

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
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July 12, 2004

EMS
Instruction Memorandum No. ID-2004-086
Expires: 09/30/2005

To: District Managers

From: State Director

Subject: Reissuing and Issuing Livestock Grazing Permits and Leases

Program Area: Range Management and Livestock Grazing Administration

Purpose: To provide consistent procedures for reissuing and issuing livestock grazing permits and leases, and an efficient procedure to process allotments consisting of scattered tracts of Federal land administered by the Bureau of Land Management (BLM), including allotments with lower resource values consistent with 43 Code of Federal Regulations (CFR) 4100.

Policy/Action: Attachments 1 through 7 contain detailed procedures for reissuing and issuing livestock grazing permits and leases. Important policy and procedures are summarized below.

1. Field managers must be engaged in and be managing the process.
2. Grazing and allotment files should be current and complete. The documentation of meetings and contacts are high priority.
3. Compile and analyze all available information and data.
4. Use qualitative and quantitative data and information as appropriate, which may include, but is not limited to, streambank stability, riparian assessments, draft sage grouse framework, ecological site inventory, trend plots, upland assessments, and photography comparison.
5. Rangeland Health Assessments are a compilation of data and information and an analysis of the current rangeland health conditions.
6. A procedure for reviewing existing data, information, and resource values is prescribed. When resource values are low and/or allotments contain only scattered tracts, the

procedure provides for a more efficient process for assessing the amount of analysis needed to make a determination.

7. The Evaluation analyzes the current conditions described in the Rangeland Health Assessment in relation to the desired conditions, including the Idaho Standards for Rangeland Health (ISRH).
8. Evaluations and Determinations document answers four questions for each allotment:
 - a. Is the allotment meeting the ISRH?
 - b. If the allotment is not meeting the ISRH, is significant progress being made toward meeting the standards?
 - c. If the allotment is not meeting the ISRH or making significant progress toward meeting the standards, is livestock grazing a significant factor contributing to the condition?
 - d. Is the livestock grazing management consistent with the Guidelines for Livestock Grazing Management?
9. The determination will be sent to the permittee(s), interested public(s), and appropriate state agencies after it has been signed.
10. Permittees are applicants and the proponent of a renewed or new livestock grazing permit or lease.
11. The applicant's grazing proposal contained in the Application for Livestock Grazing is the proposed action in the Environmental Assessment (EA). The BLM staff will work closely with the permittee in developing the management proposal. When the applicant's proposal is not likely to start making progress toward meeting the standard, BLM will develop and analyze at least one alternative that is likely to start making progress toward meeting the standard.
12. The purpose and need for the EA will be carefully documented to define the problems and alternative solutions for resolving those problems.
13. Proposed and final decisions are described and examples provided.
14. A fully processed livestock grazing permit or lease is described.
15. Interim livestock grazing authorizations are described.

Timeframe: Implement these instructions immediately. Allotments that are well along in the process, with determination completed and EA nearing completion, may continue under existing procedures. Allotments with the determination completed, but EA has not been started should use these procedures.

Background: The "Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management" was approved by the Secretary of the Interior in August 1997. The Idaho State Office issued instructions for implementing the requirements of 43 CFR 4180 in May 1998. In 1999, additional guidance was provided for issuing livestock grazing permits and leases. A

review of the implementation of the procedures was begun in March 2003, with a final report completed in July 2003 (see Attachment 7). The findings in that review and report are the basis for the guidelines contained in this instruction memorandum.

Manual/Handbook Sections Affected: These instructions supplement BLM Manual and Handbook section 4100 and H-4100.

Coordination: Extensive coordination has taken place among Planning and Environmental; Range Management; Threatened, Endangered, and Special Status Species; Fisheries; and Wildlife programs in the Idaho State Office. All three Resource Advisory Councils (RAC) have been briefed, and opportunities for comments and suggestions provided. All field offices have had an opportunity to review and comment on two drafts. The second draft was reviewed at the statewide Idaho 2004 Range Management Workshop. These procedures will be reviewed and evaluated periodically to determine their effectiveness and need for further modifications based on actual field experience.

Contact: Direct questions to Ron Kay at (208) 373-3834, or Ervin Cowley at (208) 373-3810.

Lower Snake River District with Union: No union notification or negotiation is required.

Signed
K Lynn Bennett
State Director, Idaho

Authenticated
Melissa Starr
Staff Assistant

Attachments:

- 1—Reissuing and Issuing Livestock Grazing Permits and Leases in Idaho (16pp)
- 2—Appendix A, Issuing Livestock Grazing Permit and Lease Summary (2pp)
- 3—Appendix B, Initial Allotment and Permit/Lease Review and Rangeland Health Assessment and Evaluation (5pp)
- 4—Appendix C, Evaluation and Determination (7pp)
- 5—Appendix D, Example of Proposed Decision (3pp)
- 6—Appendix E, Example of Final Decision (4pp)
- 7—Appendix F, Idaho Standards and Guidelines Implementation Review Report (11pp)

REISSUING and ISSUING LIVESTOCK PERMITS AND LEASES IN IDAHO

INTRODUCTION

A review of the Bureau of Land Management's (BLM) procedures for issuing livestock grazing permits and leases since the approval of the Idaho Standards for Rangeland Health (ISRH) and Guidelines for Livestock Grazing Management (GLGM) in August 1997 was conducted in February and March 2003. The final report was completed in July 2003 (see Appendix F) and contained the following eleven recommendations that are discussed in these instructions.

1. Provide early and active management involvement for issuing permits and leases by establishing interdisciplinary teams and setting parameters under which they will operate.
2. Improve documentation of the procedures, meetings, contacts, and maintenance of current professional records in the files.
3. Provide permittees, interested publics, tribes, and state agencies appropriate notification of procedures, opportunities to participate, and training.
4. Provide guidance for issuing permits and leases including Rangeland Health Assessments (RHAs), determinations, environmental assessments (EA), and proposed and final decisions.
5. Update instructions for compliance with the National Environmental Policy Act (NEPA), particularly addressing the range of alternatives to be considered in the EA and the Finding of No Significant Impact (FONSI).
6. Use all available information in the RHA, determination, EA, and decisions.
7. Include specific resource objectives and indicators used to determine if the management is working. A progress review schedule should be included in the proposed and final decisions.
8. Describe the mandatory terms and conditions and other terms and conditions that will be included in livestock grazing permits and leases.
9. Consider interim terms and conditions that may be placed in the permit or lease until the management system can be implemented.
10. Develop a monitoring plan for an allotment that includes the implementation and effectiveness monitoring that will be filed as appropriate in the monitoring files, and referenced in the grazing decision.
11. Provide standard procedures for reviewing and assessing allotments composed of scattered and isolated tracts. Incorporate this process into the permit issuance procedure.

Statewide procedures for issuing livestock grazing permits and leases are provided below. They are based on the findings and recommendations contained in the Implementing Standards and Guidelines Report.

MANAGEMENT GUIDANCE

Field managers (FM) must be engaged with the staff throughout the process to manage the implementation of the ISRH and GLGM. The FM assigns interdisciplinary (ID) teams, identifies resource issues and priorities then determines the level of additional data collection and analysis commensurate with resource issues and priorities, time lines for completion of the process, and quality control. Managers must carefully consider signing the determination so that the EA, Endangered Species Act (ESA) Section 7 Consultation and Decision are completed within the appropriate time frames.

The Initial Allotment Review/Permit-Lease Review and Rangeland Health Assessment (Appendix B) is a procedure designed to help determine the resource issues and data needs, then assess those allotments with minimal resource issues and management needs. This document can be used as an assessment for isolated parcels. Each ID team, with the field manager, should evaluate all existing information to determine additional data needs. This review should use existing available information such as allotment and other records, topographic maps, aerial photography, current satellite imagery, soil surveys, and digital data, along with other sources. When adequate information is available to make a determination, such as on allotments consisting of isolated parcels, a determination should be completed.

Field managers should closely track the progress of the consultation, coordination, and cooperation (CCC) with the permittees, state agencies, and interested publics. “Consultation, cooperation, and coordination mean interaction for the purpose of obtaining advice, or exchanging opinions on issues, plans, or management actions.” (43 CFR 4100.0—5) Managers should consider outside assistance, e.g., district staff, staff from other field offices (inside or outside the district), state office, universities, cooperative extension services, National Riparian Service Team, and consultants to facilitate, and provide additional ideas and opinions for complex and/or controversial allotments.

DOCUMENTATION AND FILES

Complete and accurate files are necessary. Grazing files must contain relevant official information and be professional in content, including e-mail messages. Copies of documents, such as unsigned RHA, determinations, and EAs sent out for public review and comment are part of the administrative record and should be maintained in the filing system. Working copies, i.e., intermediate versions of documents prepared during the process of completing a document, commonly referred to as draft copies, should not be placed in official allotment or grazing case files after the document has become final.

The field office will be part of the allotment files. In instances where monitoring data is filed in locations other than the monitoring study files, document the location allotment file. Each allotment or permittee file should contain a record of contacts and discussions with the permittees,

state agencies, and interested publics pertaining to the grazing on the allotment. This record should contain the date, contact, summary of the subjects discussed, conclusions or commitments, and signature.

Interdisciplinary teams must keep notes of their team meetings and place them in the appropriate allotment file. These notes should contain the date, names of participants, subjects discussed, conclusions reached, specific assignments, and other pertinent information leading to decisions.

Field offices should have sufficient support staff to insure that files are up-to-date and complete. Field managers must assess their capabilities and, if insufficient staff is available, take steps (e.g., reassign individuals, add additional full-time or part-time staff) to meet those needs.

USING ALL AVAILABLE DATA FOR ASSESSING RANGELAND HEALTH

All existing and new data collected by BLM or others (e.g., trend studies, utilization, ecological site inventory, photo plots, wildlife, fisheries, and soils monitoring and/or inventories) must be evaluated and discussed in the assessment, including data and information that are incorrect or is considered old. The age of the data and information should be analyzed before it is determined to be “too old.” When data was analyzed in previous assessment, e.g., Analysis, Interpretation, and Evaluation (AIE), incorporate the information from the assessment and analyze the data obtained since the previous assessment was completed. When data are found to be incorrect, inconsistent, or not usable for other reasons, document the issue or conflict, why the data was unusable, and how the problem will be resolved in the future. This process can identify opportunities to gather improved data and information necessary to resolve the issues. Some examples are evaluating the location of key, critical areas, and designated monitoring areas, or describing the amount of area represented by the key, critical areas, and designated monitoring areas. It also helps ensure that appropriate consideration is given to all available information.

