



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office

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April 24, 2018

FINAL DECISION

Three Creeks Grazing Allotment Consolidation

DOI-BLM-UT-W010-2011-0026-EA

Rich and Cache Counties, Utah

Dear Permittee/Interested Public:

The Salt Lake Field Office of the Bureau of Land Management (BLM) has completed the Three Creeks Grazing Allotment Consolidation environmental assessment (EA), serialized as DOI-BLM-UT-W010-2011-0026-EA, and a corresponding Finding of No Significant Impacts (FONSI). The BLM also has completed a rangeland health assessment, evaluation, and determination for the allotments subject to this decision, including a greater sage-grouse habitat assessment summary report. These and other supporting documents are included on BLM's NEPA Register at <https://go.usa.gov/xXA5T>.

This final decision is the result of my review and consideration of the EA and FONSI, protests received on the Proposed Decision, per 43 CFR §4160.2, and my reconsideration of the Proposed Decision in light of the protestants' stated reasons for protest, per 43 CFR §4160.3(b).

The U.S. Department of Agriculture, Forest Service, Ogden Ranger District (Forest Service) was the co-lead in preparing the EA and will issue a separate decision for lands it manages in the project area.

The EA originally was initiated in response to some of the permittees' application, in conjunction with the Rich County Commission, to change the management of the subject allotments and to authorize a time-controlled rotational grazing system with new and existing rangeland improvements to facilitate the system. The EA analyzes and discloses the potential site-specific environmental effects of the proposed action and other alternatives to the proposed action. The agencies used an interdisciplinary approach to balance proposed uses with different resource values and ensure compliance with all applicable laws, regulations, and policies, in accordance with the National Environmental Policy Act (NEPA).

This final decision includes:

- background information;
- summary of the alternatives analyzed in detail in the EA
- the final decision;

- rationale for the final decision;
- responses to protest points;
- authority for the final decision; and,
- notice of the right of appeal.

BACKGROUND INFORMATION

Project Area

The project area is located in Rich and Cache Counties, Utah, within the Wyoming Basin physiographic province, and ranges from 6,387 to 7,580 feet in elevation. The climatic regime is semi-desert and upland, with an average annual precipitation of 8 to 14 inches. Precipitation occurs mainly as snowfall from October through March, with spring and fall rain events. The project area is characterized by a spectrum of vegetation community types (including aspen, conifer, herbaceous wetlands, perennial grassland, and shrubland) reflecting differences in a number of parameters, including elevation, soils, and moisture regimes.

The project area consists of 10 existing allotments. The BLM administers five of the allotments (Big Creek, New Canyon, Sage Creek, Stuart, and Twin Peaks). The Forest Service administers the remaining five allotments (Bug Lake,¹ Crawford-Frazier, North Randolph, Red Wells-Rock Creek, and South Randolph). The project area encompasses approximately 135,350 acres and includes Federal lands managed by the BLM and the Forest Service, lands owned by the State of Utah (State) and managed by the Utah School and Institutional Trust Land Administration (SITLA), and lands owned by private entities (Table 1 of the EA). Of the total acres in the project area, approximately 103,530 acres are federally-managed; 67,233 acres are managed by the BLM and 36,297 acres are managed by the Forest Service. The State owns 9,090 acres. Private parties own 22,730 acres.

Current Livestock Grazing Management in the Project Area

Livestock grazing has occurred in the project area since the 1800s. Livestock grazing has been permitted on these 10 allotments for several decades under permits issued pursuant to the BLM's and the Forest Service's respective governing authorities and land use plans. The current primary grazing management practice on most allotments is continuous, season-long grazing; however, rotational grazing occurs on interior pastures within the Big Creek and New Canyon allotments. For all allotments, grazing use typically occurs from May 10 through September 15. The number of current permitted Animal Unit Months (AUMs) on the allotments accords with the grazing use allocated by the agencies' respective land use plans. The BLM currently authorizes 10,766 AUMs within these allotments for cattle, sheep, and horse use. Historically, livestock use has fluctuated due to changes in management, based on monitoring, to accord with previous agency allotment decisions, and to accommodate annual rangeland conditions such as drought and wildfire or permittee needs associated with their livestock operations.

¹ A portion of the Bug Lake allotment contains public land for which BLM has administrative authority; however, BLM has authorized the Forest Service to administer the BLM land as part of the Forest Service's Bug Lake allotment.

Grazing use on the BLM allotments is currently authorized by a grazing permit issued to Three Creeks Grazing LLC² on December 11, 2017. Grazing use on the allotments was previously authorized by a number of permits issued to individual permittees. The previous permittees leased their base property and transferred the associated grazing preferences to Three Creeks Grazing LLC, which subsequently applied for a new grazing permit to be issued to Three Creeks Grazing LLC to complete the transfer. As required by Section 402(c)(2) of the Federal Land Policy and Management Act, as amended (FLPMA), the BLM issued Three Creeks Grazing LLC the current grazing permit pending completion of the processing of its application. This final decision completes the processing of Three Creeks Grazing LLC's application and modifies Three Creeks Grazing LLC's permit as provided by Section 402(c)(3) of FLPMA. The modifications are explained below.

Resource Conditions

The BLM's rangeland health assessment, evaluation, and determination for the BLM-managed allotments found that the Utah Standards for Rangeland Health are being met, with the following exceptions: Standard 2 is not being met on the Big Creek, New Canyon and Sage Creek allotments, and livestock grazing is a significant casual factor. Standard 3 is not being met on all the BLM allotments due to marginal greater sage-grouse brood-rearing/summer habitat conditions; livestock grazing is a significant casual factor for failing to meet Standard 3 in riparian habitat, but is not a significant casual factor for failing to meet Standard 3 in upland habitat. Standard 4 is not being met on the Big Creek and Sage Creek allotments, and livestock grazing is a significant casual factor. The BLM's rangeland health assessment, evaluation, and determination, including the greater sage-grouse habitat assessment summary, can be found on BLM's NEPA Register at <https://go.usa.gov/xXA5T>.

Opportunities for Public Participation

The BLM offered the public several opportunities to participate in developing the EA.

The project was posted to the Utah BLM Environmental Notification Bulletin Board (ENBB)³ and the Forest Service project website on June 8, 2011. On August 15, 2011, a scoping letter was sent to the interested public and a 30-day scoping period was offered through September 19, 2011. Information was also disseminated to the public via legal notice in the Ogden Standard Examiner. An open house was held in the Rich County Courthouse on August 31, 2011. Response letters were received from three agencies, eight organizations, and one individual. The results of the scoping period are contained in the Scoping Report (Cirrus 2011).

Chapters 1 and 2 of the EA were released for public comment on May 17, 2013. A legal notice was published in the Ogden Standard Examiner on May 24, 2013, opening a 30-day comment period through June 24, 2013. This information was also posted to the ENBB and the Forest

² Initial paperwork submitted by the permittee was in the name of Three Creek Grazing LLC. Since that time, records have been updated with the State of Utah's Division of Corporations and Commercial Code to correct the name of the LLC to Three Creeks Grazing LLC. The grazing permit and this final decision reflect that correction.

³ The ENBB was BLM-Utah's environmental information internet site and can be accessed online at: <https://www.ut.blm.gov/enbb/>. Search records by Salt Lake Field Office and Environmental Assessment. Scroll to the Three Creeks Allotment Consolidation entry. Please note, however, that the BLM has migrated to the use of the BLM NEPA Register webpage and therefore this project has also been migrated from ENBB to the NEPA Register; the project can be found at: <https://go.usa.gov/xXA5T>.

Service website. A public meeting was held at the Randolph Senior Citizen Center and a field tour was held at the project area on June 3, 2013. Comments were received from one agency, seven organizations, and four private individuals. The results of this comment period are contained in the Comment Report (Cirrus 2013 of the EA).

The entire EA was made available to the public for a 30-day comment period on April 15, 2016. Public comments from this comment period, and responses to those comments, are documented in Appendix E of the EA. Comments were received from six agencies, fourteen organizations, and four private individuals. The EA was revised based on these public comments and input from the cooperating agencies and specialists from the BLM and the Forest Service.

A revised EA, FONSI, and Proposed Decision were issued on December 17, 2017. Protest were received from Three Creeks Grazing LLC, Utah Chapter of the Sierra Club, and Western Watersheds Project. The protest points and responses to the protest points can be found in Appendix A.

ALTERNATIVES ANALYZED IN DETAIL IN THE EA

Three alternatives were analyzed in detail in the December 2017 EA. Eight other alternatives were considered in the EA, but not analyzed in detail. A number of variations to these alternatives were suggested by the public during the public comment and protest periods. The BLM also considered these variations, but because they did not add materially to the range of alternatives, they were not expressly addressed in the EA.

The three alternatives analyzed in detail in the EA are summarized below.

Alternative A – Current Livestock Grazing

Under Alternative A, the current grazing permit held by Three Creeks Grazing LLC would not change, except that it would be modified to indicate that it is being issued by the BLM pursuant to the Taylor Grazing Act (Act of June 28, 1934; 48 Stat. 1269, as amended; 43 USC §315 *et seq.*) and the 10-year term of the permit would begin to run from the date of issuance. Range improvements would continue to be authorized by cooperative agreements or range improvement permits. Specific details are contained in Section 2.2 and Appendix B of the EA.

Alternative B – No Grazing

Under Alternative B, the current grazing permit held by Three Creeks Grazing LLC would be cancelled. Grazing on the BLM allotments would not be permitted upon issuance of the decision (43 CFR §4130.2), subject to protest and appeal. Specific details are contained in Section 2.3 of the EA.

Alternative C – Proposed Action

Under Alternative C, the five BLM allotments and the five Forest Service allotments would be combined into one allotment, to be called the Three Creeks allotment. The current grazing permit held by Three Creeks Grazing LLC would be modified to require the use of a time-controlled rotation grazing system in the Three Creeks allotment and the construction of new range improvements necessary for the grazing system. The grazing system would involve the rotation of two cattle herds and seven bands of sheep through 31 pastures. Specific details are contained in the Section 2.4 and Appendix B of the EA.

THE FINAL DECISION

Based on my review and consideration of the EA, FONSI, the rangeland health assessment, evaluation, and determination, including the greater sage-grouse habitat assessment summary report, and my reconsideration of the Proposed Decision in light of protests, it is my decision to select Alternative C to the full extent described in the December 2017 EA. More specifically, my decision includes all aspects of Alternative C, including the following:

1. Modify the current grazing permit held by Three Creeks Grazing LLC with new and/or changed terms and conditions, consistent with this decision.
2. Permit unfenced non-federal lands controlled by the permittee within the allotment as percentage of public land use, as provided by 43 CFR §4130.3-2(g).
3. Combine the five existing BLM allotments (Big Creek, New Canyon, Sage Creek, Stuart, and Twin Peaks) into a single allotment to be called the Three Creeks allotment. Upon Forest Service approval, the Three Creeks allotment will also include the five existing Forest-Service allotments.
4. Require the implementation of a time-controlled rotational grazing system (Section 2.4 of the EA) upon the completion of all necessary supporting range improvements.
5. All new range improvements identified in Alternative C are hereby authorized. New cooperative range improvement agreements will be entered into that will allocate the parties' responsibilities. Require Three Creeks Grazing LLC to be financially responsible for maintenance of the range improvements used to support the time-controlled rotational grazing system, both existing and those authorized by this final decision. Continue existing range improvement permits and cooperative range improvement agreements as appropriate to support the authorized grazing system.
6. Require the construction of all range infrastructure necessary to support the time-controlled rotational grazing system and the removal of unnecessary existing infrastructure (Section 2.4.2 and Table 6 of the EA).
7. Establish livestock grazing management objectives and requirements (Sections 2.4.3 of the EA).
8. Require the development, BLM approval, and adherence to annual grazing plans to govern the time-controlled rotational grazing system (Sections 2.4.4 of the EA)
9. Require monitoring for utilization and terrestrial and aquatic conditions (Section 2.4.4 of the EA).
10. Establish the greater sage-grouse threshold and responses for livestock grazing (Section 2.4.5 of the EA).
11. Establish interim measures for livestock grazing management to be employed until the time-controlled rotational grazing system is implemented (Section 2.4.6 of the EA).
12. Require certain mitigation measures (Section 3.11 of the EA).
13. Convert all horse grazing AUMs to cattle grazing AUMs.

