



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District
Bruneau Field Office
3948 Development Avenue
Boise, Idaho 83705
<http://www.blm.gov/id/st/en/fo/bruneau.html>



In Reply Refer To:
4160 (120)

June 10, 2011

Certified Mail No. #
Return Receipt Requested

Joseph Black & Sons (#1100235)
% Chris Black
30709 State Highway 51
Bruneau, Idaho 83604

Notice of Field Manager's Proposed Decision

Dear Mr. Black:

Introduction

This Proposed Decision addresses livestock grazing management in the Camas Creek Pocket Allotment #00807. The permit renewal process will result in a 10 year term livestock grazing permit being offered to Joseph Black & Sons. The fully processed permit will contain terms and conditions that will continue meeting Idaho's Standards for Rangeland Health and the pertinent land use plan objectives.

Background

The 1983 Bruneau Management Framework Plan (MFP) identified resource conditions and specified resource goals and objectives for management of livestock grazing on public land. The Bruneau MFP is the applicable Land Use Plan for the Bruneau Field Office. Idaho's Standards for Rangeland Health (ISRH) and Guidelines for Livestock Grazing Management (GLGM) were adopted in 1997 and are consistent with Bruneau MFP resource objectives and decisions. The MFP identifies the public lands within the Camas Creek Pocket Allotment as available for livestock grazing.

Title 43 CFR § 4130.2(a) states, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans." Idaho BLM's *Livestock Grazing Permit Renewal Desk Guide* (2009) directs that if an allotment

is meeting Standards or livestock is not a factor for not meeting Standards, “then complete an EA and issue decisions to fully process the permits.”

Initial allotment reviews and a series of rangeland health assessments for the allotment were completed in 2009 and are summarized in the Evaluation Report for Camas Creek Pocket. The finding relevant to permitted grazing under this Proposed Decision was that the allotment meets all applicable Idaho Standards for Rangeland Health including:

- Standard 1 – Watersheds
- Standard 4 – Native Plant Communities
- Standard 8 – Threatened and Endangered Plants and Animals

Standards 2, 3, 5, 6 and 7 do not apply to this allotment. Upon review of the evaluation report, the Bruneau Field Office Manager found that no rangeland health determination was required on September 30, 2009. No additional issues were identified through the public scoping process.

The BLM administers 3,630 acres (99 percent) of this allotment. A few small corners of private lands make up the remaining 45 acres. The allotment has no formal pasture subdivisions but is grazed in rotation with several other primarily private fields under the Joseph Black & Sons Holistic Grazing Plan. However, a sub-pasture created by an existing fence allows some control of grazing impacts, particularly access to irrigation ditch water sources near the southern boundary. Seasonal cattle grazing in the allotment occurs primarily in late summer and fall as cattle leave the adjacent Big Springs Allotment.

Camas Creek Pocket will continue to be managed under the Joseph Black & Sons Holistic Grazing Plan. Some bitterbrush stands in the Camas Creek Pocket Allotment were infested with tent caterpillars in 2009 and bitterbrush decadence was fairly widespread in affected areas. The tent caterpillar issue guided the development of the proposed decision, which includes an adaptive management approach to improve bitterbrush condition in the Camas Creek Pocket Allotment while maintaining understory species and stand structure.

An adaptive management approach will ensure that all Standards will continue to be met. Monitoring information will be gathered and evaluated annually for allotment objectives. Monitoring information will help determine if or when adaptation occurs and will guide the selection of adaptive changes to be applied to ensure adequate success.

Environmental Assessment (EA) / Finding of No Significant Impact (FONSI)

This Proposed Decision will serve as the Decision Record for modification and reissuance of Joseph Black & Sons’ permit in the Camas Creek Pocket Allotment. The analysis of the permit is found in EA #ID-120-2009-EA-3838. Nearly all terms and conditions of the existing permit will continue without modification. The accompanying FONSI and EA for this action are attached.