USING THE RIPARIAN AND UPLAND ASSESSMENTS AND SAGE GROUSE FRAMEWORK

An interdisciplinary (ID) team should first review existing data and second collect field data as needed to supplement the existing data, (e.g., upland assessment, riparian assessment, sage-grouse framework, and/or ecological site inventory). When field data is not collected by the ID team, (i.e., seasonal employees and contractors), the ID team should review and use the data as appropriate to support the RHA. Permittees, state agencies, and interested publics should be invited to participate in all field data collection and reviews. Invitations must be documented in the allotment file, whether it was made by mail, telephone, or personal invitation. Notify these individuals far enough ahead so that they can schedule their time. Experience in one field office indicates that two weeks prior to the field visit is a good lead time.

Field managers should provide permittees, interested publics, and state agencies an opportunity for training in the field procedures that will be used in their allotments. This may be done in conjunction with the invitation to participate in the data collection. The training should also include how the data are collected, interpreted, and how it will be used in the allotment assessment, determination, environmental assessment, decision, and permit issuing procedures.

RANGELAND HEALTH ASSESSMENTS and EVALUATIONS/DETERMINATIONS and ENVIRONMENTAL ASSESSMENTS

The rangeland health assessment, evaluation/determination, and environmental assessment are the basis for reissuing livestock grazing permit and lease decisions. The RHA, evaluation and determination, and environmental assessments may be prepared concurrently. Conclusions reached in the evaluation must be based on findings in the rangeland health assessments.

Rangeland Health Assessments Process

The rangeland health assessment process includes: 1) the **assessment** of data from the current conditions, 2) the **evaluation** that summarizes the assessment if conditions are changing and describes the direction of change and 3) the **determination** identifies the causes that are affecting change. Authorized uses (i.e., livestock and recreation uses) are the common factors that are usually looked at as the contributors of the resource conditions. One year of information is usually not adequate to make the determination of the cause for the existing situation.

Permittees, interested publics, tribes, and state agencies must be given an opportunity to provide information and data to be considered in the RHA. Requests for information and data should contain a specific date by which the data and information must be submitted to be most useful and considered in the RHA. Document in the RHA all the data and information received, who it was received from, and how it is used.

Initial Allotment /Permit/Lease Review and Rangeland Health Assessment

An Initial Allotment/Permit/Lease Review and Rangeland Health Assessment (see Appendix B) are used to review existing resource data and information and identify resource data needs. It provides a structured procedure to identify and document the significant resource concerns and issues. The procedure may be used to assess and document conditions in allotments having few resource concerns or issues, e.g., allotments with isolated scattered tracts, small allotments, and allotments with low resource values. When the procedure is completed, it can serve as the RHA. This review will be completed for all allotments where RHAs have not yet been completed.

Rangeland Health Assessment

The rangeland health assessment (RHA) is a compilation and analysis of all data and information available for an allotment or group of allotments. The analysis describes indicators of the current rangeland health condition, changes in conditions over time, and current livestock management practices. Data used to determine the current health conditions include, for example, ecological site inventories, soil surveys, qualitative upland and riparian assessments, trend plots, sage grouse framework data, and riparian inventories and assessments. Changes in condition over time (i.e., trend) are indicated by studies such as trend plots, ecological site and riparian re-inventories.

Current livestock management and other rangeland uses such as off-highway-vehicles (OHV), recreation, wildlife, and wild horses are discussed in the rangeland health assessment. This section documents the management and uses that may affect the current condition. Data are derived from

actual use, unauthorized use, permitted use, season of use, kind of livestock, management system, and monitoring of other uses. Monitoring including utilization and streambank alteration helps describe the amount and kind of use being made. Typical information in this section will discuss the stocking rates, livestock grazing management system, seasons of use, utilization at trend plots and utilization mapping, utilization by range site, unauthorized use, fire occurrence, off-highway-vehicle use, mountain bike use, and wildlife concentrations.

Changes in rangeland health condition over time, i.e., trend, is described in terms of indicators such as increases or reductions in the amount of forbs and grass species, increased or decreased shrub canopy cover, and increases in exotic species such as cheatgrass. Describe those indicators that are changing and the nature of the changes, but do not mix into the discussion an evaluation of those changes at this point. For example, do not describe changes using evaluative terms such as upward, static, or downward trend. The degree of change will be described in the evaluation.

The rangeland health assessment may take a major commitment to get through a large allotment with multiple issues, or it may be relatively easy with a small allotment with few or no major issues. The workload depends on the information and data available that needs evaluating, and the issues or problems that need to be solved. The size of the document should be commensurate with resource issues and values in the allotment. For example, RHA on an allotment with a very small amount of public land surrounded by private land may only consist of the Initial Allotment/Permit Review and Rangeland Health Assessment (see Appendix B), while for other allotments with more area and complex issues the RHA would be larger.

Field managers determine when a “draft” RHA will be sent to permittee(s), interested publics, and state agencies for their review and comments concerning the content and analysis. Resource issues and public concern should be factors considered when deciding whether or not to send a review draft for review. The final RHA is sent to the permittee(s), interested publics, and state agencies when the determination is signed.

As soon as there is an indication that there may be issues or concerns, begin to work with the permittee, interested publics, and state agencies to develop options for possible changes in management. Alternatives should be developed, and the EA and biological assessment (BA) prepared along with the RHA, evaluation, and determination.

The rangeland health assessment must describe only the current rangeland health condition, livestock management, changes in condition, and other uses that affect those conditions. The RHA does not state conclusions, whether the conditions are meeting or not meeting the ISRH or whether livestock is a significant contributing factor. This will be done in the evaluation and determination. It does not contain recommendations for management actions. Management actions are developed when developing alternatives in the NEPA process.

Finally, the RHA must contain a listing of the ID team members, with their titles, who assisted in the preparation of the document. The RHA should not be signed by each member of the ID team, rather it may be signed and dated by the team leader as “prepared by.”

Evaluation

The first step of the evaluation is to describe desired conditions that are typically obtained from land use plans, ISRH, activity plans, and ESA Section 7 Consultation and habitat conservation plans. Desired conditions are usually expressed as resource objectives and are consistent with land use plan decisions. It describes the amount of change from the current conditions, and livestock grazing management, and other land uses in relation to the current conditions. Ecological sites are usually the area on which the data is interpreted.

Evaluations must describe the indicators and attributes in context and relation to the setting on the landscape. The Idaho Standards for Rangeland Health state that “. . . scale must be kept in mind in evaluating the indicators listed after each standard. It is recognized that individual isolated sites may not be meeting the standards; however, broader areas must be in proper functioning condition.” This relationship is usually described in terms of scale and/or location. This is likely to require looking beyond the pasture and/or allotment boundary. This analysis is important in determining if the allotment is meeting standards and for documenting the significance of the impact on the human environment. Examples are provided below.

- ∄ An allotment contains three range sites that are 15, 45, and 40 percent of the allotment. Analysis finds that the two larger range sites making 85 percent of the allotment are meeting the desired condition. The smaller range site has the only water source, a water trough from a pipeline, and is found to not meet the desired condition. This range site is also important sage grouse habitat. However, over 95 percent of the range site is outside the allotment boundary and meets the desired condition.
- ∄ An allotment contains a small spring area, less than 5 acres, that is below the desired condition. It is the only riparian area within a 50,000-acre allotment. Analyzing the broader area, it is found the spring within the allotment is a very small part of a large spring area in the adjacent allotment.
- ∄ One entire pasture in an allotment is a monoculture crested wheatgrass seeding. The pasture is one of five in the allotment and is about 20 percent of the allotment. When evaluated against the landscape, it is determined that it is the only seeding in a very large area and makes up less than 5 percent vegetation. The significance of the seeding is reduced when put into context.

The magnitude of the effects, both beneficial and adverse must be discussed in the evaluation. The relative importance of resource values is also described. Some terms that describe the magnitude may include acres stabilized or disturbed, severity of disturbance, positive or negative off-site impact, conflicting uses increased or decreased, rate of expected change, and amount of expected change.

- ∄ Livestock grazing is changed from a season-long grazing system to a deferred rotation. The health of perennial herbaceous plants will be improved, but the results take time. Ground cover should increase by 10 percent based on reference conditions.

- ∄ A single small (10 acres) spring area in a large allotment, 100,000 acres, is likely to be very important to wildlife species. This is in contrast to a ten-acre spring in an area with a large number of springs.

Factors contributing to the current conditions are described in the evaluation. Some of the factors that may influence the current conditions include livestock grazing management, off-high-way vehicles, wildlife concentration, roads, and trails.

Current livestock grazing management and other uses are evaluated to determine the causes of any unsatisfactory conditions and determines if it conforms to the GLGM. Some examples might be:

- ∄ Perennial grasses have declined by 25 percent over the past 7 years. Livestock have grazed the pasture every spring. Utilization on the key species exceeded 60 percent each year. The GLGM indicate that grazing management practices must maintain or promote physical and biological conditions necessary to maintain plant vigor and reproduction.
- ∄ Current vegetation community is not meeting the standard and significant progress cannot be detected. The livestock grazing management system conforms to the guidelines. Utilization is within the range that the scientific literature and experience indicates should allow recovery.

Determination

The determination answers four questions.

1. Is the allotment meeting the ISRH?
2. If the allotment is not meeting the ISRH, is it making significant progress toward meeting the ISRH?
3. If the ISRH are not being met, is the current livestock management (livestock management under the current permit/lease) a significant factor contributing to not meeting the ISRH?
4. Is the current livestock grazing management consistent with the GLGM?

Findings in the RHA are the basis for completing the determination. The determination rationale should contain descriptions of each of attribute or indicator that contributes to allotment(s) meeting or not meeting ISRH. Conclusions reached in the determination should describe all the factors and indicators and the scientific basis for the conclusions reached. The rationale must include a description of each of the indicators and/or attributes that led to the determination that the ISRH are not being met. Use the determination format in Appendix C.

When it is determined that the allotment is not meeting one or more of the ISRH, a question that must be answered is whether the allotment is making significant progress toward meeting the ISRH. The ISRH defines making significant progress toward as “measurable and/or observable (i.e., photography, use of approved qualitative procedures) changes in the indicators that demonstrate improved rangeland health.” The rationale discusses those indicators and/or attributes that show change in rangeland conditions. Some of the indicators that may be discussed include the amount and distribution of ground cover, evidence of accelerated erosion, kind and amount of vegetation on riparian areas, age class and diversity of riparian vegetation, noxious weeds trend,

stream channels having the appropriate shape and size, floodplains functioning, maintaining native plant communities, maintaining or increasing plant diversity, maintaining or improving plant vigor and seed production, meeting the Idaho Water Quality Standards, and maintaining or improving habitat for special status species.