BLM Livestock Grazing Permit Terms and Conditions

Terms and conditions of the livestock grazing permit will be as follows:

Mandatory Terms and Conditions

Allotment Name & Number	Permittee & Permit Number	Livestock Number	Livestock Kind	Permitted AUMs	Suspended Use AUMs	%Public Land	Season of Use
Three Creeks (00024)	Three Creeks Grazing LLC 4300789	3,195	Cattle	9,509 ¹	7,023	56%	May 10-Sept 25
		1,100	Sheep	1,278			May 15-June 5
		900					Oct 27-Dec 27
		850					Dec 1-Dec15
		340					May 15-June 19
		500					Nov 2-Nov 28
		660					Nov 2-Nov 28
		550					June 1-July 14
		68					June 1-July 15
		68					Sept 1-Sept 15
		68					Oct 1-Nov 30
		510					May 22-June 30
		660					Sept 20-Oct 20
		360					Sept 20-Oct 20
		16					June 6-Sept 30
Total						10,787 ^{1,2}	7,023

¹The permitted cattle AUMs are 21 AUMs higher than shown in the Proposed Decision. In investigating Protest Point # RN1-12, the BLM identified a calculation error in the AUM tables in the EA and the Proposed Decision. The Randolph Management Framework Plan requires a conversion of 1 horse AUM for 1.5 cattle AUMs; the tables in the EA and Proposed Decision incorrectly converted at a rate of 1:1. This error has been corrected in this final decision. The minor change in AUMs does not affect the impact analysis in the EA as it only represents a <0.2% difference in the total AUMs.

²Permittee will adhere to the total number of permitted AUMs, in addition to AUMs provided by non-BLM forage (percent public land) by adjusting the livestock numbers and season of use within the listed dates by livestock type.

Authorization Terms and Conditions

1. Livestock grazing on the Three Creeks allotment will be subject to the time-controlled rotational grazing system as described in Section 2.4 of the EA.
2. Livestock grazing on the Three Creeks allotment will be managed to meet or satisfy the objectives and requirements as described in Section 2.4.3 of the EA.
3. The permittee will submit an annual grazing plan at least one month before the start of each grazing season to the deciding officials of the BLM and the Forest Service; the permittee will not turnout livestock until it receives written notice that the annual grazing plan has been approved.
4. If, after livestock are turned out, observations indicate a need to increase or decrease days in the pasture, or to otherwise alter the annual grazing plan, the permittee will consult with the BLM and the Forest Service and receive approval before implementing the changes.
5. The permittee will undertake all interim measures in Section 2.4.6 of the EA.

6. The permittee will implement all applicable mitigation measures in Section 3.11 of the EA, as they apply to range improvements and/or agency notifications.
7. The permittee will be fiscally responsible for range improvement maintenance as provided in the cooperative range improvement agreement and for all required riders and herders.
8. The permittee will be responsible for range improvements being in functioning condition before livestock are released into a pasture.
9. Alternative C of the EA will serve as the functional equivalent of an Allotment Management Plan for the Three Creeks allotment.
10. The permittee will tag cattle for herd identification.
11. Salt blocks and other nutritional supplements must be located at least a quarter-mile away from riparian/wetland areas or other permanent or natural water sources.
12. Feeding of hay or other harvested forage must not be conducted on BLM-managed lands other than in: (a) emergency situations where no other resource exists and animal survival is in jeopardy, or (b) situations where the Authorized Officer determines such a practice will assist in meeting a standard or attaining a management objective. In this situations, only hay cubes, hay pellets, or certified weed free hay may be used on BLM-managed lands.
13. Where appropriate, the permittee shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public land (43 CFR §4130.3-2(h)).
14. An actual use report must be submitted within 15 days of the grazing season. After-the-fact billings will be based on the submitted actual use report each grazing year. Failure to submit actual use within 15 days of the end of the grazing season may result in cancellation of after-the-fact billing.
15. If the permittee intends to turnout livestock that is not owned by the permittee, the permittee must first receive approval from the Authorized Officer.

Terms and Conditions Applicable to All Permits and Leases

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 a 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. The holder of this authorization must notify the Authorized Officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. 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.
12. Members of Congress may not enter into a grazing permit or lease. 41 USC §6306 (2014). Further, 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 (42 U.S.C. §1701 *et seq.*) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.

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 thereunder by the Secretary of the Interior.

Other Notes on the Final Decision

Completion of Processing: The final decision completes the processing of the application submitted by Three Creeks Grazing LLC for a new permit as the result of the former permittees leasing their base property to Three Creeks Grazing LLC and transferring to Three Creeks Grazing LLC the associated grazing preferences. I find that Three Creeks Grazing LLC meets all the qualifications to receive a grazing permit required by 43 CFR §4110.1 and that it and its affiliates have a satisfactory record of performance.

Forest Service Decision: To the extent that the Three Creeks Grazing Allotment Consolidation project described in the EA involves lands managed by the Forest Service, the Forest Service retains sole authority to authorize the relevant actions consistent with the laws, regulations, and policies applicable to livestock grazing on Forest Service-managed lands. The Forest Service is considering the proposed project in an independent, separate process and will issue a separate decision. In the event the Forest Service's final decision is materially inconsistent with this final decision, this final decision will be suspended; the permittee, other stakeholders, and the interested public will be notified of the suspension consistent with BLM's grazing regulations; and the permittee's existing permit will remain in effect.

Interim Measures: Under the final decision, the time-controlled rotational grazing system will not be fully implemented until completion of construction of all new range improvements, which is anticipated to take approximately 2-3 years. Until then, livestock grazing will be managed generally as described in Alternative A of the EA with the addition of a number of management actions that will make significant progress toward meeting the Utah Standards for Rangeland Health. These actions include requiring one rider/herder for each of the Big Creek, New Canyon, and Sage Creek allotments to be with cattle for six days a week to actively herd livestock out of riparian areas and toward upland trough locations. At the end of the season when cattle are trailing back down through BLM-managed lands, extra herding will be required on the Big Creek and New Canyon allotments to move cattle through riparian areas quickly and actively herd them off the BLM-managed lands.

The permittee will also be required to haul water to ten upland sites and ensure these sites have sufficient water for all livestock that may use the sites. These sites will be in the same areas where new troughs are planned to be installed for the time-controlled rotational grazing system, with a focus on the locations that would allow for the greatest reduction in the amount of time livestock spend at streams and riparian areas that are not at proper functioning condition (e.g., Figure 6 of the EA). Temporary fiberglass or metal troughs will be placed until permanent troughs are installed. Water will be hauled in a tank on a truck and/or a truck and trailer along existing roads. The agencies will enforce these temporary livestock management actions by inspections twice a month during the course of the grazing year.

The permittee will be required to maintain existing infrastructure consistent with the cooperative range improvement agreements. Construction of new infrastructure would take place over the 2-3 year period, with at least a third of new infrastructure being constructed every year. Construction of new range improvements on BLM-managed land will be prioritized to areas currently not meeting the Utah Standards for Rangeland Health, specifically those pastures where the livestock use of riparian areas is inhibiting proper functioning condition, greater sage-grouse habitat objectives, and State of Utah water quality standards.

Water Rights: Under this final decision, the BLM and the permittee will secure the appropriate approvals from the State of Utah Division of Water Rights for any changes in point of diversion for any affected water rights.

RATIONALE FOR THE FINAL DECISION

The BLM is required to manage livestock grazing consistent with applicable statutes, the grazing regulations in title 43 of the *Code of Federal Regulations*, and the applicable land use plan. The BLM also is required to ensure that the Utah Standards for Rangeland Health are being achieved, or making significant progress towards being achieved, on BLM-managed lands. This final decision responds to the application for grazing use by Three Creeks Grazing LLC, and it complies with the applicable statutes and regulations, conforms to the land use plan, and addresses the Utah Standards for Rangeland Health.

The final decision adopting Alternative C (the proposed action) will serve to meet the purpose and need for agency action as explained in the EA. The final decision also best addresses the goals and objectives of the Randolph Management Framework Plan, as amended, the Utah Greater Sage-Grouse Approved Resource Management Plan Amendment, and all applicable statutes, regulations, and policies. The final decision will make significant progress towards meeting the Utah Standards for Rangeland Health for all areas in which the standards were found not to be met and livestock grazing was a significant causal factor. The time-controlled rotational grazing system will improve riparian conditions and greater sage-grouse habitat by increasing rest in pastures and minimizing impacts in riparian areas. While additional infrastructure will cause some vegetation and greater sage-grouse impacts, these impacts will be mitigated to the point they are negligible and the overall benefit of the grazing system to land health will outweigh any adverse environmental effects, resulting in a net conservation gain for the species.

The following provides a summary of my rationale for not selecting the other alternatives.

Alternative A - No Action: Alternative A was not selected because the BLM's analysis indicates that the Utah Standards for Rangeland Health would continue to not be met and the BLM would fail to comply with the Utah Greater Sage-Grouse Approved Resource Management Plan Amendment. For example, the EA indicates that under this alternative there would be no change in livestock grazing's impact on vegetation, water quality, wildlife, and other resources, and that livestock behavior would not change. There would be no substantial rest for most pastures and no new infrastructure to better distribute livestock and reduce livestock's impacts in riparian areas.

Alternative B - No Grazing: Alternative B was not selected because the removal of grazing would be inconsistent with the Randolph Management Framework Plan, as amended. The Management Framework Plan identifies all subject allotments as available for livestock grazing and prescribes grazing in all areas within Rich County that are suitable for livestock grazing. Additionally, the EA indicates that under this alternative there would be a substantial socio-economic impact to the local and regional community.

The BLM also considered but did not analyze in detail eight additional alternatives (increased livestock AUMs, deferred grazing, large reference areas, reduced AUMs, longer grazing year, high country alternative, retiring AUMs, and substitute GRI and MIM for Standards 24 and 25). The rationale for not analyzing these alternatives in detail is contained in Section 2.5 of the EA. The range of alternatives that was analyzed in detail defined the relevant issues and provided a

sound basis for choice among the options available under BLM's governing statutes, regulations, and land use plan.

RESPONSE TO PROTEST POINTS

Response to protest points can be found in Appendix A.

AUTHORITY FOR THE FINAL DECISION

The authority for this Final Decision is provided in Title 43 of the Code of Federal Regulations (CFR), Part 4100-Grazing Administration – Exclusive of Alaska. Applicable sections contained therein include:

43 CFR §4110.3	Changes in permitted use.
43 CFR §4110.3-1	Increasing permitted use.
43 CFR §4120.2	Allotment management plans and resource activity plans.
43 CFR §4120.3-1	Conditions for range improvements.
43 CFR §4120.3-2	Cooperative range improvement agreements.
43 CFR §4130.2	Grazing permits or leases.
43 CFR §4130.3-1	Mandatory terms and conditions.
43 CFR §4160.2	Protests.
43 CFR §4160.3	Final Decisions.

RIGHT OF APPEAL

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR §4.470 and §4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR §4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the Authorized Officer, as noted below, within 30 days following receipt of the final decision.

Matt Preston, District Manager (Acting)
Bureau of Land Management, West Desert District Office
2370 South Decker Lake Blvd.
West Valley City, UT 84119

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

In accordance with 43 CFR §4.21(b)(1), a petition for 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.