Proposed Decision

My proposed decision is to issue a grazing permit with a term of 10-years from March 1, 2012 to February 28, 2022 to Joseph Black & Sons. The potential impacts of this grazing permit were

considered in the proposed action (Alternative B) described in the attached EA # ID-120-2009-EA-3838, which considered the authorization of livestock grazing use, possible bitterbrush planting, and related actions on the Camas Creek Pocket Allotment. The management objectives in the MFP and EA, livestock management and monitoring will be used to set the parameters in the development of the annual grazing instructions for the allotment which will be in accordance with this decision.

The proposed action of issuing a ten year grazing permit analyzed in the attached EA will be implemented by incorporating terms and conditions into the new livestock grazing permit offered to Joseph Black & Sons (1100235) that authorizes livestock grazing in the Camas Creek Pocket Allotment.

Table 1 below specifies mandatory terms and conditions in compliance with 43 CFR 4130.3-1 (a). The mandatory terms and conditions are: the kind and number of livestock, the period(s) of use, the allotment to be used and the amount of use in animal unit months.

Mandatory Terms and Conditions of the Permit

The season of use will be modified as shown in Table 1:

Table 1. Mandatory terms and conditions for Joseph Black & Sons that comply with 43 CFR 4130.3-1(a) in Camas Creek Pocket Allotment.

From:

Allotment	Livestock		Grazing Period		% Public Land	Animal Unit Months		
	Number	Kind	Begin	End		Active	Suspended	Permitted
Camas Creek Pocket #00807	99	Cattle	7/1	11/15	100	449	0	449

To:

Allotment	Livestock		Grazing Period		% Public Land	Animal Unit Months		
	Number	Kind	Begin	End		Active	Suspended	Permitted
Camas Creek Pocket #00807	500*	Cattle	5/1	11/15	100	449	0	449

*This does not represent an increase in authorized use, but reflects livestock numbers reported on actual use forms. Flexibility in numbers is retained consistent with previous authorizations.

Annual Indicator Criteria

Annual Indicator Criteria, along with other required management practices will result in a reasonable expectation that long-term desired conditions will be maintained. The Annual Indicators are used as thresholds to indicate when adjustments to livestock grazing management are necessary to continue meeting the Idaho Standards for Rangeland Health and resource objectives. These indicators may be modified by the Field Manager based on the recommendations of the interdisciplinary team of resource specialists and consultation with the livestock grazing permittee.

The following Annual Indicator Criteria will be monitored in accordance with the Camas Creek Pocket Monitoring Plan to reduce bitterbrush stress and to determine whether bitterbrush should be supplemented via planting:

- Utilization of current year's growth of key upland browse species by all classes of animals combined (livestock & wildlife) will not exceed 50% at key areas. To determine utilization of bitterbrush by livestock and wildlife and assist its persistence, utilization of bitterbrush will be measured with the extensive browse technique to ensure that use does not exceed 50%. If use exceeds 50% use, adjustments to grazing will be made that could include the seasonal grazing rotation described in Table 3.
- The percentage of live versus dead bitterbrush will increase by 2014. By conducting this assessment over three years, the response of bitterbrush will allow us to ascertain whether planting or grazing adjustments are needed to restore or maintain bitterbrush.

During the summer of 2011, bitterbrush stands (live and dead) will be mapped within the allotment and transects will be established at key areas to determine the percentage of live bitterbrush plants. This initial year of quantitative data collection will function as the baseline for evaluating the three subsequent years of data. By 2014 (representing three years of bitterbrush response), we will determine whether there is an increase, decrease, or no change in the percentage of live bitterbrush plants in the allotment through recovery or recruitment (see Appendix C of EA# ID-120-2009-EA-3838). If determined to be necessary, bitterbrush planting will conform to the management design described in Section 2.2.3.1 of the EA and repeated on page 8 of this decision.