Information in the RHA is also used to determine whether the “. . . existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards or conform to the guidelines . . .” (43 CFR 4180.2(c)). The rationale should describe all factors used to determine if livestock grazing is a significant contributor to not meeting the ISRH. Indicators may include insufficient rest or deferment, excessive utilization or insufficient residual vegetation, damage streambanks, changes in vegetation diversity and structure, insufficient ground cover or excessive bare ground, or accelerated erosion.

When the cause of the current unsatisfactory condition cannot be determined because the data is inconclusive (see Box 5, Appendix C), a strategy must be developed to get the information needed to determine the cause. The strategy is described in the determination rationale.

Field managers must carefully consider when the evaluation and determination will be signed. The evaluation and determination may be signed and sent to the permittees, interested publics, and state agencies 30 days prior to the anticipated completion of the EA, FONSI, and proposed decision.

The permittees, state agencies, and interested publics will receive a copy of the determination promptly after it is signed by the authorized officer. Instructions sent with the determination should provide an opportunity for these individuals or groups to make livestock management proposals that address issues that are preventing the allotment from meeting, making significant progress toward meeting the ISRH, or meeting land use plan objectives. Field managers should provide time to consult and coordinate with the permittee to help develop a management proposal in the application that addresses the findings in the evaluation and determination (see Environmental Assessments).

Livestock Grazing Application

Field office staff should work closely with the permittees during field data gathering and the assessment to provide information so applications can be completed in a timely manner. An application with instructions for renewing the ten-year livestock grazing permit must be sent to the permittee(s) with the RHA and evaluation and determination. A completed application should include the numbers and kind of livestock, season of use, grazing management system that addresses the issue described in the determination, use of supplements, proposed range improvements, and management proposals. BLM will offer assistance to the permittee to develop the management proposal that addresses the findings in the determination. Consultation with the permittee to develop a management proposal should begin early during field data collection and continue preparation through the RHA evaluation and determination process. When consultation under Section 7 of the ESA is required, the ESA Level 1 Team should be requested to assist the applicant to develop a proposal that meets ESA requirements. This may be done through direct consultation with the permittee or by recommendations through the BLM staff. The Level 1 team and the permittee should be encouraged to review the issues and proposals

on-the-ground together.

Environmental Assessments (EA)

Prior to livestock grazing permits/leases expiring, the permit/lease holder (permittee) must apply to renew the permit/lease and is referred to as the applicant in 43 CFR 4110.1 and 43 CFR 4130.1. As such, they are the proponent for a new ten-year grazing permit/lease. When resource conditions or other circumstances require that an existing ten-year grazing permit be modified, the permittee is also considered the proponent for the new permit/lease. The applicant or proponent must be given an opportunity to develop proposed grazing management to address the issues described in the determination that prevent the allotment from meeting or making significant progress toward meeting the ISRH.

The permittee's application for livestock grazing is the proposed action in the EA. Field managers will make reasonable efforts to assist permittee(s) to propose livestock grazing management in their application that will meet the ISRH or begin to make significant progress toward meeting the standards. When the manager has determined the applicant's proposed action will neither meet nor make significant progress toward meeting the ISRH, or cannot be developed in a timely manner, BLM will develop one or more proposals that meet all of the needs identified in the determination. Additional alternatives may be developed to address any relevant issues and provide an acceptable range of alternatives.

The purpose of the proposed action is to address the problems and issues identified in the determination and evaluation of the land use plan objectives. The need for the proposed action reflects the issues and problems identified in the evaluation and determination. Below is an example of a Purpose and Need Statement.

- ∞ The purpose of the proposed action is to address those problems identified in the determination dated [insert date determination was signed]. The proposed action is needed because the determination for the [Allotment Name(s)] dated [insert date signed] identifies the following Idaho Standards for Rangeland Health as not being met or making significant progress toward being met and livestock grazing is a significant factor contributing to that condition:
- Livestock grazing management is not consistent with the Guidelines for Livestock Grazing;
 - Standard 2—Riparian Areas and Wetlands;
 - Standard 3—Stream Channel and Floodplain;
 - Standard 7—Water Quality.

The proposed action would address these needs by:

- Changing the grazing system to protect riparian and wetland areas and stream channels.
- Providing of additional water sources.

Alternatives considered and analyzed must include the existing situation and proposed action described in the Application for Livestock Grazing. When the permittee proposes to continue with the current livestock grazing management, the one alternative is both the existing situation and

proposed action. When the proposed action does not address all the issues and problems identified in the Purpose and Need, the BLM develops at least one alternative that addresses all the issues and problems identified. Alternatives submitted by state agencies, tribes, or interested publics as a result of CCC must be considered in the EA. Alternatives meeting the Purpose and Need may be analyzed in detail in the EA. Others will be documented as considered, but not analyzed in detail. An alternative that adequately addresses the issues described in the determination is usually selected as the preferred alternative.

When the ISRH and land use plan objectives are being met or significant progress is being made toward meeting them and the current management is proposed to continue, a single alternative is all that is needed in the EA. At least one alternative is added when any changes are proposed.

Environmental assessments associated with reissuing livestock grazing permits should not analyze a “no livestock grazing” alternative when the LUP designated the allotments as available for livestock grazing, except in rare instances to reflect unresolved conflicts.

If an EA is tiered to an LUP or livestock grazing EIS, the tiered sections of an EIS must be identified. The EA must briefly summarize relevant portions of the EIS to the extent necessary for understanding the relationship between the two documents.

Completing ESA Section 7 consultation (ID IM 2004-083) is required prior to issuing a Final Decision and offering a grazing permit or lease. Alternatives in the EA must be analyzed in sufficient detail to determine the effects of the proposed livestock grazing on the listed species or designated critical habitat. The preferred alternative in the EA is the proposed action in the biological assessment (BA). The analysis of the preferred alternative in the EA is the basis for the BA. Generally, the BA contains more detailed analysis and the EA is a summary. A draft BA is prepared prior to issuing a proposed decision. This ensures the analysis for the preferred alternative in the EA is consistent with the analysis in the BA. It is most efficient when the technical specialists who will prepare the BA prepare the listed species effects analysis for the preferred alternative in the EA. The field manager may elect to send the EA to the public for review and comment prior to its completion.

The BA will be completed and sent to the consulting agency(ies) after analysis of any protests to the proposed decision is completed and any changes to the preferred (selected) alternative are incorporated into the EA and proposed action in the BA. The EA for the final decision is completed when the results of the Section 7 consultation, i.e., a concurrence letter or biological opinion (BO), have been incorporated into it.

The field manager issues the final decision when the EA, including ESA Section 7 consultation, is completed. When information received in protest to the proposed decision warrants changes that are outside the alternatives analyzed, a new EA is prepared prior to issuing the final decision.

PROPOSED AND FINAL GRAZING DECISIONS

The proposed and final grazing decisions are also the decision records for the EA and must contain all the required elements of both NEPA and the grazing regulations. Appendix D and E are

examples of proposed and final decisions. The following outlines the content for the parts of a decision document.

Introduction

This section is generally used to let the reader know why this decision is being issued, as an example, the evaluation of rangeland health standards and guidelines.

Background

At a minimum this section includes the following information:

- ∅ Events/actions that led to the need for a decision and why a decision is needed now, e.g., implementation of a land use plan or activity plan, modifying a permit or lease as a result of a standards determination, and unresolved regulatory violation.
- ∅ EA number and name.
- ∅ Summary of alternatives analyzed in the EA.
- ∅ Resource objectives, e.g., vegetation, water quality, and habitat, for the allotment. (Are they being met?)
- ∅ Summary of Endangered Species Act compliance.
- ∅ Other important resource issues and concerns identified in the land use plan.
- ∅ Response to Protests to the Proposed Decision (Final Decision only). Responses to protests may be placed in this section if they are not extensive. Large responses to protests should be referenced and attached to the decision.

Finding of No Significant Impact (FONSI)

The FONSI documents the authorized officer's review of the EA to decide if an environmental impact statement is required. It is the final step of the NEPA procedure. The following language should be used in the FONSI.

I have reviewed the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 which define significance as used in NEPA and have found the actions analyzed in [EA Name and Number] do not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared.

I base my finding on the following:

The basis for the finding is a concise summary of facts from the analysis in the EA that led to the conclusion that the action does not significantly affect the quality of the human environment. Succinctly respond to each of the ten factors listed in the CEQ regulations. Only information taken from the EA can be used in the FONSI. Discussions should reference that part of the EA upon which the finding for each factor is based. State if a factor is not applicable to the analysis in the EA. The ten factors are:

1. Impacts that may be both beneficial and/or adverse.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.

Decision

Livestock grazing decisions have four distinct parts and a rationale for the decision.

1. Specific ***terms and conditions*** to which the permit is subject: kind and numbers of livestock, seasons of use, allotment(s), and number of animal unit months.
2. ***Resource management objectives*** are described as vegetation community, species composition and/or other vegetative attributes based on the ecological site capability for the allotment(s) pastures.
3. The ***livestock grazing management*** section contains a description of the management system to be used in the allotment, including pasture rotations, and kind of pasture moves (e.g., drifting or clean).
4. The fourth part of the decision contains a summary description of the implementation and effectiveness ***monitoring*** and references the monitoring plan (where available) for further detail.

Each of these four parts of the decision is described below in more detail with additional information and examples.

Terms and Conditions

This section of the decision includes permit/lease terms and conditions, management guidelines, pasture guidelines, and monitoring guidelines. All terms and conditions included in the decision must have been described and analyzed in the NEPA documents. Mandatory terms and conditions specified in the grazing regulations (43 CFR 4130.3-1) are:

1. Kind and number of livestock;
2. Period(s) of use;
3. Allotment(s) to be used; and
4. Amount of use in animal unit months (AUMs)

The field manager may develop and specify other terms and conditions necessary to regulate grazing activities on public land. These terms and conditions must meet the following criteria and not impose requirements on BLM:

1. Specific to a pasture and/or allotment;
2. Enforceable;
3. Regulations are not to be repeated;
4. Permittee/lessee requirements for livestock grazing activities in a specific allotment and/or pasture (e.g., location of salt and supplements, pasture rotation, trailing routes, and references to the Livestock Grazing Management section) stated;
5. Precluded activities stated (e.g., grazing exclosures, trailing in specific area, and recreation sites);
6. Penalties for violations of the terms and conditions not specified; and
7. Directly related to specific management prescriptions for the allotment and/or pasture.

Some examples of other terms and conditions for which the field manager may develop the appropriate language and include in a permit/lease are:

- ∄ Livestock grazing conformance with the annual grazing authorization (43 CFR 4140);
- ∄ Authorization and placement of salting and supplements;
- ∄ Noxious weed-free forage and straw as certified under the Idaho Department of Agriculture rules will be used when forage and straw is used as a feed supplement or for feeding working animals (e.g., horses and mules) used in conjunction with livestock management on the allotment;
- ∄ Location and time of livestock trailing;

- ∅ Percent Federal range;
- ∅ Class of livestock;
- ∅ Breed of livestock;
- ∅ Kinds of indigenous animals;
- ∅ Range readiness; and
- ∅ Other terms and conditions meeting the criteria listed above.