If a stay is granted, the permittee may continue to graze subject to the same terms and conditions of the previous permit, as provided by 43 CFR §4160.4(b)(3).

Within 15 days of filing an appeal or an appeal and petition for stay, the appellant must send copies to any other person named in this decision and Regional Solicitor, Intermountain Region,

U.S. Department of the Interior, Suite 6201 Federal Building, 125 South State Street, Salt Lake City, UT 84138-1180. This is in accordance with 43 CFR §4160.3(c), 43 CFR §4160.4, 43 CFR §4.21, 43 CFR §4.470, and 43 CFR §4.471.

If you have any questions, please contact either Mellissa Wood (mrwood@blm.gov, 801-977-4364), Acting Salt Lake Field Office Manager, or myself (mpreston@blm.gov, 801-977-4350).

Sincerely,

A handwritten signature in black ink that reads "Matt Preston". The signature is written in a cursive style with a prominent "M" and "P".

Matt Preston
District Manager (Acting)

APPENDIX A - PROTEST POINTS AND RESPONSES TO THE PROTEST POINTS

Protest Points and Responses – Mr. Dale Lamborn, Chairman, Three Creeks Grazing LLC

Letter #	Protest Point Reference #	Protest Point (from protest letter submitted on January 2, 2018)	Response
RN1 Three Creeks Grazing LLC. (TCG)	RN1-1	(1) 2017 Proposed Decision at 4, Decision Point 1: “Modify the current grazing permit held by Three Creeks LLC with new and/or modified terms and conditions, consistent with this decision.” TCG protests only to the extent consistent with any other protest points herein.	See response points at RN1-2
	RN1-2	(2) 2017 Proposed Decision at 4, Decision Point 2: “Cancel the existing exchange of use agreements for SITLA and private lands on the Big Creek, New Canyon, Sage Creek, and Twin Peaks allotments. Specify in the permit held by Three Creeks Grazing LLC the percentage of public land use as provided by 43 CFR § 4130.3-2(g).” TCG protests to the extent that TCG reserves the right to annually coordinate with the BLM the adjustments of such percentage based upon any adjustment (up or down) in the livestock carrying capacity of the lands offered for the % public land authorization.	In accordance with the BLM grazing regulation 43 CFR §4130.6-1 (Exchange-of-Use grazing agreements), exchange of use would be continued as percent public land under Alternative C. The Proposed Decision and Appendix B in the December 2017 EA details all livestock numbers, livestock kind, active AUMs, suspended AUMs, exchange of use AUMs or percent public land, and season of use for each permit under each alternative. These items have been reviewed and any necessary edits have been made in the Final Decision. As long as a private inholding remains unfenced, and is under the control of a permit holder, that inholding would qualify to be counted as percent public land. The grazing permit issued by the BLM to the TCG is based on the amount of forage available on controlled inholdings, or as authorized by State Institutional Trust Lands Administration (for state lands). If changes occur in control of private or state lands, application could be made by the TCG, at any time, to change the percent public land.
	RN1-3	(4) 2017 Proposed Decision at 5, Decision Point 4: “Require the implementation of a time-controlled rotational grazing system (Section 2.4 of the EA) upon the completion of all necessary supporting range improvements.” See also 2017 Proposed Decision at 6 (bullet point 1). TCG protest only to the extent consistent with any other protest point herein.	See response points at RN1-5 and RN1-6.
	RN1-4	(5) 2017 Proposed Decision at 5, Decision Point 5: “Cancel all existing range improvement permits and cooperative range improvement agreements and enter into a cooperative range improvement agreement with Three Creek Grazing LLC to authorize all existing range infrastructure on BLM-managed lands and to authorize all new range infrastructure necessary to support the time-controlled rotational grazing system. The cooperative	Applicable language has been amended from the Proposed Decision to the Final Decision (Decision Point 5) to respond to this protest point. The existing range improvement permits and cooperating range improvements would not be cancelled; rather they would be continued. TCG and/or the applicable range improvement permit holder would maintain all interests associated with existing range improvement projects, in accordance with the BLM grazing regulation 43 CFR §4120.3-1 (Conditions for Range

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		<p>range improvement agreement will allocate maintenance responsibility.” TCG protests the cancellation of "all existing range improvement permits and cooperative range improvement agreements". The members of TCG previously assigned interests to TCG in several public land range improvements upon the allotments in question. TCG desires to maintain such interests, particularly to the extent such interests are of importance and value should any of the public lands in question is "cancelled in order to devote public lands covered by the permit to another public purpose, including disposal" in the future, and is thus subject to "reasonable compensation". See 43 C.F.R. § 4120.3-60. See also 43 C.F.R. § 4120.3-3(c), 43 C.F.R. § 4120.3-5. Any Final Decision should maintain such interests. However, with that said, TCG would not oppose any Final Decision clarifying the allocation of maintenance responsibility relating to the applicable public land range improvements upon the allotments in question that is directly associated with public land livestock grazing. TCG would welcome to coordinate with the BLM a discussion of such clarification before any Final Decision is issued.</p>	<p>Improvements) and 43 CFR §4120.3-2 (Cooperative Range Improvement Agreements). At this time, no land within the project area is being devoted to another public purpose. If the relevant public lands are, at some point in the future, devoted to another public purpose, the BLM would follow the applicable regulations in 43 C.F.R. §4120.3-6.</p>
	RN1-5	<p>(6) 2017 Proposed Decision at 5, Decision Point 6: “Require the construction of all range infrastructure necessary to support the time-controlled rotational grazing system and the removal of unnecessary existing infrastructure (Section 2.42 and Table 6 of the EA).” TCG protest only to the extent consistent with any other protest points herein. In addition, TCG protests to the extent it is stated or suggested that TCG is asked to provide all of the financial contribution for the construction or modification of such range infrastructure.</p>	<p>Funding for new projects could come from multiple sources.</p>
	RN1-6	<p>(7) 2017 Proposed Decision at 5, Decision Point 7: “Establish livestock grazing management objectives and requirements (Sections 2.4.3 of the EA).” See also 2017 Proposed Decision at 6 (bullet point 2). TCG protests. First, TCG protests any suggestion that these objectives and requirements are a Term & Condition of its Grazing Permit, and assuming they intend to be a Term & Condition of its Grazing Permit, TCG protests the lack of an application of some "Decision Tree" concept that applies reason to the application the objectives and requirements. Second, TCG</p>	<p>The second authorization term and condition on the grazing permit states, “Livestock grazing on the Three Creeks allotment will be managed to meet or satisfy the objectives and requirements as described in Section 2.4.3 of the EA.” This includes meeting the objectives set out in section 2.4.3.1 of the December 2017 EA. The BLM is required to meet, or make progress toward meeting all rangeland health standards, as outlined in 43 CFR §4180. These standards can be assessed at any time, but involvement from permittees and interested public in review and offer of data would be considered.</p>

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		<p>protests utilization or stubble height objectives / requirements since the decision intends that the deferred and rest grazing system will meet (or continue to meet) applicable Standards. Third, TCG protests any objective and requirement implicating GRSG; given that the BLM and the USFS are in the mix of a land use planning, forest planning, and NEPA process to potentially amend the recent Sage-grouse BLM-Land Use Plan Amendments and Sage-grouse USFS-Forest Plan Amendments. TCG will not agree to objectives and requirements that will not be maintained / sustained in the upcoming land use planning, forest planning, and NEPA processes.</p>	<p>The Randolph Grazing Environmental Statement set utilization levels for graminoid and shrubs communities. The December 2017 EA and Proposed Decision adopt the utilization levels set in the Environmental Statement.</p> <p>The BLM's analysis shows that the proposed time-controlled rotational grazing system will result in the consolidated allotment meeting or making significant progress towards meeting the Utah Standards for Rangeland Health. The BLM has chosen to incorporate objectives, responses, and adaptive management to ensure the new grazing system is making sufficient progress toward meeting standards. These terms, conditions, and objectives were analyzed appropriately in the EA, and carried forward in the Proposed Decision.</p> <p>The BLM is required to comply with all land use planning decisions, including those contained in the GRSG plan amendments finalized in 2015. Until such time as the planning decisions applicable to this grazing decision are changed by a future decision, the BLM will continue to follow the decisions reflected in the current land use plans. If the GRSG aspects of the applicable land use plan are amended, the grazing permits may need to be amended to comply with any new plan amendments.</p>
	RN1-7	<p>(8) 2017 Proposed Decision at 5, Decision Point 8; "Require the development, BLM approval, and adherence to annual grazing plans to govern the time-controlled rotational grazing system (Sections 2.4.4 of the EA)." See also 2017 Proposed Decision at 6 (bullet points 3 and 4). TCG protests only to the extent consistent with any other protest points herein. In addition, TCG protests this term to the extent it intends to unreasonably modify on an annual basis the intended grazing system.</p>	<p>Submission and approval of an annual grazing plan is required by the terms and conditions of the grazing permit. The annual grazing plan needs to be in accordance with the terms and conditions of the grazing permit, which includes the term to implement a time-controlled rotational grazing system. Therefore, the grazing system cannot be unreasonably modified by the annual grazing plan. The author's protest point does not necessitate any changes to the EA or Proposed Decision.</p>
	RN1-8	<p>(9) 2017 Proposed Decision at 5, Decision Point 9: "Require monitoring for utilization and terrestrial and aquatic conditions (Section 2.44 of the E)." TCG protests only to the extent consistent with any other protest points herein. See particularly Protest Points (7), (8).</p>	<p>See response to point RN1-6 and RN1-7.</p>
	RN1-9	<p>(10) 2017 Proposed Decision at 5, Decision Point 10: "Establish greater sage-grouse threshold and responses for livestock grazing (Section 2.4.5 of the EA)." See also 2017 EA at pages 38-39. TCG protests only to the extent consistent with any other protest points herein. See particularly Protest Points (7), (8).</p>	<p>See response to point RN1-6 and RN1-7.</p>

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	RN1-10	(11) 2017 Proposed Decision at 5, Decision Point 11: "Establish interim measures for livestock grazing management to be employed until the time-controlled rotational grazing system is implemented (Section 2.4.6 of the EA)." See also 2017 Proposed Decision at 6 (bullet point 5). TCG protests only to the extent consistent with any other protest points herein.	It is unclear what other protest points this would relate to this protest. Therefore, the author's protest point does not necessitate any changes to the EA or Proposed Decision.
	RN1-11	(12) 2017 Proposed Decision at 5, Decision Point 12: "Require certain mitigation measures (Section 3.11 of the EA)." See also 2017 Proposed Decision at 6 (bullet point 6). TCG protests only to the extent consistent with any other protest points herein. See particularly Protest Points (7), (8).	See response to point RN1-6 and RN1-7.
	RN1-12	(13) 2017 Proposed Decision at 5, Decision Point 13: Convert all horse grazing permits to cattle grazing permits. TCR protests as related to the current horse permit in the New Canyon Allotment, to the extent of 11 horses for 41 AUMs. TCG requests that cattle or horse use be authorized, though subject to any applicable rotational system. And, TCG conditionally protests as related to an apparent omission in the 2017 EA at page 297 (Table B-1), wherein Lou Dawn Hoffman (and now TCG) was historically authorized 2 horses for approximately 12 AUMs, and these AUMs should be recognized and converted to cattle use.	The December 2017 EA does not analyze environmental impacts associated with horse use. Subsequently, all horse AUMs were converted to cattle AUMs. The EA and Proposed Decision were checked to make sure all previously used horse AUMs were converted to cattle AUMs. Additionally, the AUM numbers were verified against previous records. All horse AUMs are correct and accounted for in the Proposed Decision and in Table B-1 in the December 2017 EA. When the previous lease between New Canyon Grazing LLC and the permittees on the New Canyon allotment was authorized, all horse AUMs were added to the same line on the grazing permit. After further examination of the Randolph MFP Decisions, the conversion of Horse to Cattle AUMs should be at a 1:1.5 ratio, rather than a 1:1 ratio as included in the Proposed Decision. The Final Decision has been updated to reflect this 1:1.5 conversion.
	RN1-13	(14) 2017 Proposed Decision at 5-6: Mandatory Terms and Conditions". TCG protests only to the extent consistent with any other protest points herein.	See response at point RN1-6.
	RN1-14	(15) 2017 Proposed Decision at 6: "Authorization Terms and Conditions". As to bullet points 1, 2, 3, 4, 5, 6, see above (wherein such points are discussed).	See response point RN1-3, RN1-6, RN1-7, RN1-10, RN1-11.
	RN1-15	(16) 2017 Proposed decision at 6: "Authorization Terms and Conditions". As to bullet point 7 (fiscally responsibility for range improvement maintenance), and bullet point 8 (range improvements functionally), TCG protests as stated in Protest Point (5). In addition, TCG demands to be credited for its	See response point RN1-4.

