region, and not kill junipers in rugged mountainous and canyon terrain, if the agency wants to effectively conserve, enhance and restore sage-grouse, pygmy rabbit and other sensitive species habitats. This must occur, of course, with taking strong measures to reduce and remove grazing including by conducting a capability and suitability type analysis that includes weed risk. In areas where grazing continues, strong conservative measurable use standards must be applied to upland riparian areas, as we described in our alternative and mitigation suggestions. We Protest BLM's shortcomings here.</p>	<p>The Boise Sage-grouse Habitat Project (BOSH) began scoping in January of 2014. During the NEPA process for the Morgan Group EA there were no existing proposals, commitment of resources, or commencement of the NEPA process; therefore, this project does not fall under a reasonably foreseeable action and was not included in the Cumulative Effects Analysis.</p>
5WWP02182014	87	<p>We protest BLM not explaining how state land grazing and AUMs are controlled, and dealt with in this process. If BLM cuts AUMs, will the state just let the rancher graze more on state lands that are not separate? The whole issue of stocking is highly uncertain, and it appears that these lands are overstocked.</p>	<p>BLM does not authorize grazing on State lands and cannot predict what future changes in grazing on State land may occur.</p>

Protest ID	Protest Point No.	Protest Text	Protest Response
5WWP02182014	88	Invasive Species - We Protest the lack of adequate and current bulbous bluegrass, exotic brome, cheatgrass, and medusahead mapping in this and all the other allotments to date.	The Rangeland Health Assessments contain site specific habitat conditions for each allotment. Including the presence and abundance of invasive species at each study site.
5WWP02182014	89	We Protest that BLM has considered the potentially very serious adverse outcomes for sage grouse if BLM adopts its own DEIS alternative in the ID-SW MT DEIS. Please fully incorporate all of the concerns raised in WWP's GRSG comments into this Protest. The DEIS BLM alternative appears to have been dumbed down to try to make it closer to the very harmful state alternative. The ID-MT DEIS is the very worst I have reviewed, and fails to address livestock grazing in any meaningful way. Thus, it is even more important that BLM in this Owyhee 68 process take strong actions including precautionary management and consideration of ACECs submitted during the GRSG EIS and other processes, to act to conserve, enhance and restore sagebrush ecosystems and sage-grouse habitats and populations.	Thank you for your opinion.
5WWP02182014	90	We would like to request a meeting with BLM about this and the other pending Protested Decisions, and analysis of the alternative and mitigation actions that we submitted during scoping - especially since ALI's recent ruling in Garat. Please let us know how to tailor this alternative so that it will be acceptable to you.	BLM is always willing to meet with interested publics to discuss concerns about BLM management.
5WWP02182014	91	We request BLM carry forward all Comments from the Feb. 15, 2013 letter that provided comments on the Morgan Group Allotment Process Alternative Actions	WWP's 2/15/2013 letter of comments was referenced. All responses to comments on the Group 5 EA are included in the appendices section of the document

Appendix J

This appendix hereby incorporates by reference the below language in its entirety into the DOI-BLM-ID-B030-2013-0023-EA 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 an 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.