The following terms and conditions shall use the language specified for the following situations:

Exclusion of livestock grazing from enclosures

You are not authorized to graze livestock in the (name) study enclosure in the (name) allotment, (name) riparian area enclosure located along (name) Creek in the (name) allotment or the (name) campground enclosure in the (name) allotment.

Rangeland management project maintenance in wilderness study areas

Obtain approval from _____ Field Manager at (phone number) prior to conducting major maintenance of any rangeland management project located within the boundary of the [insert name(s)] Wilderness Study Area(s) that require ground-disturbing activities, e.g. using heavy equipment such as graders, bull dozers, and backhoes to maintain springs, trails and roads, pipelines, fences, and reservoirs.

Resource Objectives

The Standards for Rangeland Health, land use plans, and legal mandates provide the goals and objectives for ecological sites, pastures and/or allotments. The decision includes a list of the resource objectives described in land use plans, allotment management plans, Idaho Standards for Rangeland Health, Section 7 Consultation, and other sources that are pertinent to the allotment. These objectives provide a summary of desired future conditions. They are expressed as resource conditions such as vegetation canopy cover, vegetation composition, and vegetation community composition on a landscape. These objectives are monitored using effectiveness monitoring methods described below.

Livestock Grazing Management

The decision describes in detail the livestock management system, e.g., rest rotation, deferred rotation, or seasonal grazing; other management practices such as herding, temporary fencing, water developments, salting practices, livestock moving criteria, flexibility, forage utilization levels, stubble height, streambank alteration, and woody species utilization, that are necessary to implement management. Monitoring necessary to apply adaptive management is described in the Implementation Monitoring section described below. Incorporate by reference any livestock grazing management agreements and allotment management plans (AMP) or other activity plans that serve as a functional equivalent to an AMP and were developed in accordance with 43 CFR 4120.2.

A Grazing Application is provided to permittees prior to each grazing season. The purpose of this application is to allow the permittee to adjust their grazing use within the provisions of their existing livestock grazing permit or lease from year-to-year. This application provides an opportune time for BLM to work closely with the permittee to review issues that may have occurred during the previous grazing season. Since changes are not being made to the permit or lease, BLM usually discusses the issues only with the permittee and/or their authorized representative. Working with the permittee, adjustments to livestock management may be made to help ensure that progress is being made toward meeting the ISRH. These are incorporated into the annual grazing authorization, i.e. annual grazing billing. Adjustments made to livestock grazing and incorporated in the annual grazing authorization must be within the terms and conditions of the existing permit/lease. Additional suggestions for management changes may be made in a letter to the permittee. The annual grazing authorization becomes effective when the grazing fees are paid in full or is authorized for grazing use prior to payment (43 CFR 4130.8—1(e)).

Monitoring

Develop a monitoring plan that will take place on the allotment in the following two categories and refer to it in the grazing decision.

1. Implementation Monitoring – This answers the question is the approved livestock grazing management being implemented appropriately. It provides indicators that the grazing strategy is being carried out in a way that decreases the risk of not making significant progress toward meeting the ISRH.

Implementation monitoring measures indicators used to determine if the prescribed management is being implemented according to the livestock grazing management described in the previous section. It provides information on which refining the management system is based to ensure progress is being made toward meeting the ISRH. Needed changes must be determined through CCC with the permittee and must be within the existing provisions of the permit or lease. Any changes that are outside the provisions of the existing permit or lease require issuing a new decision. Implementation monitoring may include use supervision, vegetation utilization, utilization mapping, stubble height, shrub utilization, and streambank alteration.

2. Effectiveness Monitoring – This answers the question whether the livestock grazing management is resulting in resource conditions that are expected. It measures indicators to help determine changes in resource conditions over time.

Effectiveness monitoring is used to monitor rangeland conditions over time (trend). It helps determine if resource conditions are meeting or moving toward meeting the desired conditions. Some examples of effectiveness monitoring may include upland cover, shrub canopy cover, vegetation species composition, greenline, woody species regeneration, and streambank stability. Other supplemental data (i.e., climate and inventory data) should also be gathered as foundation information. Carefully review 43 CFR 4100 and the BLM Manual and Handbooks for specific guidance prior to developing the decision.

Rationale of the Decision

The rationale must specify in detail the reasons for the decision. It addresses all the issues that have been identified and the actions that are being taken to make the necessary corrections. It contains a description of why the proposed decision is different than the current permit or lease. For example, a Rangeland Health Standard is not being met due to livestock and the changes in livestock management in the proposed decision are designed to begin making significant progress toward meeting the standard. The purpose and need of the EA may be included or cited in this section.

Authority

Cite all relevant sections of 43 CFR that provide the authority and/or direction for both issuing a proposed decision (43 CFR 4160) and for the actions described in the decision (subpart 4100 and elsewhere, depending on the decision). Include in this section the decisions from the land use plan that allocate livestock grazing as one of the uses on the allotment(s).

Protests and Appeals

Use the language in the examples in Appendices D and E. List all the parties to whom copies are being sent. This list must contain each individual's name, address, and the certified mail number for the specific decision.

Livestock Grazing Authorizations

Permits or Leases Issued Under the Taylor Grazing Act

Livestock grazing permit/leases under the authority of the Taylor Grazing Act will contain all and only those terms and conditions contained in the final decision. All livestock grazing permits/leases will be issued for ten years, unless one of the conditions listed in 43 CFR 4130.2(D) pertains. Each livestock grazing permit/lease will contain the mandatory terms and conditions and other terms and conditions described in the Final Decision. It will reference the management guidelines in the Final Decision or allotment management plan.

Permits/leases issued under the Taylor Grazing Act are considered "fully processed" after completing all legal and documentation requirements. These requirements include:

1. RHA;
2. Determination;
3. NEPA, Endangered Species Act (ESA);
4. Proposed decisions issued;
5. Protests resolved;
6. Final decision issued;
7. Appeal process and legal challenge completed;
8. Permit offered by BLM;
9. Permit accepted (i.e., signed) by the applicant; and
10. Data entered into Rangeland Automated System (RAS).

The livestock grazing permit or lease with its terms and conditions must be offered to the applicant following the 30-day appeal period, unless the decision is stayed. It must be signed by the BLM and the permittee to be considered issued.

Interim Livestock Grazing Authorizations

Livestock grazing may be authorized on an annual basis under the 2004 Interior Appropriations Act and the Administrative Procedures Act.

The 2004 Interior Appropriation Act allows BLM to authorize livestock grazing as per the expired permit until a “fully processed” livestock grazing permit/lease is completed. This authority extends from 2004 through 2009. This authorization is issued using an Annual Authorization and Billing Statement. Livestock grazing use is authorized when all fees are paid-in-full and the permittee is in substantial compliance with the terms and conditions of the permit/lease.

The Administrative Procedures Act allows livestock grazing authorizations on an annual basis during appeals and court challenges. This authorization is issued using an Annual Authorization and Billing Statement. Livestock grazing use is authorized when all fees are paid-in-full and the permittee is in substantial compliance with the terms and conditions of the permit/lease.

Annual authorizations must state the legal authority upon which the use is authorized (i.e., 2004 Interior Appropriation Act or Administrative Procedures Act), any terms and conditions contained in the previous permit/lease, or decisions upon which the permit/lease is predicated.

APPENDIX A

Issuing Livestock Grazing Permit and Lease Summary

The procedures for issuing livestock grazing permits and leases usually follow a logical progression. Some of the steps in the procedure may be done concurrent with or before other steps. The following is a summary of the progression in the procedure.

Step 1—Notify the permittees that their allotment(s) are being assessed and evaluated in preparation for renewing their livestock grazing permit(s)/lease(s). Appropriate state agencies, tribes, and interested publics are also notified. Provide an opportunity for all of these entities to submit data and information they feel is important to consider in the Rangeland Health Assessment and Evaluation (RHAE).

Step 2—Field managers (FMs) assemble an interdisciplinary (ID) team to complete the Initial Allotment and Permit/Lease Review and RHAE. The ID team recommends to the field manager allotments that need additional field data. The RHAE is completed when no additional data is needed.

Step 3—Provide opportunities for the permittees, appropriate state agencies, tribes, and interested publics to participate in the training for field data collection, analysis, and evaluation and the actual collection of field data and information.

Step 4—When necessary, collect field data and information needed to make a determination of whether the allotment is meeting or making progress toward meeting the Idaho Standard for Rangeland Health (ISRH).

Step 5—Complete the Rangeland Health Assessment (RHA). When Endangered Species Act (ESA) proposed and/or listed species or designated critical habitat is an issue in the allotment, the ESA Level 1 Team may be involved. FMs may elect to provide the permittees, state agencies, and interested publics an opportunity to review and provide comment on a draft RHA.

Step 6—FM completes and signs the Evaluation and Determination at least 30 days prior to completing the EA and FONSI and issuing the proposed decision.

Step 7—Send the Determination to permittees, state agencies, tribes, and interested publics.

Step 8—Send the permittee(s) an application to renew a livestock grazing permit. Field staff works with the permittee(s) during field data gathering and the RHA to develop management proposals, and to add known issues. The permittee should be instructed to describe the grazing management they propose in order to address the issues described in the determination. BLM will offer to assist the permittee in completing the application.

Step 9—BLM develops alternatives to be considered in the environmental assessment (EA). The management proposed in the application for livestock grazing will be the proposed action. When the applicant's proposed management is not likely to begin making progress toward meeting the ISRH, BLM will develop an alternative that would likely begin to make progress. The "no livestock grazing" alternative generally will not be included in the EA. Other grazing

management proposals may be analyzed in detail, or they may be considered without being analyzed in detail.

Step 10—When ESA Section 7 Consultation or Conferencing is required, the Level 1 team should be brought into the process when developing the alternatives, including working with the applicant. This will help ensure timely consultation.

Step 11—Carefully prepare the Purpose and Need statement for the EA.

Step 12—Prepare the EA.

Step 13—When ESA Section 7 consultation or conferencing is required, prepare the biological assessment (BA). The preferred alternative in the EA is the proposed action in the BA. The permittee must be consulted regarding the proposed action in the BA. Therefore the analysis in the EA will provide much of the analysis in the BA. At the conclusion of the consultation, a concurrence letter or biological opinion must be incorporated into the EA.

Step 14—A copy of the EA may be sent to the public for review and comment. The review period is generally 30 days.

Step 15—Complete the FONSI.