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		contributions in the intended "to be" constructed and modified range infrastructure, for the reason stated in Protest Point (5).	
	RN1-16	(18) 2017 Proposed Decision at 6: "Authorization Terms and Conditions". As to bullet point 10 (tag cattle), bullet point 11 (salt blocks), bullet point 12 (feeding hay), TCG protests to the extent that the agency continues to provide the tags, and to the extent the agency identifies the non-salt and non-supplement area so TCG is timely informed of the placed not to place salt, etc..	The BLM will coordinate with TCG to ensure they have all information necessary to comply with authorization terms and conditions. This protest point does not necessitate any changes to the EA or Proposed Decision.
	RN1-17	(19) Proposed Decision at 7: "Authorization Terms and Conditions". As to bullet point 13 (reasonable access), TCG protests to the extent that TCG can only provide reasonable access to private and leased land only consistent with what it may control via leases. In addition, TCG has no authority to provide access to all private land and all of the State land within the Three Creeks Project area.	This term and condition would only apply to lands owned or controlled by TCG within the grazing allotment. No changes to the Proposed Decision are required to address this protest point.
	RN1-18	(21) 2017 Proposed Decision at 7: "Authorization Terms and Conditions". As to bullet point 15 (ownership of livestock). TCG protests to the extent that TCG must clarify that it is a limited liability company to which its members will be grazing livestock in accordance with the terms and conditions of the Operating Agreement, the grazing regulations, and the Grazing Permit.	No changes to the Proposed Decision are required to address this protest point.
	RN1-19	(22) Proposed decision at page 7-8: "Terms and Conditions Applicable to All Permits and Leases". TCG protests only to the extent that these statements are and remain consistent with the applicable laws and regulations of the Bureau of Land Management. To the extent any of these statements are modified by new laws or regulations, then TCG only agrees to conform to such applicable laws and regulations; not the statements in the 2017 Proposed Decision.	The terms and conditions in this decision are and will continue to be consistent with all applicable laws and regulations. If applicable laws and regulations modify the terms and conditions in this permit, the permit will be amended in accordance with the law or regulation. No changes are necessary to the Proposed Decision.

Protest Points and Responses – Mr. James Catlin, Utah Chapter of the Sierra Club

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on December 29, 2017)	Response
RN2 James Catlin Utah Chapter of the Sierra Club	RN2-1	The proposal would reduce the period that livestock graze in a pasture to roughly two weeks where in the past most allotment were grazed with cattle season lone (early May though early September each year). This shortening of time spent in a pasture may lead to some improvement. However, the number of cattle will be increasing dramatically, perhaps two or three times more than current numbers. This increase is likely to cancel any benefit from reducing the grazing period.	<p>The author does not provide any objective data or information to support his opinion. In addition, the Interior Board of Land Appeals recently found that the author did not qualify as a rangeland management or wildlife biology expert in a case involving a nearby allotment (Duck Creek). Consequently, the author’s unsupported opinions as to efficacy or impacts of the grazing system authorized by the Proposed Decision are unsubstantiated.</p> <p>In any event, as discussed in Section 2.4 of the December 2017 EA, the time-controlled rotational grazing system will utilize multiple pastures with high density of livestock, incorporating short grazing periods that manages for rest and grazing during different phenological periods. This system provides longer rest periods than the current season-long or deferred grazing systems currently utilized. This system of grazing incorporates adaptive management both within and between grazing years, with the grazing regime being responsive to current conditions on the land (e.g. Section 2.4.4.1, 2.4.4.2, 2.4.5 of the December 2017 EA). The intent is to facilitate appropriate livestock movement and closely monitor forage to ensure plants are not over-grazed and time is allowed for ample regrowth opportunity.</p> <p>While the number of cattle in a pasture may be higher than under the no action alternative, livestock would be in that pastures for a shorter period of time and consume the same amount of forage compared to current management. No additional Animal Unit Months (AUMs) are authorized in the grazing permit.</p> <p>Analysis in the December 2017 EA shows that the time-controlled rotational grazing system, including rest the pastures receive, and adaptive management of livestock, will lead to meeting or making significant progress towards meeting Utah’s Rangeland Health Standards. See December 2017 EA at Sections 3.2.1.2.3., 3.2.2.2.3, 3.2.3.2.3, 3.3.2.3, 3.4.2.3, and 3.5.2.3.5.</p>
	RN2-2	This proposed plan is driven by the Utah Department of Agriculture who supplied consulting services that conducted surveys and conducted analysis. Proposals for grazing programs for this same area from the conservation community were dismissed and not analyzed by BLM. The clear bias in this EA undercuts BLM’s ability to be seen as fair and open to new ideas.	The author’s assertion is incorrect, as discussed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA, Response # RN03-03. Further, the EA discussed all reasonable alternatives, although some were not analyzed in detail, as discussed below in Protest Response # RN2-10.
	RN2-3	BLM, the Forest Service, and Utah Department of Agriculture have put significant resources in this decision process spanning	The author has had ample time to provide comments throughout the process, including during the field trips and meetings he attended, the scoping process, the

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		<p>seven or eight years. The documents covering this project are well over a thousand pages. Clearly, this is a significant issue for the agencies. It is almost impossible to adequately analyze and comment on such a huge proposal in the time given, 15 days. This comment period was made worse by having this comment period fall on the Christmas and New Year holiday week.</p>	<p>public comment period for the EA, and the protest process. The author does not identify any specific issue that he was unable to address or that he believes he has inadequately addressed due to the various timeframes the agencies have provided.</p>
	RN2-4	<p>In the many field trips and meetings that I and others have attended relating to this project, it was made clear that the Three Creeks project is seen as a model that federal and state agencies want to use widely.</p> <p>There are a number of problems with this proposal but before these are discussed, it would help to address a fundamental challenge for BLM and the Forest Service. In order for the Three Creek program to succeed, BLM needs to improve credibility with the public concerning agency assessment of habitat conditions and the results of actions taken.</p> <p>Wildlife and their habitat needs are at the center of the issue concerning BLM credibility. Earlier we recommended that on an annual basis, BLM provide an annual allotment update to the public, interested public, and the permit holders. This report would describe the goals for that year for the allotment, summarize the grazing use for the year, provide a summary of monitoring and surveys conducted that year, and present any problems or challenges identified. This is similar in some ways to the Forest Service Annual Operating Instructions posted on the web. Such a report would improve the transparency of BLM's range program, an important step in improving credibility.</p>	<p>The author's views do not undermine the Proposed Decision. See also Protest Response # RN2-1. The author provides no basis for his assertion that the public questions the agencies' credibility in assessing habitat conditions or that the agencies' habitat and impact assessments are not credible. The public in Rich County and generally throughout the region has been very supportive of BLM's rangeland management. BLM is committed to being transparent in the management of the Three Creeks allotment. For example, in Section 2.4.4.1.1 of the December 2017 EA, the BLM commits to "provide a copy of the annual grazing plan to all entities that are considered the interested public on the former five BLM allotments or the new Three Creeks allotment as provided by 43 CFR §4100.0-5."</p>
	RN2-5	<p>Sage grouse population health is important in itself and an indicator of the general health of habitat and wildlife populations. This EA provides extensive information on sage. This is an improvement over earlier grazing decisions.</p> <p>Yet, BLM's credibility needs to be strengthened in this area. BLM determined that the sage grouse population for these allotments "the population appears to be maintained at a level</p>	<p>See Protest Responses # RN2-1 and RN2-4. The statement "the population appears to be maintained at a level appropriate for the area" is not in the EA, although a similar statement can be found in a supporting document. The statement in the Rangeland Health Assessment is that "[f]or greater sage-grouse specifically, the population that includes the assessment area appears to be maintained at a level appropriate for the area". This statement regarding the larger population is supported by the USFWS COT report (USFWS 2013), which states that the Rich-Morgan-Summit portion of the Wyoming Basin population is "regarded as stable</p>

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		<p>appropriate for the area.”² This conclusion is in conflict with key information. UDWR Sage grouse populations continue to decline in general over time. In our earlier comments we provide a graph of UDWR lek counts for the past fifty years. Sage grouse populations seem to follow a general ten year cycle where the population peaks then falls for the next decade. A graph of lek counts over time shows peaks and valley for these cycles. This cycle seems to happen concurrently across the species range. 2015 was the most recent peak in the sage grouse and we have seen declines in 2016 and 2017 in sage grouse lek counts. As the graph shows, over time, the valley bottoms and peaks seem lower over time. In the 90s, the valley was 20 males per lek and more recently the average in Rich County was 10 males per lek. The earlier peaks were 40 males per lek and more recently, the last peak had 15 males per lek. BLM’s claim that the population is “maintained” is incorrect in the face of this information the documents should be changed to reflect this.</p> <p>² BLM. 20917. Utah’s standards for rangeland health, land health determination for the Big Creek, New Canyon, Sage Creek, Stuart and Twin Peaks Allotments.</p>	<p>with potential for growth” and Utah Department of Natural Resources’ 2016 Annual Report “Implementing Utah’s Greater Sage-grouse Conservation Plan”, which states that “population levels within all SGMAs in Utah have remained stable in recent years ...”.¹</p> <p>With regard to the sage-grouse population within the project area, Sections 1.5.1.2 and 3.3.1.1.1 of the December 2017 EA explain that Rangeland Health Standard 3 (“Desired species...are maintained at a level appropriate for the site and species involved”) is not being met on all five BLM allotments due to the condition of sage-grouse habitat.</p> <p>Also, the numbers of leks counted prior to 2004 were much lower (as shown in Figure 16), making comparisons of recent lek data with earlier lek data inappropriate. For example, if fewer leks that were more heavily attended were the only ones counted, average lek counts would be higher than if more leks, including those with lower attendance, were counted.</p> <p>This protest point warrants no changes to the EA, rangeland health determination, or the Proposed Decision.</p> <p>¹ https://wildlife.utah.gov/uplandgame/sage-grouse/pdf/16_annual_report.pdf</p>
	RN2-6	In BLM’s rangeland health determination, the agency did find most allotments failed to meet rangeland health standards. This determination is justified and, in our experience, the areas in question are degraded and do not to meet standards.	This protest point is immaterial to the appropriateness of the Proposed Decision. The author’s opinion that the “areas in question are degraded” is vague and unsupported and therefore does not call into question the data supporting the Proposed Decision.
	RN2-7	BLM fails to mention what might be an important negative influence on sage grouse. Hunting still occurs in the Three Creek pastures with dozens of male and female birds taken each year. In view of the declining population, BLM should recommend to UDWR that hunting be paused until the population gets above 40 males per lek. The EA should note this.	The EA adequately addresses hunting. Section 3.5.3.3.2 of the December 2017 EA states that hunting still occurs in the Cumulative Effects Analysis Area, but at reduced levels since 2000. In addition, the author may make his suggested recommendation to the UDWR himself. The BLM has no obligation to convey the recommendations of third parties to other governmental agencies. Further, UDWR and BLM share the same sage grouse goals, and BLM is confident that UDWR will manage hunting consistent with those goals.
	RN2-8	The plan proposes using the grazing response index (GRI) to monitor grazing use and its impacts. We think that there may be merit in using this metric however it has yet to be	The use of GRI is only one of the methods that will be employed to assess whether rangeland health standards are met. Other monitoring and assessment protocol will be used (see, e.g., Sections 2.4.4.1 and 2.4.4.2 of the December 2017 EA). All