These specific Annual Indicator Criteria are in accordance with IM-ID-2005-074, and will assist continuing compliance with the applicable portions of the Standards and Guidelines, and with the applicable portions of the Bruneau Management Framework Plan. Adjustments could occur during each grazing year, including, but not limited to, redistribution of livestock within a pasture to areas still within the Annual Indicator Criteria or removal of livestock from a pasture. Grazing practices under this permit will continue to be modified as necessary to respond to drought, fire, and other events, as required by the BLM Grazing Regulations.

Short-Term Implementation Monitoring and Long-term Indicator Criteria

The objective of monitoring is to determine whether management is being implemented as intended and whether the actions are effective at maintaining or moving toward desired conditions. Long- and short-term monitoring will document impacts and changes in resource conditions over the life of the permit. Short-term monitoring will be repeated annually. Long-term monitoring will be repeated at five year intervals, beginning in 2013 to evaluate the effectiveness of maintaining understory species and stand structure, and of promoting bitterbrush recruitment (as stated on pages 5, 6, and 18 and described in Appendix C of EA# ID-120-2009-EA-3838).

Monitoring information will be reviewed for the applicable objectives identified in Section 1.6 of EA# ID-120-2009-EA-3838. Implementation and effectiveness monitoring locations and methods are summarized in Table 2 below and in Appendix B of EA# ID-120-2009-EA-3838.

Table 2 displays additional monitoring for each resource value identified in the Evaluation Report:

Table 2. Implementation and Effectiveness Monitoring Plan– Camas Creek Pocket Allotment.

Pasture	Short-Term Implementation Monitoring
all	Type: upland utilization monitoring to ensure less than 50% utilization of key perennial grasses Method: height-weight method Location: representative vegetation communities
all	Type: actual/licensed use Method: bills and actual use reports
all	Type: range readiness inspection monitoring to ensure turnout criteria are met Method: observation / range readiness inspection form
all	Type: Mud Flat milkvetch population monitoring to ensure continuing compliance with salting restrictions Method: periodic observation Location: known populations
all	Type: upland utilization monitoring & photo point monitoring to ensure less than 50% utilization of woody browse species Method: extensive browse method Location: representative shrub stands
Pasture	Long-Term Effectiveness Monitoring
all	Type: trend measurements to measure species composition and ground cover Indicators: nested plot frequency, point intercept, & shrub density circle samples. Location: Key area 09S01W29

An interdisciplinary review of this decision will occur after 10 years or sooner if conditions warrant. If that review indicates that management is meeting standards and achieving desired conditions, initial management activities will be allowed to continue under this renewed permit.

If monitoring demonstrates that objectives are not being met and management options beyond the scope of the analysis are warranted, or if new information demonstrates significant effects not previously considered, a new proposed action will be developed and further analysis under NEPA will occur.

Grazing Management

The amount of permitted AUMs will be the same but the season of use will be extended by 61 days to accommodate a seasonal grazing rotation should browse utilization consistently exceed 50%. Those monitoring results and continuing stand mortality and decadence will indicate that use prior to grass seed ripe is necessary to reduce browsing of regenerating bitterbrush for an extended period. After selection of that adaptive change, livestock grazing management for the Camas Creek Pocket Allotment will then be as shown below in Table 3.

Table 3. Adaptive Livestock Grazing Management for Camas Creek Pocket Allotment

Year 1	Year 2	Year 3	Year 4
May 1 – July 15	May 1 – July 15	July 1 - November 15	Monitor and Repeat schedule if needed

Changes also may be made in the turnout date, length of use period, and amount of use consistent with phenological development of the plants as a result of weather conditions and climatic variation, but will not exceed the grazing period or amount of permitted use shown in Tables 1 and 3.

Other Terms and Conditions of the Permit

The following Terms and Conditions will be incorporated in addition to the General Terms and Conditions that are applicable to your permit within the Camas Creek Pocket Allotment, and will be in addition to BLM’s Standard Terms and Conditions:

- Livestock numbers may fluctuate to the extent that total AUMs used do not exceed the permitted use, are within the dates specified in the permit schedule, and are in compliance with the AIC, the LUP, and consistent with the Standards for Rangeland Health. This flexibility will be authorized during the term of the permit provided that the BLM is notified in advance during the annual grazing application process.
- 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.
- Construction, reconstruction, maintenance or other ground disturbing activities (including range improvement project maintenance) that could affect previously undisturbed ground or involve heavy machinery require advance approval from the authorized officer.