Step 16—Prepare the proposed decision with appropriate protest periods.

Step 17—Respond to protests and prepare the final decision with the appropriate appeal procedures.

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APPENDIX B**

**INITIAL
ALLOTMENT AND PERMIT/LEASE REVIEW
and
RANGELAND HEALTH ASSESSMENT**

Field Office: _____ Date: _____

1. Allotment Name/Number: _____
2. Name(s) of Permittee(s)/Preference Code: _____
3. Permit Expiration Date(s): _____
4. Acres of: Public: _____ Private: _____ State: _____ Other: _____
5. Percent public land in the allotment: _____
6. Is public land large contiguous block(s) of public land, isolated parcel(s) or both? _____
7. Is the public land fenced separately from the private land? _____
8. Is any public land within the allotment identified for exchange/disposal in the land use plan?
_____ Percent of Allotment _____ If yes, two year notification sent? _____
9. Does BLM have administrative access separate from the grazing permit/lease? _____
10. Does public have legal access to the allotment? _____
11. Is the public land physically isolated from the adjoining public land? _____
12. What is the livestock grazing management category? (M, I, or C) _____
13. List all Land Use Plan (LUP) objectives and decisions (consider resource list for No. 14 below for objectives and decisions in the LUP), other grazing decisions, and other NEPA documents pertaining to the allotment:

14. Check the Standards, Guidelines, and Resources that are applicable to this allotment. Following ID Team disclosure of information and data (monitoring data, studies, inventories, etc, information from other agencies, local governments, and the public) and the ensuing discussions, briefly describe in the comment section any issues (with supporting information). This information will be used to determine if existing data is adequate, or if more information is needed to determine compliance with the Idaho Standards and Guidelines for Rangeland Health.

<i>Standard, Guideline, or Resource Issue</i>	<i>Check(if applicable)</i>	<i>Comments</i>
<i>Watershed (Standard 1)</i>		
<i>Riparian Areas, Wetland (Standard 2)</i>		
<i>Stream Channel, Flood Plains (Standard 3)</i>		
<i>Native Plant Communities (Standard 4)</i>		

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<i>Seedings (Standard 5)</i>		
<i>Exotic Plant Communities (Standard 6)</i>		
<i>Water Quality (Standard 7)</i>		
<i>Threatened & Endangered Plant & Animals (Standard 8)</i>		
<i>Guidelines (1-20)</i>		
<i>Land Use Plan Review</i>		
<i>Livestock Grazing</i>		
<i>Botanical</i>		
<i>Cultural</i>		
<i>Fire, Fuel</i>		
<i>Fisheries</i>		
<i>Forestry</i>		
<i>Land</i>		
<i>Minerals</i>		
<i>Recreation</i>		
<i>Special Status Species</i>		
<i>Wild Horses</i>		
<i>Wildlife</i>		
<i>Other</i>		

15. Describe BLM's ability or inability to manage the allotment by considering the following, as applicable: Whether there is legal access; whether % federal land comprises majority of the allotment; whether the public land acreage is small (less than 640 acres) and surrounded by private land(isolated); whether the federal land is fenced separate from the private land; etc.

Based on the information above the following is recommended to the field manager: (check the appropriate category)

1. Review of existing information indicates that there is no livestock grazing or other issue. Available information is adequate to complete the evaluation and determination. (see numbers 5,6,7,8, 11, and 15 above). **This is the RHA. Complete the evaluation/ Determination Form.**

2. Review of available information indicates that grazing or other issues are known to exist. However, the allotment has no or limited potential for management (see numbers 5,6,7,8,11, and 15 above). Available information is adequate to complete the evaluation and determination. **This is the RHA for this allotment. Complete the Evaluation/Determination form and consider the public land for disposal.**

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3. ____ Review of existing information indicates the physical characteristics (e.g., slope, rock, location on the landscape, and lack of livestock forage) of the tract deter livestock grazing use on the public land. **Consider not issuing a new livestock grazing permit or lease. Further documentation is not recommended.**

4. ____ Review of existing information indicates that an issue(s) may or may not exist. The allotment is considered manageable (see #s 5,6,7,8,11, and 15 above). **Available information is adequate to complete the RHA. Complete RHA and the evaluation/determination.**

5. ____ Review of existing information indicates that an issue(s) exists. The allotment is considered manageable (see #s 5,6,7,8,11, and 15 above). More information is needed to determine current conditions. **Gather additional information and data. Complete the RHA and evaluation/determination.**

List the names and title of the member of the ID team involved with this review:

Name	Title

Prepared by _____
Team Leader for the ID Team
Date

Field Manager's Finding and Rationale:

Field Manager
Date

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INSTRUCTIONS
FOR
INITIAL ALLOTMENT and PERMIT/LEASE REVIEW
AND
RANGELAND HEALTH ASSESSMENT**

This form documents the initial review and scoping for each allotment and is the initial “hard look” at grazing management in the allotment. Prior to completing this form, managers must assemble an interdisciplinary (ID) team with subject matter experts and go through a scoping process commensurate with the known issues and concerns in the allotment. The ID team gathers resource and use information from permittees, other state and Federal agencies, local governments, and the public (i.e., sportsman’s groups, interested publics), aerial photography, topographic maps, soil surveys, etc. The team will assemble and analyze all data applicable to livestock grazing in the allotment, documenting their findings on this form.

Upon completion of the analysis, the ID team and field manager will decide if: 1) The information is sufficient to make a determination; 2) The livestock grazing on the allotment can be managed by BLM; 3) The available information is adequate for determining compliance with the ISRH; or 4) The existing data is not adequate for determining compliance and additional field data will be required. Do not automatically do field Rangeland Health Assessments (RHA) for every allotment. In some cases there will be enough data for determining whether or not we are meeting or are moving toward meeting Idaho Standards for Rangeland Health (ISRH) and Guidelines for Livestock Grazing Management.

Lines 1 through 3—Identify the allotment and permittee(s).

Lines 4 through 7—Describe the land ownership, configuration, and Land Use Plan (LUP) disposal decisions.

Line 8—Identify LUP decisions affecting the disposition of the public land within the allotment. Other land use decisions affecting the management of public land within the allotment should be identified in Line 13. Review all activities listed in number 10 to ensure that all applicable LUP decisions have been listed.

Lines 9—Administrative access associated with a grazing permit/lease is restricted to BLM access for administering public land within the allotment.

Line 10—*Legal access* means that the public land within the allotment is joined on at least one side by public land that has a legal point of access such as a public road or trail. Parcels joined only at corners are not considered to have legal access.

Line 11—Public land physically isolated includes such instances where parcels of public land along a public road are fenced in with private land. This land has legal public access, but is not practical to manage by BLM.

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Line 12—BLM policy states that allotments will be categorized using livestock grazing management categories, maintenance (M), improvement (I), and custodial (C). Effort and documentation for allotments in the “C” category should be kept to a minimum. Since much of the categorization was completed several years ago, resource values and issues should be reviewed by the ID team.

Line 13—Provide a list of LUP decisions applicable to the allotment.

Line 14—Technical specialists describe resource values and conditions and determine if the available data is sufficient for analyzing those values and conditions, both now and in the future. ***Please note: Deciding whether the allotment meets ISRH is done in the Evaluation/Determination.*** For example, all the information that is presently available that involves Standard 1 (watershed) is brought forward and discussed by the ID Team. This is done for each of the applicable standards and guidelines, as well as for the listed activities or any other activity that is not listed but is applicable to this allotment.

Complete a review of Guidelines for Livestock Grazing for current information on livestock grazing management.

The final portion of the review in Line 14 is a review of the applicable portion of the LUP for the allotment. Identify resource goals and issues applicable to the public land.

Once you are done going over all this accumulation of data and information, briefly fill out the appropriate box under Line 14, making sure the important issues, problems or no problems are clearly stated in the comment field. Make sure to keep the information and data handy for the RHAE, if applicable. ***(Note: For major allotments this is not an RHA, rather it helps determine if adequate information exists for conducting an RHAE and to make determinations. However, with proper documentation this may well be the RHA.)***

Line 15—Many grazing allotments in Idaho consist of isolated tracts of public land fenced in by private land, which has either no legal access for the general public or administrative-only or no access available to BLM. Many of these allotments are difficult to manage and resource interests on them are minimal.

After completing the review, the ID team will recommend one of four options to the field manager. The first two choices (1 and 2) are for those allotments with either isolated tracts or a very low percentage of public land for which we have limited information. The information that we do have should indicate no known issues, or that BLM has a very limited ability to manage it. Option 3 is for public land that has physical characteristics that severely limits livestock. These areas should not have a grazing permit or lease. The choices 4 and 5 are for allotments on which we have the ability to manage grazing, and in most cases are not small allotments of isolated tracts or low-percentage federal range. They tend to be allotments with larger blocks of public land in selective management categories “M” and “T”.

The ID team review participants are listed with their technical expertise. The team leader signs and dates the report for the ID team.

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The field manager reviews the information, analysis and recommendation, and either accepts or rejects the ID team recommendation. If the recommendation is rejected by field manager, an appropriate option is selected. A rationale is then prepared to support the decision.

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APPENDIX C**

EVALUATION AND DETERMINATION

**Achieving the Idaho Standards for Rangeland Health
and
Conformance with the Guidelines for Livestock Grazing Management**

Field Office: _____ Determination Date(s): _____
 Grazing Allotment Name/Number: _____
 Name of Permittee(s): _____

Standard 1 (Watersheds)

Standard doesn't apply

Evaluation and Information Sources (*required regardless of which box is checked*):
 Rangeland Health:

Rangeland Health Changes:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors (list important causal agents)	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors (list important causal agents)	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 2 (Riparian Areas and Wetlands)

Standard doesn't apply

Evaluation and Information Sources (*required regardless of which box is checked*):
 Rangeland Health:

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Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 3 (Stream Channel/Flood plain)

Standard doesn't apply

Evaluation and Information Sources (*required regardless of which box is checked*):

Rangeland Health:

Rangeland Health Change:

Livestock Grazing Management

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 4 (Native Plant Communities)

Standard doesn't apply

Evaluation and Information Sources (*required regardless of which box is checked*):

Rangeland Health:

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Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 5 (Seedings)

Standard doesn't apply

Evaluation and Information Sources *(required when boxes 1 – 7 are checked)*:

Rangeland Health:

Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 6 (Exotic Plant Communities, Other than Seedings)

Standard doesn't apply

Evaluation and Information Sources *(required regardless of which box is checked)*:

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Rangeland Health:

Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and check either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Standard 7 (Water Quality)

Standard doesn't apply

Evaluation and Information Sources *(required regardless of which box is checked)*:

Rangeland Health:

Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office**

Standard 8 (Threatened and Endangered Plants and Animals)

Standard doesn't apply

Evaluation and Information Sources (*required regardless of which box is checked*):

Rangeland Health:

Rangeland Health Change:

Livestock Grazing Management:

[Check box 1, 2, 3, 4 or 5, and either box 6 or 7.]