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		independently validated to ensure that rangeland health standards are met.	monitoring and assessment information, as well as observations by rangeland specialists and other agency experts, would be used to determine compliance with the Utah Standards for Rangeland Health. Therefore, the author’s observation does not undermine the Proposed Decision.
	RN2-9	Unfortunately, the grazing practices described in the EA are very likely to lead to negative (bad) GRI scores. “A negative value indicates that management is harmful” to the habitat. GRI score is the sum of three factors, frequency, intensity and opportunity. Grazing for a duration of seven days is a plus 1 and for 14 days a zero, and longer a minus one. The EA proposes grazing for two weeks for cattle and later additional weeks for sheep. This is a minus one for frequency. Intensity is plus 1 for forage grazing use that is 40% or less. The Forest Service and BLM favor stocking for 50% utilization. Such stocking policies leads in most case to much higher utilization in riparian areas where utilization will be 80% or more. This is likely to lead to a negative one for intensity. For opportunity, the grazing “program should allow plants full growth of leaves before grazing or allow for full recovery after grazing for plants to thrive.” In pastures where grazing starts in July and August, a positive number is likely for opportunity. But for those pastures that are grazed in May and June, a zero or negative number is likely.	<p>The author provides no objective support for his predictions. See also Protest Response # RN2-1. The December 2017 EA outlines several ways in which grazing will be monitored to ensure Utah’s Standards for Rangeland Health are met, and ways to make changes to current year grazing if issues arise (See December 2017 EA at Sections 2.4.3, 2.4.4, and 2.4.5). GRI is just one tool that would be used to help inform the management of the allotment.</p> <p>Also refer to Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA, Response # RN03-07 and # RN04-01.14.</p>
	RN2-10	We asked that BLM designed a program that had stocking numbers designed for low utilization of forage and for less than a week in each pasture. BLM declined this requested alternative.	<p>The BLM has invited public participation throughout this EA process and the details are contained in the December 2017 EA at Sections 4.2 through 4.3.2. Sections 4.3.1.3, 4.3.1.4, Appendix E, and public comment reports (Cirrus 2011 and Cirrus 2013) have been added to the EA. The public have participated in scoping period, workshops, site visits, and 2 comment periods on the content of the EA.</p> <p>As a result of this extensive public input, the December 2017 EA considered three alternatives in detail, and 8 other alternatives were discussed, but eliminated from detailed analysis. The range of alternatives analyzed in detail provide the decision-maker with the analysis to make a reasoned choice (BLM NEPA Handbook, Section 6.6.1, Pg. 49). The BLM is not required to consider every variation of an alternative presented by the public. For example, the BLM’s NEPA Handbook (H-</p>

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			<p>1790-1) at Section 6.6.1, Reasonable Alternatives (pages 49-50), states: "...For some proposals there may exist a very large or even an infinite number of possible reasonable alternatives. When there are potentially a very large number of alternatives, you must analyze only a reasonable number to cover the full spectrum of alternatives (see Question 1b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981)."</p> <p>The BLM has not "declined" any alternative suggested by the author. The BLM, through its staff or the third-party contractor, has considered all alternatives suggested by the author or the Utah Chapter of the Sierra Club. For example, the author's comment letters on the May 2013 EA and the April 2016 EA did include some language about alternatives, which BLM considered and addressed (Cirrus 2013; Appendix E of December 2017 EA, Response # RN04-01.34).</p> <p>All aspects of the alternatives proposed or referenced by the author that materially inform a reasonable range of alternatives are expressly addressed in the December 2017 EA – for example, ungrazed watershed references areas (Section 2.5.3) and reduced stocking numbers (Section 2.5.4) were considered but eliminated from detailed analysis. Furthermore, the December 2017 EA analyzes in detail a no grazing alternative that would remove livestock grazing from all lands administered by the agencies. An additional alternative that analyzes in detail a reduction in AUMs, or stocking rate, does not materially benefit the agencies' consideration of the relative environmental impact of the range of alternatives.</p> <p>This protest point warrants no changes to the EA or the Proposed Decision.</p>
	RN2-11	<p>The stocking number relates to the carrying capacity of these allotments. For this project, a consultant, Open Range Consulting, ORC was contracted to estimate the carry capacity of the Three Creeks Allotments.³ The methods ORC applied are similar to those that we have used in numerous allotments where we have conducted similar carrying capacity analysis. However there appears to be a serious over estimate in the amount of forage available in these allotments.</p> <p>ORC correctly used soil survey spatial data with ecological site descriptions for the habitat found on BLM lands. These ecological descriptions list the amount of forage that a certain ecological site might produce when at potential and when</p>	<p>ORC did conduct an analysis on the existing allotments, which was summarized in their 2012 draft report (ORC 2012). Three factors were assessed to determine forage potential: 1) Site potential to produce vegetation, 2) Current vegetation, and 3) Palatability of current vegetation. They used satellite imagery, soil surveys, ecological site descriptions, as well as vegetation from 185 sample sites on the allotment were used to evaluate forage potential.</p> <p>The author provides no data or objective information to support his conclusion that ORC's reliance on site potential resulted in production estimates not "found in most of these allotments," or his apparent view that ORC's conclusion as to available forage is erroneous. Nonetheless, the BLM recognizes the limitations of ORC's analysis. While the BLM relied on ORC's analysis to help estimate forage availability, we also used two additional methods to determine available forage and whether it is sufficient for the existing stocking rate (Stock and Monitor: Section</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on December 29, 2017)	Response
		<p>deteriorated. ORC used the higher forage production amount, that at site potential. Unfortunately, this assumption does not reflect production found in most of these allotments. ORC conducted 185 on the ground site surveys to correlate their model with the data. Unfortunately, ORC did not collect forage production data at these sites. ORC concluded that the forage produced was somewhat above that needed to support the grazing program proposed for Three Creeks Allotments.</p> <p>³ORC. 2012. Carrying Capacity Estimate of the Three Creeks Allotments. July 2012. Open Range Consulting.</p>	<p>3.6.1.3.1 of the December 2017 EA; Ecological Site Inventory Data: Section 3.6.1.3.2 of the December 2017 EA). Based on all this data, and the professional judgment of its rangeland specialists and other experts, the BLM is confident that there is sufficient production to successfully implement the Proposed Decision.</p>
	RN2-12	<p>In Duck Creek, we did collect forage production data at a number of sites for many years and found that the forage production was roughly one third of its potential for most ecological sites.⁴ We placed utilization cages in dozens of sites representing a diversity of ecological sites. At the end of the grazing season, we collected herbaceous plants production within the cages in areas protected from livestock grazing.</p> <p>The habitat in the Three Creek Allotments is similar to that found in the Duck Creek Allotment. Based on our experiences in these allotments, forage production is much less than potential. We believe that the forage production is below that needed to support the numbers and grazing duration of sheep and cattle planned. It is highly likely to lead to excessive grazing first in riparian areas and then lead to high grazing use in upland areas. This will further degrade sage grouse habitat.</p> <p>⁴Catlin, J., J. Carter. A. Jones. 2017. Range management in the face of climate change. In Monaco, Thomas et al. comps. 2011. Proceedings – Threats to Shrubland Ecosystem Integrity; 2010 May 18-20; Logan, UT.</p> <p>Natural Resources and Environmental Issues, Volume XVII. S.J. and Jessie E. Quinney Natural Resources Research Library, Logan Utah, USA.</p>	<p>The author’s reliance on the cited Duck Creek allotment data to support his opinion about production on the allotments subject to the Proposed Decision is inappropriate. The author provided the BLM with data collected on the Duck Creek allotment using a version of the Paired Plot Method (a herbaceous removal method outlined in Interagency Technical Reference 1734-3; pg. 70) that the author and other members of the public developed. The BLM has examined the author’s modified Paired Plot methodology as used on the Duck Creek allotment and found it to be unreliable, a finding that was recently upheld by the Interior Board of Land Appeals. For example, it is not appropriate to extrapolate limited cage data collected to determine production for a large area, much less an allotment. The number of cages clipped is not sufficient to capture the variability on the Duck Creek allotment, and production of shrubs was not considered. In addition, the author has not provided data collected on the allotments subject to the Proposed Decision, and while there are similarities between the Duck Creek and the Three Creeks allotments, without such data, the author’s observations do not call into question the agencies’ data or professional opinions of their range staff.</p> <p>See also Protest Response # RN2-11 in regards to forage production.</p>

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	RN2-13	<p>We argue that continue grazing that will perpetuate a loss of forage productivity is a violation of FLPMA. BLM must provide for “harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment . . .”⁵ .Since the productivity of the habitat is impaired, BLM is obligated design a program that ensures recovery of forage production. The grazing program proposed here would lead to continue over grazing preventing recovery. Without a plan that addresses this impairment of productivity, we must assume that continued actions to over grazing amounts to a permanent impairment of productivity.</p> <p>⁵Federal Land and Policy Management Act. Definition of multiple use.</p>	<p>As noted in Protest Responses # RN2-11 and RN2-12, the author has not provided objective or reliable data to support his opinion as to productivity on the subject allotments. See also Protest Response # RN2-1. Nor has the author provided any data or objective information to suggest that the allotments are being overgrazed.</p>
	RN2-14	<p>The monitoring program describes variations on habitat characteristics that are consider the minimum to meet sage grouse needs. The source that we need to follow is found on Table 3 in “Guidelines to manage sage grouse populations and their habitats” by Connelly, Schroeder, Sands and Braun. There are a number of changes that BLM made that allow more disturbed habitat to be classified as meeting characteristics needed for sage grouse. For example, the term “cover” for grass and forbs replaces “canopy” in Connelly et al. (2000). Canopy is the top most layer of living vegetation. By using the term cover, BLM then can count grasses and forbs protected under shrubs. Such grasses under shrubs are not canopy. Livestock often avoid grasses and forbs protect protected by shrubs. The purpose of using the term cover is to assess if cover for sage grouse is adequate in the interspaces between shrubs. Additionally, Connelly et al. (2000) describe the height of grass and forbs need to be 18 cm. BLM uses a much shorter measure. Recent studies have amplified the need to follow Connelly et al.⁶</p>	<p>The author’s views as to the applicability of the Connelly et al. guidelines are mere opinion and do not undermine the Proposed Decision. See also Protest Response # RN2-1. The author’s point was addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA, Response # RN03-12. In addition, Doherty et al. 2014 describes research in SE Montana and NE Wyoming, not in northern Utah.</p> <p>Monitoring and enforcement is discussed in the EA at Sections 2.4.4, 2.4.5, 2.4.6, 3.11, and 3.12.</p>

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		⁶ Doherty, K., D. Nugle, J. Tac, B. Walker, J. Graham, and J. Beck. 2014. Linking conservation actions to demography: grass height explains variation in greater sage-grouse nest survival. <i>Wildlife Biology</i> 20(6): 320-325	
	RN2-15	The combination of factors just discussed indicates that this project is likely to increase the decline of sage grouse population in this area. This area represents a significant part of the sagebrush focus areas, where BLM is promoting sage grouse conservation. This plan undercuts sage grouse conservation. The arguments for this were in earlier comments. In view of the continuing decline of sage grouse populations, this project is likely to hasten the end of sage grouse in this area. Such action is likely to increase the need to list this species as endangered.	The opinion of the author is unsupported by data or objective information, and it is contradicted by the analysis completed in the December 2017 EA at Section 3.5.2.3.2.5. The Proposed Decision, which would adopt Alternative C, is consistent with the ARMPA which identifies and incorporates appropriate measures to conserve, enhance, and restore sage-grouse habitat. Section 3.5.1.2.5 contains the description of the affected environment for GRSG while potential impacts are addressed under each alternative in Section 3.5.2 (under the sub-sections for the GRSG). For example, Sections 3.5.2.3.2.5 to 3.5.2.3.2.5.5 address cover, forage, nest trampling, range improvements and fuel load alteration, respectively for Alternative C. See also Protest Responses # RN2-1, # RN2-5, #RN2-7, and #RN2-14.