General Terms and Conditions:

- Range improvements must be maintained in accordance with applicable Cooperative Agreements and Range Improvement Permits.
- The permittee shall contact the BLM Authorized Officer at least two weeks prior to maintenance on existing range improvement projects so that an archeologist can evaluate the area for site potential and possible adverse effects.

- Turnout is subject to Boise District range readiness criteria (Appendix B).
- Salt and/or supplement shall not be placed within one quarter (0.25) mile of springs, streams, meadows, aspen stands, playas, or water developments.
- A change to the scheduled use requires prior approval from the Authorized Officer.
- All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turnout. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
- Certified Actual Use Report is due within 15 days of completing the authorized annual grazing use.

BLM's Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.

8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
11. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

This grazing permit:

1. conveys no right, title, or interest held by the United States in any lands or resources.
2. is subject to (a) modification, suspension or cancellation as required by land plans and applicable law; (b) annual review and modification of terms and conditions as appropriate; and (c) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated by the Secretary of the Interior.

Range Improvements

Land treatment (i.e., bitterbrush planting) will occur if, after three years of monitoring, the percentage of live versus dead bitterbrush declines despite livestock grazing management changes. Plantings will be followed by livestock grazing management intended to protect seedlings. Implementation of this land treatment conforms to the selection of adaptive changes using Appendix C of EA# ID-120-2009-EA-3838. The project is designed to address resource concerns identified in the purpose and need of the EA and to maintain satisfactory conditions identified in the Camas Creek Pocket Evaluation.

The following management designs apply to the land treatment:

- Bitterbrush plantings will occur in areas of the Camas Creek Pocket Allotment where bitterbrush mortality is extensive. Entire stands will not be replaced with plantings due to the high cost, however, smaller sized patches will be planted and these will serve as recruitment areas for the stand.

- Planting sites will be selected in deep or productive soils, on north or east facing aspects, and with low densities of competitive annual weeds.
- Young bitterbrush will be planted primarily under dead bitterbrush in order to take advantage of the shade and water/snow capture from the skeletons of deceased individuals.
- Bitterbrush will be planted at a rate of approximately 300 plants per acre.
- Local plant materials will be used for the plantings, if available.

The following management designs apply to maintenance or reconstruction of existing projects:

Fences:

- will adhere to the specifications for standard livestock fences in deer, elk, and antelope habitat.
- will consist of three barbed upper strands and a smooth bottom strand for exterior allotment boundary fences.
- will consist of two barbed upper strands and a smooth bottom strand for interior pasture fences.
- will be marked or flagged if sage-grouse collisions are documented and where the field office wildlife biologist believes sage-grouse fence collision potential is high.
- fence lines will not be bladed or scraped and heavy equipment will not be used to clear fence lines.

Pipelines, fences, springs, and reservoirs:

- Motorized travel for maintenance of existing projects will be limited to existing, authorized roads and trails. Any off-road or off-trail travel will require prior consultation and approval by the BLM Authorized Officer.
- Vegetation clearing associated with project maintenance will be kept to the minimum necessary and require prior authorization from the BLM's Authorized Officer.

Rationale for the Proposed Decision

The existing permit for Camas Creek Pocket Allotment has recently been reviewed for conformance with the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management and with the objectives and decisions of the Bruneau MFP. The allotment meets all applicable Idaho Standards for Rangeland Health. Upon review of the evaluation report, the Bruneau Field Office Manager found that no rangeland health determination was required. No additional issues were identified through the public scoping process.