1 Meeting the Standard	5 Not Meeting the Standard, cause not determined
2 Not Meeting the Standard, but making significant progress towards	
3 Not Meeting the Standard, current livestock grazing management practices are not significant factors	6 Conforms with Guidelines for Livestock Grazing Management.
4 Not Meeting the Standard, current livestock grazing management practices are significant factors	7 Does not conform with Guidelines for Livestock Grazing Management (list Guidelines No(s) in non-conformance)

Field Manager's Determination Rationale:

Field Manager

Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office**

**Instructions
Evaluation and Determination - Achieving Livestock Grazing Standards
and
Conforming with Guidelines for Livestock Grazing Management**

Standards for Rangeland Health:

The Evaluation and Determination is completed by the Field Office Manager using the information from the Rangeland Health Assessment (RHA). The evaluation documents compare current conditions described in the Rangeland Health Assessment to the Idaho Standards for Rangeland Health. The information and data in the evaluation assists the field manager to determine if standards for rangeland health are being met.

Check the applicable box for each standard. If the standard does not apply to the allotment, check the box “Standard does not apply”, complete the rationale, then and move to the next standard. Each finding in the determination must be supported by the appropriate “indicators”, information and data, used in completing the Initial Allotment Review/Permit-Lease Review & Rangeland Standards and Guidelines Assessment Form (see Appendix B) and the Rangeland Health Assessment.

There will be instances when a small portion of an allotment is not meeting the standard, but that portion has little or no effect on the overall health of the allotment, watershed or landscape. In that case, the allotment would be meeting the Idaho Standard for Rangeland Health (ISRH) at the scale of analysis. The Idaho Standards state --- “It is recognized that individual isolated sites within a landscape may not be meeting standards, however, broader areas must be in proper functioning condition”. Document in the rationale the portions of public land in the allotment that are not meeting a standard at the particular site, noting its relationship to the allotment, watershed or landscape.

Guidelines:

Check the applicable box for guidelines. Allotments achieving the ISRH, or which are making significant progress toward meeting the standards, usually conform to the Guidelines for Livestock Grazing Management (GLGM). If an allotment is not conforming to one or more of the GLGM, list the number of the non-conforming GLGM documented in the allotment or watershed assessment and evaluation.

Information Sources:

This section is filled out regardless of which box is checked. Describe the factors for each section in the rangeland health assessment. It must be written in a concise but very informative manner in order to justify the boxes checked. The evaluation should provide a synopsis of the findings from the RHA. Therefore very specific or reference to very specific information is advised, as this will provide the basis for your determination regarding that standard. It should reference the appropriate document(s) used in the determination and describe the relationship of the area(s) not meeting the standard in the context of scale. For example, is the area not meeting the standard causing adverse effects down stream or off-site? Is the small area unique, or is it a small part of an area that does not adversely effect the overall health of the allotment or landscape?

Provide a synopsis for each non-conforming GLGM. The list will include only those non-conforming GLGMs discussed in the allotment or watershed assessment and evaluation.

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office**

Determination

The determination is the conclusion based on the information in the evaluation. The determination must rely on the information and data provided in the **Initial Allotment Review/Permit-Lease Review & Rangeland Health Assessment Form (Appendix B), if applicable, and the Rangeland Health Assessment**. Your rational basis for all determinations must clearly and concisely state why you have made the determinations that you made. We cannot emphasize enough how important it is to make sure that this rationale completely and convincingly supports the determinations made. If it is determined that a standard is not being met or is not making significant progress toward meeting the standard, the rationale must contain a list of causal agents contained in the evaluation. **When Box 5 is checked, the rationale must contain a strategy to find the cause of the standard not being met.**

Field Manager's Signature

Field managers should sign the completed determination 30 to 45 days prior to completing the EA, the FONSI, and issuing the proposed decision.

Appendix D
Example of Proposed Decision

States Department of the Interior
Bureau of Land Management
_____ **Field Office**
Address
(Phone number)

Certified Mail No. _____
Return Receipt Requested

(OFFICE CODE) 4160

DATE

XYZ Ranch, PERMITTEE OR LESSEE
c/o AUTHORIZED REPRESENTATIVE
P.O. Box xxxx
Outback, NV xxxxx

NOTICE OF THE FIELD MANAGERS PROPOSED DECISION

Dear (Name of Permittee, Lessee, Authorized Representative):

INTRODUCTION

The introduction is brief description of the intended action.

BACKGROUND

The background includes a factual chronology of the situation, providing sufficient information to lead the reader (permittee, interested publics, and appeals judges) to the intended action(s). Other information important to the reader may be added.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A FONSI is prepared to document the factors considered to determine the significance of the affects on the human environment.

PROPOSED DECISION

Begin the proposed decision with:

A My proposed decision is to implement the proposed action described in the attached Environmental Assessment EA# for authorization of livestock grazing use on the Allotment(s), #(s)_____ in your grazing permit/lease for Operator Number _____ with a term of 10-years (note the dates for the term of the permit). (IF YOU HAVE SECTIONS THAT HAVE MANAGEMENT OBJECTIVES AND LIVESTOCK MANAGEMENT AND MONITORING, THE FOLLOWING SENTENCE NEEDS TO BE ADDED IN THIS PARAGRAPH: *The management objectives, livestock management and monitoring will be used to set the parameters in the development of the annual grazing system. This language or similar language should clearly identify to the reader that the actions about to be described comprise the intended decision.*)

The propose decision must include:

- € Mandatory Terms and Condition (43 CFR 4130.3—1)

Appendix D Example of Proposed Decision

- Type and number of livestock
- Period(s) of use
- Allotment(s) to be used
- Amount of use, in animal unit months, for every permit or lease
- Terms and conditions that ensure conformance with subpart 4180.
- ≠ Implementation schedule(s) when the decision is to be implemented in phases
- ≠ Management objectives, livestock management and monitoring described and analyzed in the EA.
- ≠ Explanation of how this decision is different from the current authorization for the livestock grazing permit or lease. This can in a “From: To:” format, if appropriate.
- ≠ Decision may include other terms and conditions as appropriate.

There is no cookbook for what goes in this section. The reader will be looking to find: What BLM intends to do, when it will be done, and how and when will it affect their interests.

RATIONALE

The rationale must specify in detail the reasons for the decision. It will address all the issues that have been identified and the actions that are being taken to make the necessary corrections. It will also contain a description of why the proposed decision differs from the current permit or lease. For example, a Rangeland Health Standard is not being met due to livestock and changes in livestock management. Proposed decisions are designed to outline specific action that will make significant progress toward meeting the standard. The purpose and need for the EA may be included or cited in this section.

AUTHORITY

Cite all relevant sections of 43 CFR that provide authority and/or direction for both issuing a proposed decision (mostly, 43 CFR 4160), and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision). Cite the land use plan that allocates livestock grazing as one of the uses within the allotment(s).

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to [Name, title and office address of authorized officer] within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and

Appendix D
Example of Proposed Decision

4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, Federal Building and U. S. Courthouse, 550 W. Fort Street, MCS 020, Boise, ID 83724 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

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

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

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

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

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

If you have any questions, feel free to contact either (specify range staff) at (phone), or myself at (phone).

Name _____

**Signature
Title of the Authorized Officer**

Copies sent to :(by certified mail):
(name and address required)
(As applicable)

Agent(s) of record
Lien holder(s) of record
Tribes
Interested public (specific to allotments for which they have been granted interested public status)
States having affected lands or management responsibility

APPENDIX E
Example of Final Decision

United States Department of the Interior
Bureau of Land Management
_____ **Field Office**

Address
(Phone number)

Certified Mail No. _____
Return Receipt Requested

(OFFICE CODE) 4160

DATE

XYZ Ranch, PERMITTEE OR LESSEE
C/o AUTHORIZED REPRESENTATIVE
P.O. Box xxxx
Outback, NV xxxxx

NOTICE OF FINAL DECISION

Dear (Name of Permittee, Lessee, or Authorized Representative):

The final decision has a similar format as the proposed decision, but must stand alone without making any reference to the proposed decision or other documents.

Suggestions below that refer to a proposed decision should not be used in the event that the authorized officer elected to issue a final decision without first issuing a proposed decision.

INTRODUCTION

The introduction includes: What this document is, compared to routine correspondence, why it is important to the permittee or lessee, and how it is the “next step” following the proposed decision.

BACKGROUND

Background information essentially follows the same wording as the proposed decision, but will include any meeting updates, settlement offers, and protest points.

In the (Background)@ section, include:

On ___ (date) ___, you received my Notice of Proposed Decision regarding ... (briefly describe the purpose and content of the proposed decision).

Timely protest(s) to the Proposed Decision were received from [Name(s)]. I have carefully considered each protest statement of reasons as to why the

APPENDIX E Example of Final Decision

proposed decision was in error and [optional, but preferred] have responded to these reasons, below.

Reason (or, Protest Point)

Response

Continue until all reasons have been addressed.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

If an EA has been completed in support of this decision, the Fonsi determination statement should be placed in this part of the decision, as in the proposed decision.

FINAL DECISION

Suggested introductory text:

After careful consideration of the statement of reasons included in the protests, information received through consultation, communication and coordination with [names of individuals or entities], and other information pertinent to the matters addressed in this decision, My Final Decision is to implement the proposed action described in the attached Environmental Assessment EA# _____ for authorization of livestock grazing use on the _____ Allotment(s), #(s)_____ in your grazing permit/lease for Operator Number _____ with a term of 10-years (note the dates for the term of the permit). (IF YOU HAVE SECTIONS THAT HAVE MANAGEMENT OBJECTIVES AND LIVESTOCK MANAGEMENT AND MONITORING, THE FOLLOWING SENTENCE NEEDS TO BE ADDED IN THIS PARAGRAPH: *The management objectives, livestock management and monitoring will be used to set the parameters in the development of the annual grazing system. This language or similar language should clearly identify to the reader that the actions about to be described comprise the intended decision.*)

The final decision must include:

- ∅ Mandatory Terms and Condition (43 CFR 4130.3—1)
 - Type and number of livestock
 - Period(s) of use
 - Allotment(s) to be used
 - Amount of use, in animal unit months, for every permit or lease
 - Terms and conditions ensuring conformance with subpart 4180
- ∅ Proposed effective date of the decision (generally only if the final decision is for an emergency action).
- ∅ Implementation schedule(s) when the decision is to be implemented in phases
- ∅ The management objectives, livestock management and monitoring described and analyzed in the EA.
- ∅ An explanation of how this decision is different from the current authorization for the livestock grazing permit or lease. This can in a “From: To:” format, as appropriate.
- ∅ The final decision may include other terms and conditions as appropriate.