Protest Points and Responses – Mr. Jonathan Ratner, Western Watersheds Project

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
Jonathan Ratner Western Watersheds Project RN3			
		The protest letter submitted by Mr. Ratner in January 2018 is nearly verbatim to the letter Mr. Ratner submitted during the public comment period in April 2016. As a result, many of the points raised by Mr. Ratner are not applicable to the December 2017 EA because they do not consider changes to the EA made between the April 2016 EA and the December 2017 EA (e.g., Mr. Ratner references Alternative D in his January 2018 protest letter, yet the December 2017 EA does not have an Alternative D). Therefore, the responses presented below generally refer to the responses provided to the same points in Appendix E of the December 2017 EA.	
	RN3-1	We see in the EA, that the proposed action includes a Forest Plan amendment. The proposed amendment speaks volumes as to the true nature of the proposal. The entire purpose of the amendment is to remove Forest Plan limitations on livestock utilization. The Forest Plan does not allow the excessive utilization which the proposal would implement and therefore	This protest point is immaterial to the Proposed Decision. In general, refer to Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.2.

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
		<p>the Forest Plan must be amended to remove those inconvenient limitations.</p> <p>The Forest planning regulations require:</p> <p>(f) Amendment. The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a forest plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.</p> <p>There is nothing within the EA that would indicate these and other related requirements have been complied with.</p>	
	RN3-2	<p>The cooperative agreement with the 3 Creeks grazing association is foundational to understand the relationship between the agencies and this entity and forms the basis for the entire proposal, yet when we requested a copy of this were told none existed and has not even started to be drafted.</p>	<p>Refer to Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.3. Also, Three Creeks Grazing LLC is an entity authorized to conduct business in the State of Utah and qualifies to hold a grazing permit (43 CFR §4110.1). Therefore, this protest point does not undermine the Proposed Decision.</p>
	RN3-3	<p>Instead of any meaningful requirements or limitations placed on the permittees, we see the only ‘resource objective’ implemented by the plan is the incredibly low bar of achieving a neutral GRI score over a five-year period.</p> <p>Not only has GRI not had any scientific confirmation, it has no connection with the primary issues on these allotments which are degraded riparian areas and degraded sagebrush habitats. Further, the write up for GRI states:</p>	<p>This protest point is primarily the opinion of the author and his understanding of the literature, and it is not clear if the author has an education in range science. The BLM’s rangeland specialists find no merit in the author’s opinion as a protest point. The author’s opinions do not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.4. Further, the role of GRI in the livestock grazing management described in Alternative C has been refined in the December 2017 EA (Section 2.4.4.1.2.4), and is clarified to be one of the elements to the annual grazing</p>

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		<p>The Grazing Response Index was developed to assess effects of use during the current year, and to aid in planning the grazing pattern for the following year. Consequently, GRI is based on general determinations of annual grazing use. GRI is not intended to be the only method for resolving major conflicts. It should be Used for situations where resource issues are considered low to mid level intensity,</p> <p>The GRI suffers from numerous flaws such as that it is geared for increaser species not decreaser species. It considers 2 full defoliations to be neutral from the perspective of plant physiology and considers a full defoliation to be a positive. When one reviews all the literature on what should be the common, dominant cool season bunchgrasses, all of them are negatively impacted by herbivory and all are significantly negatively impacted by multiple defoliations and all are at a tiny fraction of potential on the 3 Creeks area. In the 2nd criteria of GRI, that use up to 55% is also considered neutral and again under 40% is considered positive. This again is not based on plant physiology of the cool season bunchgrasses. We have provided a wide array of literature on this issue previously which was ignored.</p> <p>The 3rd criteria is a highly subjective “judgment call” of the appearance of a regrowth. When you combine these 3 subjective and inaccurate criteria it's easy to come up with any number one desires.</p>	<p>plan and one of the livestock grazing management objectives (Section 2.4.3.1). Other management objectives are included in Section 2.4.3.1.</p>
	RN3-4	<p>The EA repeatedly conflates the conditions of riparian areas within exclosures with those outside of exclosures but the fact of the matter is that in riparian areas within these allotments in which livestock grazing takes place are mostly in severely degraded conditions. In line with removing accountability, the proposed action fails to implement any meaningful requirements or limitations to protect and recover riparian habitats, and tellingly remove what limited requirements and limitations that currently exist.</p>	<p>The author’s opinions and asserted observations are unsupported by objective data, and therefore do not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.5.</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
	RN3-5	<p>A fundamental issue which the EA fails to adequately address is the issue of livestock density. Under current management most of livestock grazing takes place within a few hundred yards of water sources. So high density livestock grazing takes place within these areas. Away from these areas livestock use is significantly less. Under the proposed action livestock densities will dramatically increase, resulting in similar riparian impacts but much greater impact to the uplands. Take for example the Dump pasture. Currently this 2,271 acre pasture is grazed by 274 pair for less than a month. Under the proposed action 1,600 pair will graze this pasture for half a month so each animal gets a square of 174' for the half a month.</p> <p>In looking at this only from a sage grouse perspective, one can see that this massive increase in livestock density will have significant impacts on upland habitat conditions. These impacts have been ignored by the EA.</p>	<p>The author's opinions and asserted observations are unsupported by objective data, and therefore do not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.6.</p>
	RN3-6	<p>Table 27 is one of the few things we requested in our scoping comments that the BLM actually did, yet at each step it appears that the BLM manipulated the calculations to get the result they needed to support the status quo.</p> <p>As the BLM well knows current cow/calf pairs consume far more than 790 lbs. of forage per month. As we discussed in our previous comments, the reality is almost twice that. Next, it appear that the BLM made their calculations based on total production not forage production. Looking, as an example, at the Big Creek ESI data, grass production makes up only 36% of total production and that, of course, counts the crested wheatgrass that the BLM planted to deal with the loss of native grass species which the BLM's mismanagement has resulted in.</p> <p>Even worse than this is the document the BLM produced titled ESI_Analysis_1_4_10.docx which we provide as an attachment. This document, completely ignored by the EA</p>	<p>The author's opinions and asserted observations are unsupported by objective data, and the author improperly equates "potential" to rangeland health. Therefore, this protest point does not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.7.</p> <p>The carrying capacity for the project area was determined in the 1980 Randolph MFP, and the Proposed Decision complies with that carrying capacity determination. The December 2017 EA analyses forage availability and the existing carrying capacity through three methods (see Section 3.6.1.3). The BLM is not required to make a new carrying capacity determination before issuing or renewing a grazing permit. The BLM will continue to monitor whether and to what extent grazing will continue without exceeding the relevant carrying capacity.</p>