Instruction Memorandum ID-2011-045 (May 6, 2011) directs that “alternatives considered in the EA should be based on specific conditions, resources of concern, and results of current grazing activities.” Further, “there may be site-specific circumstances where analyzing [no- or reduced grazing] alternatives in detail may not be appropriate”. In this case, the MFP identified an additional increase in permitted use from current levels as the proposed action based upon inventory and other available information that documented satisfactory conditions and availability of additional forage. The first 75 AUM increment of the increase from the MFP was implemented in the 1990's, yet trend since 1987 has been static, i.e., desirable conditions have

been maintained. Consequently, analysis of a reduction or permit cancellation does not address the Purpose and Need for this EA.

There is a need to incorporate additional flexibility into the management of the Camas Creek Pocket Allotment in order to allow the BLM and the individual grazing permit holder to be able to adapt management to changing resource conditions or management objectives such as the increased recruitment and recovery of bitterbrush, and to continue to comply with BLM policy and MFP objectives. Consequently BLM has developed Alternative B, the proposed action that is incorporated in this Proposed Decision.

Consistent with Joseph Black & Sons' permit renewal application, Camas Creek Pocket will continue to be managed under the Joseph Black & Sons Holistic Grazing Plan under this Proposed Decision. It could still be grazed primarily in late summer and fall after the livestock are removed from Big Springs Allotment if measured browse use does not exceed 50% and pursuant adjustments to livestock grazing management are not determined to be necessary. The timing, intensity, and frequency of use will continue to be planned each year to reduce repetition of the same use period and to provide for rotation, but the proposed grazing system could alter the timing of use to include spring if adoption is necessary. The other pastures that will be utilized as part of the rotational grazing system will still include the Camas Creek Fields [within Black FFR Allotment], the Desert Field and the Dry Field [within Big Springs Allotment]. Maintenance of existing fences and water projects will continue.

I have reviewed the EA (#ID-120-2009-EA-3838) and the accompanying FONSI. I have found that the Terms and Conditions, the continuing and modified grazing practices, the flexibility offered to Joseph Black & Sons, the AIC, the Monitoring Plan and the maintenance of existing range improvements in the Camas Creek Pocket Allotment that I have adopted are compliant with the objectives and decisions of the Bruneau MFP. They also comply with applicable Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management, with all other applicable laws, regulations and policies, and with the Finding of No Significant Impact.

All qualifications of 43 CFR 4110.1, 4110.2, 4110.2-1, and 4110.2-2 are met by your application. The renewal and reissuance of this grazing permit is consistent with 43 CFR 4100.0-8, 4130.1-1, 4130.2, 4130.3, 4130.3-1, 4130.3-2, 4160 and all of subpart 4180. Range improvements within this allotment will be maintained consistent with 43 CFR 4120.3.

Authority

The Bruneau Management Framework Plan (1983) allocates livestock grazing as one of the authorized uses within the Camas Creek Pocket grazing allotment. BLM's regulatory authority under which this proposed decision is being issued is found in Title 43 of the Code of Federal Regulations (CFR) 4100 Grazing Regulations:

43 CFR 4100.0-8
43 CFR 4110.1
43 CFR 4110.2-2
43 CFR 4110.3
43 CFR 4120.3

43 CFR 4130.1-1
43 CFR 4130.2
43 CFR 4130.3
43 CFR 4130.3-1
43 CFR 4130.3-2
43 CFR 4160
43 CFR 4180

Right of Protest and Appeal

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to *Arnold L. Pike, 3948 Development Avenue, Boise, Idaho 83705* within 15 days after receipt of the decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by this final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. 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, *Arnold L. Pike, 3948 Development Avenue, Boise, Idaho 83705*, as noted above. The person/party must also serve a copy of the appeal on the *Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706* and person(s) named [43 CFR 4.421(h)] in the **Copies sent to:** section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. The appeal must comply 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, feel free to contact either Mike Boltz at 384-3346 or me at 384-3331.

Sincerely,



Arnold L. Pike
Bruneau Field Manager

Copies sent to:

Camas Creek Pocket and Nahas FFR Allotment and Wilderness Interested Public lists:

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