APPENDIX E

Example of Final Decision

The final decision may be the proposed decision issued unchanged, it may modify the proposed decision based on information received through protest and/or further consultation, or it may vacate the proposed decision in its entirety. A rationale must explain the reasons for the decision.

Be cautious to ensure that the final decision does not introduce new material issues that were not addressed in the NEPA and proposed decision. “Changing horses in mid-stream” is not allowed. New material issues or circumstances that merit changes not considered in NEPA or the proposed decision must be addressed by another NEPA document and proposed decision.

RATIONALE

The rationale for the final decisions must address all specific reasons for that decision. If the proposed decision is unchanged, the rationale will address the reasons contained in the proposed decision. When the final decision is different from the proposed decision, provide a detailed explanation for the changes. A final decision that vacates a proposed decision must explain the reason the decision is vacated and what future actions will be taken.

If the final decision is issued effective upon issuance or a specific date, the rationale must explain why it is necessary to implement the decision immediately. If this decision is part of an EA, the purpose and need of the EA can also be used in this section.

AUTHORITY

Cite all relevant sections of 43 CFR that provides the authority and/or direction for both issuing a final decision (essentially, 43 CFR 4160) and for the actions described in the decision (various - both in subpart 4100 and elsewhere, depending on the decision). Cite the land use plan that allocates livestock grazing as one of the uses within the allotment(s).

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 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer [Name, title and office address of authorized officer]. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, Federal Building and U. S. Courthouse, 550 W. Fort Street, MCS 020, Boise, ID 83724 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In

APPENDIX E
Example of Final Decision

accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

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

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

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

If you have any questions, feel free to contact either (specify range staff) at (phone), or myself at (phone).

Name
Signature
Title

Copies sent to: (by certified mail):
(name(s) and address required)

(As applicable)

Agent(s) of record

Lien holder(s) of record

Tribes

Interested public (specific to allotments for which they have been granted interested public status)

States having affected lands or management responsibilities

APPENDIX F

Idaho Standards and Guidelines Implementation Review

July 15, 2003

Core Team

Ervin Cowley, Team Lead

Ron Kay

Tom Miles

Signe Sather-Blair

John Augsburger

Introduction

Idaho Standards for Rangeland Health and Guidelines for Livestock Management (S and G) was approved by the Secretary of the Interior, August 12, 1997. Since that time, Bureau of Land Management (BLM) field Offices (FO) have been applying the S and Gs when evaluating allotments and issuing livestock grazing permits. In May, 1998, BLM's Idaho State Office (ISO) issued procedural instructions (Instruction Memorandum ID-98-077) for implementing assessments, evaluations, determinations, and decisions. Additional guidance was given in 1999 with instructions for issuing grazing permits. Since that time, the implementation process has continued to evolve. New issues such as declining sage grouse populations have added emphasis and urgency for implementing the Standards for Rangeland Health. Recently, questions have been raised, from inside BLM, Resource Advisory Councils (RAC), permittees, and interested publics concerning the consistency, FO interpretation, and adequacy of the S and G implementation procedures.

The following issues were raised:

- ∅ Are the S and G implementation guidelines being implemented in a consistent manner, and are they adequate?
- ∅ Are the guidelines for issuing permits adequate, and are they being consistently applied?
- ∅ Are the current instructions consistent with the grazing regulations?
- ∅ Are the grazing prescriptions described in the decisions and incorporated into the grazing permits being implemented on the ground, and are they meeting expectations defined in the decision?

The first three issues are considered in this review. Three objectives were defined:

1. Determine if the present field instructions for implementing S & G are adequate.
2. Determine if there are inconsistencies between field offices implementing the assessments, evaluations, environmental assessments, grazing decisions, and permits.
3. Determine if Idaho's instructions are consistent with the current grazing regulations (43 CFR 4100).

Five allotments from ten of the eleven FO in Idaho were randomly selected from a list of those allotments, for which the S and G procedure had been completed by the end of September, 2002. Three member teams consisting of ISO and representatives from other FO reviewed the allotment and case files, other pertinent material, interviewed the FO interdisciplinary team (IDT) and interviewed some permittees from those same five allotments.

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The review of FO files and interviews was conducted February 28, 2003 through March 14, 2003. A series of questions (see Appendix A) were used to evaluate the S and G implementation process used in each of the 50 allotment. Likewise, 43 permittees were interviewed by telephone and were asked a set of standard of questions (see Appendix B). Leasees (Section 15 areas outside Grazing Districts) from the Pocatello and Cottonwood FO were not interviewed because their allotments contained only scattered parcels of public land. No unresolved issues were identified and there were minimal communications between BLM and the leasees. We received an email from Western Watersheds Project concerning the lack of consistency in providing notification.

Findings (Notification and Permittee/Interested Publics Opportunity for Participation)

- ∅ All offices followed the general procedures described in Instruction Memorandum (IM) ID-98-077, "Implementation Process for Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing, Determination Document and Notification Letter." Additional guidance was provided for preparing environmental assessments (EAs), grazing decisions, and issuing permits in Instruction Memorandum ID-99-055, "Policies and Procedures for Processing Grazing Permits and Leases." Field offices continue to follow most of the instructions in these IMs although they have expired.
- ∅ The "Implementation Process for Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing and Determination Document . . ." instructions conform to the requirements in described 43 CFR 4180.
- ∅ FO staffs are dedicated and are working very hard to complete Standards and Guidelines Implementation despite an overwhelming workload. Most allotments that have been completed with adequate consultation, coordination, and cooperation with the permittees.
- ∅ All permittees were notified by letter of the initiation of the S and G process. Some of the permittees interviewed didn't remember receiving the notification. More detailed notification of field assessments and allotment assessments varied between field offices. Some field offices sent additional letters some time, usually about two weeks, prior to field assessments, inviting the permittees to participate in them. The letter provided the date and time the IDT would be in the permittee's allotment(s). Other FOs notified the permittees by telephone. The amount of time between the notification and field assessment varied from one day to one month. Some permittees said that they did not have enough lead time arrange their schedule to be able to participate in the field reviews.
- ∅ Most permittees said that they had a good working relationship with the BLM. Some of the comments were "does a good job notifying permittees of issues in their allotment," "staff is real good to work with," BLM is very up front with us," and "provided an opportunity for strong involvement and very interested in their input."
- ∅ Some permittees commented that BLM was hard to work with and would not listen to the permittees. Some comments were "permittees know more than BLMers," BLM does not pay attention to our [permittees] input," "we need more lead time," "was not asked our [permittees] opinion or for data we [permittees] had," "sent out final documents without

APPENDIX F

an opportunity to review and comment on them,” massive changes to the system without much input,” and “procedures are too subjective and not scientifically valid.”

- € A few permittees said that they were invited to participate in the field assessments, but that they had not been given adequate training to understand the procedures. They felt that they were only observers. Some field offices provide training in the field assessment and monitoring techniques that will be used in the assessment process. Permittees are invited to attend these sessions prior to the actual field assessments.
- € Little documentation was found in the files of contact between BLM staff and the permittees, or interested publics. Interviews with the IDT affirmed that there were many contacts such as telephone calls, allotment visits with the permittees and others, allotment meetings, and personal visits, but they were not documented. Few ID team meetings were not documented in the files.

Findings (Assessments, determinations, EAs, Decisions, and Permits)

- € Management failed to provide guidance to the interdisciplinary teams early in the process to establish the appropriate skills in the ID teams, set side boards for the level detail and additional field information needed, and using existing data and information in the assessments.
- € Field office staff interpreted instructions differently as to when upland assessments were needed, and the how the Sage Grouse Framework was to be applied. Some IDT felt that upland assessments and the Sage Grouse Framework must be applied on every allotment, and some in every pasture.
- € Some field office staff did not include existing monitoring data in the allotment assessment. Assessment findings were hard to conclude from the data supplied in the document. Some assessments included statements that could be construed to be a “determination.”
- € Rationales in the determination documents were general and did not substantiate the conclusions in the determination with the findings in the allotment assessment. Some determinations did not track from the allotment assessment to the determination.
- € Many analysis documents, i.e., assessments, determinations, and EAs, did not include a mid-scale or landscape assessment to put the findings into the proper perspective. Some documents did not indicate the amount of area that each finding represented. For example, some documents show a portion of the allotment was meeting a standard and part of the allotment was not meeting the standard. The description did not tell how much of each was in the allotment. Each allotment or pasture was only evaluated against the conditions within that unit. The assessment did not “cross the fence.”
- € Conclusions reached in the assessment and determination did not track to the proposed action or alternatives in the EA. It was difficult to determine how the proposed management prescription would resolve the issue identified in the determination. In some cases, the selected alternative was not fully evaluated in the NEPA documentation.

APPENDIX F

- ∅ Some permits contained “terms and conditions” not discussed or evaluated in the EA and some permits did not specify the requirements of the grazing decision. One FO did not issue a permit, rather relied on the decision to act as a permit.

Multi-Resource Workshop

A multi-Resource workshop was held April 1-4, 2003 in Boise, ID. One emphasis area of the workshop was to focus on making recommendations for correcting and improving the processes by increasing efficiency and expediting the issuance of grazing permits. Three breakout groups, Standards and Guideline Review, Grazing Permits, and Sage Grouse, consisting of about ten individuals with a mix of resource skills, were formed. Each breakout group was given a set of specific tasks to consider in developing recommendations to improve or correct the identified problems. The specific tasks were:

- ∅ Standards and Guidelines Review Workgroup considered the findings of the S and G field review and adequacy of analysis and assessments.
- ∅ Grazing Permit Workgroup reviewed the instructions for issuing grazing permits, appropriate “terms and conditions,” and reasonable range of alternatives to be considered in the EA process.
- ∅ Sage Grouse Conservation Workgroup reviewed issues concerning the implementation of the Sage Grouse Framework issued in 1999.

Resource Advisory Council Review (RAC)

Each of the three Idaho RACs have received briefings and copies of the draft report. The final report will be distributed to the RACs. One RAC member commented that they thought the report was too negative and that it did not reflect the dedicated efforts and good work of the FO staffs.

Recommendations

The Idaho State Office (ISO) should update and reissue instructions for issuing grazing permits and using the Standards for Rangeland Health requirements (43 CFR 4180). The use of S and G assessment is a part of authorizing livestock grazing (43 CFR 4130). The instructions should contain good examples of adequate analysis and documentation, including examples of what not to do.