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		<p>because of its inconvenient truth, is that decreaser species of bluebunch wheatgrass and Indian ricegrass are at a stunning 13% and 15% respectively. While increaser species tolerant of grazing such as Sandberg’s bluegrass is 219% of potential. This, of course, calls into question the BLM’s tenuous conclusion that upland RLH Standards are being met, particularly because these decreaser species is what provides the critical cover needed for sage grouse.</p>	
RN3-7		<p>The EA is entirely silent on the impacts to sage grouse from this profoundly degraded habitat conditions.</p>	<p>The author’s asserted observation is unsupported by objective data and therefore does not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.8.</p>
RN3-8		<p>While we requested the information and analysis that resulted in Table 27, what we were provided did not match. Again. Could you provide us all the information and analyses that resulted in Table 27?</p>	<p>The author’s comment is immaterial to the appropriateness of the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.9.</p>
RN3-9		<p>In the Detailed AUM Summary BLM 20141022.xls, attached, we see that most permittees don’t file actual use statements (and the BLM does nothing about that) even though it has been a requirement to submit them within 15 days of the end of the grazing season (good indication of the longstanding failure of the BLM to do even the most basic management of its grazing program). So the 80% of permitted alternative is likely based on significantly inflated numbers. In other words, current conditions are not the result of Alt A they are from actual use which is less than both A and the so-called reduced AUM alternative. So both of these alternatives are essentially identical.</p>	<p>The author provides no objective data suggesting that the authorized use for which the permittees have paid does not reflect actual use, and data collected by the BLM and the observations of BLM rangeland specialists do not suggest that actual use is less than the billed and paid use. Any failure to provide actual use reports is a permit compliance issue and not the subject of the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.10. In addition, the reduced AUM alternative was eliminated from detailed analysis and therefore the difference, or lack thereof, between Alternative A and the former reduced AUM alternative is no longer germane to the analysis.</p>
RN3-10		<p>We see that the BLM measured grass height throughout the project area and, by fiat, set its sage grouse amendment requirements, conveniently, below what it measured. The amendment requires that grass height be set to “Provide overhead and lateral concealment from predators” yet the EA is entirely silent on how a 3.9” grass height provides “overhead</p>	<p>The author provides no objective data to indicate that the BLM’s sage grouse habitat objective are inconsistent with the sage grouse amendment (ARMPA BLM 2015) to the land use plan. To the extent that the Forest Service has adopted different objectives, it has done so as a matter of policy that does not apply to public lands managed by BLM. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
		<p>and lateral concealment from predators” for a bird species that is up to 2 feet tall.</p> <p>The EA is silent on why sage grouse need a minimum of 7” grass height on one side of an invisible line and 3.9” on the other.</p>	<p>02.11. In addition, the December 2017 EA and referenced documents (e.g., BLM 2017a of the December 2017 EA) provide additional explanation of the BLM’s rationale for determining grass height objectives, in compliance with the land use plan. Furthermore, the comments about setting the “sage grouse amendment requirement” imply that the author disagrees with the ARMPA’s requirement; this protest point is not germane to this project, as we are not considering a land use plan amendment.</p>
	RN3-11	<p>SSS-2 The EA fails to provide truthful rationale as to how dramatically increasing pipelines, water developments, fences and livestock density results in a “net conservation gain” for sage grouse.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.12. The author provides no objective data to show that BLM’s conclusion that there will be a net conservation gain is erroneous, therefore no changes to the Proposed Decision are warranted.</p>
	RN3-12	<p>SSS-3 All BLM use authorizations will contain terms and conditions regarding the actions needed to meet or progress toward meeting the habitat objectives. If monitoring data show the habitat objectives have not been met nor progress being made towards meeting them, there will be an evaluation and a determination made as to the cause. If it is determined that the authorized use is a cause, the use will be adjusted by the response specified in the instrument that authorized the use. This has not been implemented in the EA.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.13. In addition, the habitat objectives for greater sage-grouse are considered as part of the Utah Standards for Rangeland Health; meeting or making significant progress towards meeting the Utah Standards for Rangeland Health is identified as an objective in Section 2.4.3.1 and included in the Proposed Decision. Further, the threshold and response in Section 2.4.5, and included in the Proposed Decision, identifies management responses to monitoring information. Since BLM has addressed the author’s comment in the EA, the Rangeland Health Evaluation, and Determination, the protest point does not undermine the Proposed Decision.</p>
	RN3-13	<p>MA-SSS-3 A- Net Conservation Gain. In all GRSG habitat, in undertaking BLM management actions, and, consistent with valid existing rights and applicable law, in authorizing third-party actions that result in habitat loss and degradation, the BLM will require and ensure mitigation that provides a net conservation gain to the species, including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. This has not been implemented in the EA.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.14. The BLM has demonstrated in the EA that implemented the time-controlled rotational grazing system in the Proposed Decision, including the associated range improvements, would be a net conservation gain to the greater sage-grouse. Therefore, this protest point does not undermine the Proposed Decision.</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
	RN3-14	<p>G- Seasonal Restrictions In PHMA, in coordination with the appropriate State of Utah agency, apply seasonal restrictions during the period specified below to manage discretionary discrete anthropogenic disturbances and uses on public lands to prevent disturbance to GRSG populations and habitat during seasonal life cycle periods as follows:</p> <ul style="list-style-type: none"> • In breeding (leks), nesting and early brood-rearing habitat from Feb 15 – Jun 15 • In brood rearing habitat from Apr 15 – Aug 15 • In winter habitat from Nov 15 – Mar 15 <p>(insert 3 lines that were not properly converted by Adobe Pro) Specific time and distance determinations will be based on site-specific conditions and may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring and long and/or heavy winter) in order to better protect GRSG, in coordination with the appropriate State of Utah agency. This has not been implemented in the EA.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.15.</p> <p>In addition, greater sage-grouse seasonal restrictions from the ARMPA (BLM 2015) are incorporated into Alternative C in Sections 3.5.2.3.2.5.4 Range Improvements, 3.11 Mitigation Measures for Alternative C, Wildlife 10, and in the pasture rotation (e.g., Section 2.4.3.2, #15). The BLM has considered all parts of the author’s protest and has shown they are incorporated into the EA, as such, the Proposed Decision is not undermined and has sufficient protections and mitigation for greater sage-grouse.</p>
	RN3-15	<p>MA-LG-6 The NEPA analysis for renewals and modifications of livestock grazing permits/leases that include lands within SFA and PHMA will include specific management thresholds based on Table 2-2, Land Health Standards (43 CFR, Part 4180.2), and ecological site potential, and one or more defined responses that will allow the authorizing officer to make adjustments to livestock grazing that have already been subjected to NEPA analysis. Adjustments to meet seasonal GRSG habitat requirements could include those items identified in the list above. This has not been implemented in the EA.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.16. The threshold and response has been considered by the BLM in the December 2017 EA, and is included in the Proposed Decision; the author’s protest is immaterial at this time.</p>
	RN3-16	<p>MA-LG-9 In PHMA, assess livestock grazing in riparian and meadow complexes and ensure recovery or maintenance of appropriate vegetation and water quality. Where recovery or maintenance is not occurring and the causal factor is livestock grazing, reduce pressure on riparian or wet meadow vegetation</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.17.</p> <p>Furthermore, MA-LG-9 from the ARMPA is implemented (i.e., adjusting grazing management practices) by the time-controlled rotational grazing system. The author’s protest does not undermine the Proposed Decision.</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
		used by GRSG in the summer by adjusting grazing management practices (e.g., use fencing/herding techniques, or changes in seasonal use or livestock distribution). The EA is silent on what the appropriate vegetation and water quality are.	
	RN3-17	<p>MA-LG-10 In PHMA, limit authorization of new water developments to projects that have a neutral effect or are beneficial to GRSG habitat (such as by shifting livestock use away from critical areas). New developments that divert surface water must be designed to maintain riparian or wet meadow vegetation and hydrology to meet GRSG needs.</p> <p>We discussed previously that the rationale provided by the BLM is specious. Due the massively higher livestock densities, upland areas and clearly those near current and proposed water developments will see significant negative effects and due to the massively higher livestock densities use will not be shifted out of riparian areas.</p>	<p>The author provides no objective data to support his characterizations or opinions, and therefore this point does not undermine the Proposed Decision. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.18. Furthermore, to be clear, MA-LG-10 from the ARMPA is implemented by the time-controlled rotational grazing system, including pasture rotation system and the upland water sources, which help to shift livestock use away from critical riparian areas. Therefore, the BLM considers that the upland water developments are overall beneficial to GRSG habitat.</p>
	RN3-18	<p>MA-LG-11 In PHMA, evaluate existing water developments (springs, seeps, etc., and their associated pipelines) to determine if modifications are necessary to maintain or improve riparian areas and GRSG habitat. Make modifications when necessary, considering impacts on other water uses when such considerations are neutral or beneficial to GRSG. This has not been implemented in the EA.</p>	<p>As noted in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.19, BLM will conduct these evaluations when funding and resources are available. The ARMPA does not require these evaluations to be conducted in any specific timeframe. In addition, the time-controlled rotational grazing system analyzed in the December 2017 EA and included in the Proposed Decision relies on existing water developments (and new water developments) – and the entire system is designed to improve riparian areas and GRSG habitat. Therefore, even though each water development has not yet been evaluated (as of April 2018), the Proposed Decision has the effect of supporting MA-LG-11's outcome of water developments that improve riparian areas and GRSG habitat.</p>
	RN3-19	<p>MA-LG-13 In PHMA, evaluate the role of existing seedings that are currently composed of primarily introduced perennial grasses to determine if they should be restored to sagebrush or habitat of higher quality for GRSG. If existing seedings provide value in conserving or enhancing GRSG habitats, then no restoration will be necessary. Assess the compatibility of</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.20. Since this management action was considered in BLM 2017b, the author's protest does not compromise the Proposed Decision.</p>

Letter #	Protest Point Reference #	Protest Point (verbatim from protest letter submitted on January 11, 2018)	Response
		these seedings for GRS habitat during the land health assessments. This has not been implemented in the EA.	
	RN3-20	Current management has 23 pastures within the project area. Alternative D contains 30.	This observation is immaterial to the appropriateness of the Proposed Decision. Further, Alternative D was not carried forward the December 2017 EA. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.21.
	RN3-21	While the proposed action lack accountability or any real requirements, limitations or objectives, we see that the BLM will allow livestock in a pasture 25% of the time before the normal time and allow livestock on the previous by 25% of the time so livestock are only required to be in the proper pasture 50% of the time. Implementation of the vague and unenforceable system (“When the rider observes restless behavior across the herd”) is “largely determined” (EA at 37) by the permittees and hired cowboys. Perfect fox managing the henhouse management.	This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.22. The author provides no objective basis or reasoning to support his belief that the grazing system will not be enforced, and as such, the protest point does not undermine the Proposed Decision.
	RN3-22	The EA states “When roughly 50 percent of the leaf material is left, enough leaf area is left to meet the needs of the plant and not inhibit plant regrowth.” yet provides no evidence of this. WWP and others have provided a wide range of literature showing that this statement is not true. And it is most not true for the species that BLM’s long mismanagement has nearly wiped out, the cool season mid-statute bunch grasses like bluebunch wheatgrass and other so critical to sage grouse hiding cover.	This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.23. In addition, the literature provided is not based on data or observations from the project area and the author provides no objective data to support his assertions. The author’s protest point has no bearing on the appropriateness of the Proposed Decision.
	RN3-23	The EA routinely conflates riparian conditions within enclosures with that outside enclosures. This inaccurate portrayal dilutes the impacts of livestock grazing. This is Big Creek within the lower enclosure: (picture not included here) While this photograph is ~36’ downstream of the above photograph, outside the enclosure. The BLM and their	This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.24. The author’s reliance on a single photograph taken at one point in time to reach a conclusion as to riparian condition of an entire reach is inadequate to contradict the ID team’s conclusions based on actual field observations and data. This photograph is insufficient to show that the EA overlooked an impact of material significance or that the Proposed Decision is erroneous.

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		<p>contractors are so dishonest and willfully blind that they claim there is little if any difference between exclosures and grazed areas. That is the kind of bullshit that pervades nearly every aspect of the EA.</p> <p>(picture not included here)</p>					
	RN3-24	<p>Further documenting BLM’s purposeful incompetence and willingness to lie for the livestock industry, we looked at the PFC data collected by the BLM on this reach which the BLM named BC-R25 G and the BLM rated this severely degraded reach as PFC.</p> <p>Here is the description provided by the BLM:</p> <table border="1" data-bbox="430 690 1108 1408"> <tr> <td data-bbox="430 690 541 1408">BC-R25 Reach G</td> <td data-bbox="541 690 682 1408">Static to Upward Toward Potential Riparian species vigor good with carex juncus present, no Sage brush invading on margins, hoof action present. No excessive erosion apparent.</td> <td data-bbox="682 690 877 1408">Big Creek. Lotic. Approximately .59 miles. 3 to 5 percent slopes. Stream is 2-3 feet wide and 1-2 feet deep. Riparian lotic has obligate wetland species and laminar flow characteristics in channel. Woody species present with good recruitment.</td> <td data-bbox="877 690 1108 1408">PFC Hydrology, vegetation & erosion/deposition factors sustainable but not at potential. Some hoof action but not sufficient to cause risk of hydrologic or soil loss.</td> </tr> </table>	BC-R25 Reach G	Static to Upward Toward Potential Riparian species vigor good with carex juncus present, no Sage brush invading on margins, hoof action present. No excessive erosion apparent.	Big Creek. Lotic. Approximately .59 miles. 3 to 5 percent slopes. Stream is 2-3 feet wide and 1-2 feet deep. Riparian lotic has obligate wetland species and laminar flow characteristics in channel. Woody species present with good recruitment.	PFC Hydrology, vegetation & erosion/deposition factors sustainable but not at potential. Some hoof action but not sufficient to cause risk of hydrologic or soil loss.	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.25. The author’s reliance on a single photograph taken at one point in time to reach a conclusion as to riparian condition of an entire reach is inadequate to contradict the ID team’s conclusions based on actual field observations and data. This photograph is insufficient to show that the EA overlooked an impact of material significance or that the Proposed Decision is erroneous. See also Protest Response # RN3-23.</p>
BC-R25 Reach G	Static to Upward Toward Potential Riparian species vigor good with carex juncus present, no Sage brush invading on margins, hoof action present. No excessive erosion apparent.	Big Creek. Lotic. Approximately .59 miles. 3 to 5 percent slopes. Stream is 2-3 feet wide and 1-2 feet deep. Riparian lotic has obligate wetland species and laminar flow characteristics in channel. Woody species present with good recruitment.	PFC Hydrology, vegetation & erosion/deposition factors sustainable but not at potential. Some hoof action but not sufficient to cause risk of hydrologic or soil loss.				