1. Documentation of contact with the permittees, state agencies, Indian tribes, and interested publics is an important part of developing a record and helping assure that all parties are provided opportunities to participate in the process to support the BLM decisions, ensure opportunities for participation, and protect the permits once they are issued. New instructions should include suggestions for documenting telephone and personal contact, ID team meeting and discussion notes, and critical notices and letters.

APPENDIX F

2. Provide information and training for managers to ensure their early and active participation in setting parameters for establishing appropriate interdisciplinary teams, assuring pre-assessment review of existing information, obtaining pertinent information and data from the permittees, tribes, and interested publics work in a timely manner, and identifying the level of additional field data needed for completing assessments.
3. Permittees, state agencies, tribes, and interested publics must be provided a notice that the grazing use authorization process is starting, and that they are invited to provide data and information for the assessment, to have opportunity to review the preliminary assessment, a copy of the determination immediately after it is signed, the proposed decision, final decision, and a permit/lease.
4. ISO developed guidelines to assist the FO in linking the assessment to the determination and rationales. Alternatives in the EA must describe how management prescriptions will resolve the issues that contribute to not meeting standards. The analysis in the EA must contain all “relevant terms and conditions” that would be contained in the permit/lease. The selected alternative must have been analyzed in the range of alternatives considered, and brought forward with the appropriate terms and conditions. Alternatives suggested by the permittees, state agencies, tribes, or interested publics must be considered in the EA. However, it may not be necessary that these alternatives be fully analyzed if they are not realistic, or will not achieve the desired objectives. Permits/leases must not include grazing prescriptions or term and conditions that were not contained in the decisions.
5. Update instructions for compliance with the National Environmental Policy Act (NEPA), particularly addressing the range of alternatives to be considered in an EA. All grazing alternatives analyzed should meet the purpose and need described in the EA. A “no livestock grazing alternative” may be considered, but not analyzed further, when it is not a viable alternative. If canceling livestock grazing is the only alternative to correcting unsatisfactory conditions, the “no grazing” alternative can be analyzed. If it is selected, a land use plan amendment will be required to remove livestock grazing, if no grazing was not addressed, and analyzed in the exist land use plan. All alternatives considered, except the “no change” alternative, should be capable of achieving significant progress toward meeting the standard. Finds of no significant impact (FONSI) should address the ten questions contained in the Council on Environmental Quality (CEQ) guidance.
6. All relevant information such as trend data, utilization, and actual use should be incorporated and evaluated before decisions are made to obtain additional information using the upland assessment procedures. Define the areas that each assessment represents and the relative proportion in the allotments and the landscape setting.
7. Decisions should include desired specific resource objectives, a realistic estimated recovery time, indicators of meeting the objectives, and a progress review schedule. For example, one resource objective may be to have 90% of the greenline with deep rooted riparian species. An indicator is a measurement, using the greenline monitoring method. The estimated time frame is 10 years and the progress review schedule is at three, six and nine years. This allows for adaptive management, making adjustments if there are not indicators pointing to making significant progress toward meeting the objective.

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8. Mandatory terms and conditions that are included in permits/leases are the name of the allotment, type and numbers of livestock, periods the allotment may be used, total amount of use authorized (animal unit months), and meet the requirements of 43 CFR 4180 (Standards and Guidelines). Other terms and conditions may be referenced to the grazing decision. Class of livestock, breed, salting, submitting actual use, reasonable administrative access, and percent federal range may be included as additional terms and conditions. However, these should be included on permits/leases only when they are appropriate and not placed on every permit/lease.
9. Some recommended consideration for terms and conditions may include interim terms and conditions until necessary range management facilities, e.g., fences and water developments, are completed. Terms and conditions should provide flexibility to allow adequate management options for annual variability and making small modifications to the grazing prescription that are within the range of analysis in the EA. Some items that should not be included as terms and conditions include a repeat of regulations, general information such as removing livestock early if there are drought impacts, payment information, terms and conditions that will not be enforced, generic “range improvement” maintenance, penalties, and what BLM is committed to do.
10. The use of monitoring results such as stubble height, utilization, and streambank alteration should not be used as terms and conditions that trigger livestock movement (except where legally required, e.g., Endangered Species Act, biological opinion “Take Statement” terms and conditions). Rather, they should be used to help develop management adaptations for the next grazing season.
11. Complete the development (started by the statewide group) of a standard process for screening and assessing allotments composed of scattered and isolated tracts. Incorporate this process into the permit issuance procedure.
12. Update the Sage Grouse Assessment Framework to clarify when and how it should be used. Issues that should be addressed should include:
 - a. Stress the need to use an interdisciplinary team; clarifying the interpretation of forb inventories including annual variation, abundance, and potential correlated with the range site description.
 - b. Describe transect site selection within the range site.
 - c. Clarify plant height measurement procedures and summaries. Illustrations help the understanding of which plants to measure and in summarizing the data.
 - d. More clearly define when it is appropriate to use the seven inch plant height measurement.
 - e. Provide additional illustrations and descriptions to clarify sagebrush growth forms and the relationship of the sagebrush growth form, cover, and herbaceous plant height.
 - f. Evaluate terminology and clarify so that meanings are clear. For example, the term “marginal” describes a condition that may be natural and due to the limitations of the site potential or it may be marginal because the site is degraded and not meeting its potential.
 - g. Field forms should be revised to more clearly reflect the information required.

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- h. Develop a method of describing how the results of the assessment are evaluated against Standard 8. The assessment, evaluation and determination should be clear so that management prescriptions can be developed to make progress toward meeting the standard.
- i. Develop guidelines for evaluating juniper influenced/dominated sites for sage grouse.
- j. Describe the process for evaluating potential conflicts between species when making a site assessment.

APPENDIX F

Appendix A

Allotment Questions

1. Were the permittees and interested publics notified prior to the assessments being conducted?
2. Were personal (telephone or in person) contacts made with the permittees or their authorized representative to obtain information concerning the allotment evaluation?
3. What kind of written communication was used?
4. Was tribal consultation completed?

Assessment and Evaluation

1. What are the issues that contribute to the complexities of the allotment and its resources? Consider Endangered Species Act issues (e.g., listed species habitat, designated critical habitat, proposed listed species, and important special status species), TMDL implementation plans with significant public lands, riparian and wetland habitat, scattered tracts, public interest in the allotment, land use plan decisions, and other factors that contribute to the complexity of the issues.
2. Was an appropriate (experienced) interdisciplinary team used to assess the allotment? List the resource disciplines and experience of the individuals on the team, and the important issues in the allotment.
3. Were approved field assessments (upland and riparian-wetland) procedures used? Was more than one data source used? Were both qualitative and quantitative data used? List the data and sources used in the assessment.
4. Were the Guidelines used in the development of the management scenario? Do management prescriptions adequately address the issues resulting from the evaluation?
5. What indicators were used to interpret the Standards? Are the indicators appropriate for the sites? Was the landscape scale considered in the assessment? Did the evaluation of the data lead to a clear conclusion? At what point was the determination made?

Decisions

1. Were the NEPA requirements met? How many? What were the alternatives considered? Were there opportunities for public involvement?
2. Was a decision issued? Was the decision in an appropriate format? Is the decision consistent with the conclusions from the evaluation?

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3. Was a permit issued? Was the permit signed? Was the permit protested or appealed? By whom? Were additional terms and conditions added to the permit? Are the terms and conditions consistent with the decision and conclusions of the evaluation?

Other Items

1. Can the field office complete the S & G Assessments, determinations, and decisions by 2009?
2. How are the Sage Grouse Guidelines being implemented?

Permittee Questions

1. Were you notified prior to the allotment assessment?
2. Were you given an opportunity to discuss the assessment process and procedure prior to the assessment?
3. Were you given an opportunity to meet with the interdisciplinary (ID) team during the field assessments?
4. Were you given an opportunity to provide input into the assessment?
5. Were you given an opportunity to review the assessment and make recommendations?
6. Did you appeal and/or protest the decision?
7. Do you have any recommendations to improve the procedure?
8. Other (On Back)

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Review Teams:

Field Office Reviewed	Reviewers	Home Office
Idaho Falls and Pocatello FO	Ervin Cowley	ISO
	Dean Huibregtse	UCSC/Cottonwood FO
	John Ash	LSRD/Jarbidge FO
Shoshone and Burley FO	Ron Kay	ISO
	Sam Matise	LSRD/Owyhee FO
	Craig Nemeth	UCSC/Salmon FO
Salmon FO	Ervin Cowley	ISO
	Tim Burton	ISO
	Zig Napkora	LSRD/Owyhee FO
Challis FO	Tom Miles	ISO
	John Augsburger	ISO
	Doug Barnum	USRD/Shoshone
Cottonwood FO	Ron Kay	ISO
	John Ash	LSRD/Jarbidge FO
	Mike Stoddard	USRD/Idaho Falls FO
Jarbidge FO	Ervin Cowley	ISO
	Tom Miles	ISO
	Dean Huibregtse	UCSC/Cottonwood FO
Owyhee and Four Rivers FO	Ron Kay	ISO
	Craig Nemeth	UCSC/Salmon FO
	Scott Anderson	USRD/Shoshone FO
	Al Logosz	Ada Wildlife Federation
		LSRD RAC

Allotments Reviewed:

Field Office	Allotment Name	Allotment Number	Field Office	Allotment Name	Allotment Number
Idaho Falls	Big Desert Sheep	07000	Pocatello	Paradise Mountain	04091
	Southwest	06037		Pole Canyon	04174
	Warm Springs	02012		Johnson Reservoir	04181
	Needle Butte	06035		Glendale Peak	04149
	Edie Creek	16007		Big Mountain	04148
Shoshone	West Bellevue	80218	Burley	Pickett-Wake	04110
	Crater Butte	80701		Kunau	05305
	Quigley	80229		Schodde	01215
	Hailey Creek	80332		Yale	05309
	Upper Fish Creek	80306		South Mule Creek	04044
Challis	Bald Mountain	05607	Salmon	Hawley Creek	06304
	Dry Creek	04520		Haynes Creek	06201
	Mountain Springs	05610		Yearian Creek	06236

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	Wildhorse	05709		Little Sawmill	06209
	Upper Pahsimeroi	04517		Leadville	06303
Cottonwood	Rattlesnake Ridge	36195	Jarbidge	Browns Gulch	1053
	Schmidt Creek	36214		Diamond A Taylor Pocket	1077
	White House Bar	36161		Buck Flat CRMP	1122
	Oxbow	36118		Thompson	1079
	Bear Gulch	36110		Echo 5	0282
Owyhee	Garat Individual	0524	Four Rivers	Little Willow	00295
	Northwest	0808		Squaw Butte	00089
	Bull Basin	0540		Willow Ridge	00005
	Tent Creek	0661		Clipper Flat	00240
	Strodes Basin	0519		Little Emmett	00391