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		<p>This is “static to upward” in the BLM’s eyes with “good vigor” and “no excessive erosion apparent”. This same willingness to spin reality is seen throughout the EA.</p> <p>This photograph is about halfway through this reach and shows similarly degraded riparian conditions, which the BLM is willfully blind to.</p> <p>(picture not included here)</p> <p>Similar contrasts in condition occur on most of the exclosures in the project area. When such obviously degraded conditions are described as the opposite in the BLM’s Orwellian world, how can anything they say be believed.</p> <p>The BLM provides the absurd excuse that “due to the small size of the exclosures and transport of upstream impacts to downstream locations, data from within grazing exclosures should not be seen as representative of riparian areas in undisturbed reference condition. Direct comparison between riparian areas inside and outside exclosures should not be made.” While we agree that the conditions inside the exclosures is not fully recovered but even in their only partially recovered state they clearly show how completely incapable the BLM is at managing the livestock program.</p>	
	RN3-25	Based on the current 303d list Standard 4 is not being met yet the EA fails to implement mandatory actions to gain full compliance with water quality standards, nor is there required monitoring of this failing standard.	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.26.</p> <p>Section 3.2.3.2.3 of the December 2017 EA fully analyzes the water quality for Alternative C. This analysis finds that significant progress would be made toward meeting the Utah Standards for Rangeland Health’s Standard 4 for water quality from the implementation of Alternative C. Furthermore, water quality monitoring is addressed in Section 2.4.4.1.2.7 of the December 2017 EA.</p> <p>This protest point was considered by the BLM in the December 2017 EA, and the appropriate actions, including monitoring, are included in the Proposed Decision. Therefore, the author’s protest point is immaterial at this time.</p>
	RN3-26	We provide as an attachment BLM – Rock Springs S&G Issues.pdf. This document provides a review of a wide range of requirements under which the BLM is supposed to operate.	The BLM has complied with the Subpart 4180 regulations, as indicated in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.27. In addition, to comply with 43 CFR

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		<p>Nearly all the requirements for implementing the 43 CFR 4180 regulations were ignored in this process. While the EA states that the project area is not meeting Standards we have seen no evidence of the Assessment and Determination required under 4180.</p>	<p>§4180.2(c), the BLM issued a revised rangeland health assessment and a rangeland health determination, concurrent with the release of the December 2017 EA. Therefore, the author’s protest point is immaterial at this time. Furthermore, the author does not specify any other Subpart 4180 requirements that BLM allegedly has ignored. As such, the protest point does not undermine the Proposed Decision.</p>
	RN3-27	<p>Getting back to the failed Standard 4, H-4180-1 requires:</p> <ul style="list-style-type: none"> ➤ Section E5 states “Develop a monitoring plan that includes studies or monitoring that will be needed to measure progress towards achieving the standards. Identify the monitoring activities needed to address the issues in the evaluation. In particular, the monitoring strategy should link back to the indicators used in the evaluation and the causal factors for change and/or not meeting a Land Health Standard. Monitor only what is pertinent. Do not use qualitative assessments as a trend monitoring method.” (emphasis in the original) ➤ Section G provides the BLM with the requirements for monitoring progress: “collect and evaluate inventory and monitoring data on a regular basis as needed to determine achievement of Land Health Standards, progress towards achieving those standards. <ul style="list-style-type: none"> a. Redesign existing monitoring programs to capture the data needed to complete future evaluations to determine achievement of progress toward achieving standards. b. New monitoring needs to be sensitive enough and established at the appropriate location to detect deteriorating "achieving" areas, and improving "non-achieving" areas. c. Schedule data collection and evaluation to allow changes in the indicators to reflect changes in management activities. 	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.28. The “monitoring plan” under Alternative C and required in the Proposed Decision is described in the December 2017 EA within Sections 2.4.4.1 and 2.4.4.2. Therefore, the author’s protest point is immaterial at this time.</p>

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		This was not implemented in the EA.	
	RN3-28	<p>At 111 the EA states:</p> <p>This change would improve the distribution of cattle and entice them to graze away from riparian vegetation and onto uplands. Research has shown that livestock will spend significantly less time in stream channels if given the choice between drinking from streams or troughs (Sheffield 1997, Porath 2002, Surber 2003, McIver 2004).</p> <p>None of this research is applicable to the current proposal because the proposal will dramatically increase livestock density. Therefore, the analysis is incorrect.</p> <p>The Proposed Action would also include monitoring to detect changes in vegetation composition and structure, riparian health, water quality, and habitat characteristics over time and adjusting stocking and/or pasture rotation schedules accordingly.</p> <p>We see no required monitoring in the action alternatives that would fit this description.</p> <p>Alternative D provides a large degree of flexibility in management that will allow managers and permittees to quickly respond to undesirable conditions by moving livestock to a different pasture.</p> <p>This same “flexibility” has been available to the BLM for decades, but it has chosen never to implement it. It is irrational to assume that it will do so now.</p>	<p>Regarding the first quoted passage from the EA, the author provides no explanation or information supporting his opinion that the literature cited in the EA is inapplicable to the density of livestock that would be authorized under the Proposed Decision. See also Protest Response # RN3-3. Regarding the second quoted passage from the EA, this point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.29. Regarding the third quoted passage from the EA, Alternative D was not carried forward the December 2017 EA. In any event, under the Proposed Decision, BLM and the Forest Service have sufficient oversight, monitoring, and enforcement to ensure the permittee will quickly respond to undesirable conditions by moving livestock to a different pasture.</p>
	RN3-29	<p>Page 122 states:</p> <p>Limits to water availability produced by seasonal water sources and drought cycles would be accounted for with storage tanks or groundwater wells.</p> <p>No wells are proposed or analyzed in the EA.</p> <p>It appears that the proposed action restocks vacant or closed allotments on the Forest but this is well hidden. In the revised EA please clearly delineate this issue. Likewise, the EA would</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.30. Additionally, Section 3.2.4.2 of the EA describes the environmental impacts on water quantity from the alternatives. The analysis in the EA adequately supports the Proposed Decision, and as such, the author’s protest point has no bearing on the appropriateness of the Proposed Decision.</p>

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		need to be revised to fulfill the NEPA obligations for that decision. The current EA does not adequately do that.	
	RN3-30	<p>Page 158 states:</p> <p>On the basis of acres rested, that would equate to between 15 and 31 percent of the Three Creeks project area being rested each year.</p> <p>So besides the more than quadrupling of livestock density that we have discussed above, that will again be increased by the factors listed above. The EA does not reflect this reality.</p> <p>Holechek et al, 1998 found that “Rest and deferment were not sufficient to overcome the effects of periodic heavy use on primary forage plants when rest-rotation grazing was applied on big sagebrush range in northern Nevada.”</p> <p>Holechek et al (1999a) recognized that “various rotation grazing systems cannot overcome the rangeland deterioration associated with chronic overstocking.”</p> <p>The review Utilization Grazing Systems Carter 2013 provides a mass of information on grazing systems which the EA completely ignored. Please review the attached and revise the EA to reflect current range science.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Responses # RN18-02.31 and # RN03-02. Furthermore, the December 2017 EA thoroughly discuss relevant literature on this topic in Section 3.6.2.3 (Issue RVH 3). The author’s quoted statements from the Holechek articles are not directly applicable to the project area nor the grazing system under the Proposed Decision. The Interior Board of Land Appeals has recently found that Dr. Carter did not qualify as a rangeland expert in a case involving a nearby allotment (Duck Creek) and therefore his 2013 paper is due little weight. Therefore, the protest point does not undermine the Proposed Decision.</p>
	RN3-31	<p>The sage grouse impacts analysis on page 159 fails to account for a wide range of other impacts. Could you please provide us with the analysis on which the statement in the last paragraph is based?</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.32. Also, the original statement in the April 2017 EA is not in the December 2017 EA, which the Proposed Decision is based on. The author has not provided any other statements under this comment that would show error in the Proposed Decision.</p>
	RN3-32	<p>The analysis of weed invasion risk on page 190 fails to consider the issue of the significantly increased soil disturbance and heavy utilization caused by the massively increased livestock densities caused by the proposed action.</p>	<p>The author’s description of the impacts resulting from increased livestock densities is speculative and not based on objective data or applicable literature. See also Protest Response # RN3-3 and Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.33. Therefore, the protest point does not undermine the Proposed Decision.</p>

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	RN3-33	We do not understand the basis for the statement on page 259 “Changes occurring with elimination of livestock grazing have been assessed in similar vegetation communities just to the south of the project area at DLL.” As livestock grazing occurs on DLL it certainly does not reflected ungrazed conditions.	This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.34. The statement quoted by the author has been clarified in the December 2017 EA. The author’s protest point does not undermine the analysis the Proposed Decision was based on.
	RN3-34	<p>Page 262 states:</p> <p>Negative impacts associated with existing range improvements would be minimized and mitigated to ensure neutral or beneficial impacts on greater sage-grouse in consistency with MAs-LG-11, LG-15, LG-16 and LG-17.</p> <p>But other than 1.6 miles of fence marking that has already been completed, we could find no proposed actions mitigating the negative impacts of either the current array or the proposed major expansion.</p>	This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.35. Appropriate mitigation measures are included in the December 2017 EA at Sections 3.11 and 3.12. Therefore, the author’s protest point does not undermine the Proposed Decision.
	RN3-35	<p>Page 274 states:</p> <p>Under this Alternative, in PHMA, existing structural range improvements will be evaluated to make sure they have a neutral effect or conserve, enhance or restore greater sage-grouse habitat (BLM Greater Sage-Grouse Approved Resource Management Plan Amendment MA-LG-15). In PHMA, new structural range improvements will be design to have a neutral effect or conserve, enhance, or restore greater sage-grouse habitat through an improved grazing management system relative to GRSG objectives (BLM Greater Sage-Grouse Approved Resource Management Plan Amendment MA-LG-14).</p> <p>But it is in this NEPA process that these evaluations would need to have been done and we could find no evidence that the BLM did this.</p>	<p>The language in the December 2017 EA was revised since the April 2016 EA to remove/clarify this language.</p> <p>Similar to MA-LG-11 (addressed in RN3-18, above), the ARMPA does not require an evaluation under MA-LG-15 to occur in any specific timeframe. An evaluation of existing structural range improvements is in the December 2017 Rangeland Health Assessment. Nevertheless, as for MA-LG-11, the time-controlled rotational grazing system analyzed in the December 2017 EA and included in the Proposed Decision relies on existing structural range improvements (and new structural range improvement) – and the entire system is designed to conserve, enhance, and restore GRSG habitat. Therefore, with the evaluation of the structural range improvements in the December 2017 Rangeland Health Assessment, the Proposed Decision also has the effect of supporting MA-LG-15’s outcome of structural range improvement that conserve, enhance, and restore GRSG habitat.</p> <p>MA-LG-14, similar to MA-LG-10 (addressed in RN3-17, above), is implemented by the time-controlled rotational grazing system that relies in part on new structural range improvements, and the system is designed to conserve, enhance, and restore GRSG habitat. Therefore, the BLM considers that the new structural range improvements help to conserve, enhance, and restore GRSG habitat.</p>

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			<p>See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.36, and RN18-02.18 and RN18-02.19.</p> <p>Therefore, the author’s protest point does not undermine the Proposed Decision.</p>
	RN3-36	<p>Table 54 states that sage grouse habitat objectives were set in Dahlgren 2015 but this is not on the website nor has it been provided in FOIA. Could you please send us this document? The EA fails to explain how the BLM extrapolated a sage grouse study conducted 80 years ago to the proposed action.</p>	<p>This point is addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.37. The author’s protest point does not show any error in the Proposed Decision.</p>
	RN3-37	<p>The EA is entirely silent on how Mitigation Measures from 3.11 such as Wildlife 1 would be implemented. The EA has not mapped potential boreal toad breeding areas or discussed how much fencing would be needed.</p>	<p>The mitigation measures in 3.11 will be implemented according to how they are described in the EA. Furthermore, the BLM is unaware of any potential boreal toad breeding areas on BLM-managed lands. See also Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA. Response # RN18-02.38. The author’s protest point does not undermine the Proposed Decision.</p>
	RN3-38	<p>We incorporate, in full, the attachments originally submitted by WWP, Dr. John Carter of Yellowstone to Uinta Connection, Dr. Allison Jones of the Wild Utah Project and Dr. Jim Catlin of the Utah Chapter of the Sierra Club, as protest points.</p>	<p>The referenced attachments were originally submitted during the April 2016 public comment period. In general, the attachments are addressed in Appendix E – Summary of Public Comment and Agencies Responses in the December 2017 EA, Response #RN18-03 through RN21-02. As a collection of attachments providing substantial, diverse, and some apparently immaterial information, the BLM cannot reasonably determine which information the author intends to rely upon for his protest or how the information is relevant to the appropriateness of the Proposed Decision. Therefore, the attachments are not further addressed here.</p>