



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4160 (120)

February 20, 2009

#1101614

Notice of Field Manager's Final Decision

Owyhee Calcium Products, Inc
% Harry Melton
Box 159
Grand View, Idaho 83624

Dear Mr. Melton:

Introduction

This Proposed Decision addresses livestock grazing management in the East Castle Creek Allotment #00893 and in Battle Creek Allotment #0802. The permit renewal process described in the following Background section will result in a 10 year term livestock grazing permit being offered to Owyhee Calcium Products, Inc. (OCP) #1101614. The permit will contain terms and conditions that will make significant progress toward meeting Idaho's Standards for Rangeland Health and Guidelines for Livestock Grazing (ISRH&GLGM) where they are currently not being met and livestock grazing is a causal factor and maintain Idaho's Standards for Rangeland Health where they are currently being met in the East Castle Creek Allotment and in Battle Creek Allotment #0802. The Battle Creek Evaluation/Determination found that currently permitted grazing practices were not significant factors for not meeting Standards in Pasture 8, where OCP's winter grazing will continue. That Determination finding was affirmed on pages 54 and 56 of the Battle Creek Allotment Final Environmental Assessment (EA# ID-120-2007-3353) that was issued in January, 2008.

Background

This section of this final decision explains the administrative procedures necessary to comply with the 43 CFR Code of Federal Regulations (CFR) 4100 grazing regulations and with BLM policies that relate to renewal of a 10 year term livestock grazing permit. Also, the rationale for preparation of an environmental assessment will be explained.

The Castle Creek Allotment Final Analysis, Interpretation, and Evaluation (AIE) (September 1997) analyzed livestock grazing prior to 1998. Both the current East and West Castle Creek allotments were considered together in the AIE in order to track with Bruneau MFP decisions. The Final AIE was completed prior to full implementation of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management. The AIE (as summarized in Appendix AE of EA#ID-01-97-103) concluded that limited progress would be made without changes in previous livestock management for objectives RM-1, 1.1, 1.5 and WL-3.2. The AIE concluded that little or no progress would be made without changes for objectives RM-3, 3.1, 3.2, and 5.1; WS-1 and 1.1; WL-2, 2.1, 2.7, 3, 3.3, 4, 4.3, 4.4, and 6.1; and WL-aq-2, 2.1, 2.2, and 2.6. The AIE also concluded that little or no progress would be made toward compliance with Idaho DEQ water quality standards without changes to the previous livestock management.

Based on the 1997 AIE, environmental assessment (EA) # ID-01-97-103 considered four alternatives, including the Proposed Action, to address resource problems independently for both the East Castle Creek and West Castle Creek allotments. The Proposed Action of EA # ID-01-97-103 was implemented by final decisions dated December 22, 1997. Gordon G. King and the Glens Ferry Grazing Association (GFGA) jointly filed an appeal and a petition for a stay of the 1997 final decision with the Interior Board of Land Appeals (IBLA). Also, Idaho Watersheds Project and the Owyhee County Planning Commission appealed the final decision. Owyhee Calcium Products (OCP) and Paul Black did not appeal.

The original Petition for Stay was denied by an administrative law judge (ALJ) on March 6, 1998. A Petition for Reconsideration was submitted, and a partial Stay of actions appealed by the two petitioners was then granted by IBLA on April 28, 1998. The major actions that were stayed were:

- the imposition of the 50% reduction in spring permitted use;
- the imposition of rest rotation grazing systems (including construction of necessary fences) for pastures 8B; 8BI, 8BIII, 10B, 11B, 12, and the former FFR pasture 44;
- the loss of Fenced Federal Range status for pasture 44;
- the construction of a fence dividing pasture 11B and imposition of riparian pasture status including an indefinite closure on the portion containing Birch Creek (new pasture 11BR);
- the imposition of summer use by GFGA into King's summer pasture 28 in order to implement the grazing system in the GFGA summer pastures;
- the formal imposition of closures or use modifications in winter or spring pastures when drought conditions cause fluctuations in cheatgrass production

The two petitioners continued to operate under their February 1997 permits, except as modified by the non-appealed provisions of the December 22, 1997 Final Decisions during the 1998

through 2004 grazing seasons. During that period, the Bruneau Field Office (BFO) consulted, cooperated and coordinated (CCC) with all entities in implementing changes to previous grazing management.

In 2004, BLM participated in settlement negotiations that involved the appellants. The result of the settlement negotiations was a stipulated agreement, also known as the Settlement, which was to be in effect during the 2005 through 2007 grazing seasons. An administrative law judge (ALJ) subsequently dismissed the final decisions and replaced them with the stipulated agreement. The successor permits were then modified to conform to the provisions of the Settlement prior to turnout in 2005. Since new fully processed permits were not completed before the expiration of these successor permits, they were renewed in 2008 under the 2004 Interior Appropriations Act, and continue the provisions of the Settlement.

From the beginning of the permit renewal process, interested publics, State agencies, local governments, tribal governments and East Castle Creek Allotment permittees have been offered opportunities to provide monitoring data, participate in monitoring data collection, provide photos and provide observations of current conditions and other information relevant to the Assessment, Evaluation, and Determination. Tours of the East Castle Creek Allotment involving the BFO interdisciplinary staff, interested publics and East Castle Creek Allotment permittees were conducted and resource problems were discussed. Comments and suggestions on the Draft and Final Rangeland Health Assessment for East Castle Creek Allotment #00893 were solicited from interested publics, State agencies and local governments, Tribal Governments and East Castle Creek Allotment permittees. An opportunity was provided to all to prepare alternative(s) for EA # ID-120-2008-EA45. The consultation, cooperation and coordination (CCC) with all entities has been documented in meetings, letters, phone conversations, tours and e-mail (see list below).

1. Katie Fite of Western Watersheds Project (WWP) sent an e-mail and letter dated June 2, 2005 in response to two recent BLM letters about 2005 monitoring activities. The letter repeated generic WWP statements describing weed invasion, a perceived requirement for suitability adjustments to permitted use, spring and stream damage by grazing, the near-absence of decreaser grasses in Wyoming sagebrush communities, and desertification. Ms. Fite did state that she had observed springs in the Castle Creek allotments that had been “killed or diminished by past developments”.
2. A letter dated June 15, 2005, responded to Ms. Fite’s e-mail and letter dated June 2, 2005. The letter stated that the permit renewal process outlined in IM No. ID-2004-086 “Reissuing and Issuing Livestock Grazing Permits and Leases” would guide the renewal of permits in allotments including East Castle Creek. Also, the letter solicited her participation in monitoring activities and offered to answer any further questions she had on the permit renewal process.
3. A letter dated June 17, 2005, scheduled the Allotment for Rangeland Health Assessments and invited participation in data collection, which was done by a contractor, URS. The letters also invited interested publics, State and local governments, Tribal Governments and the East Castle Creek Allotment permittees to provide

monitoring data, photos and other information relevant to the permit renewal process. BLM held a kickoff tour with URS personnel in June, 2005, which was attended by the permittee from the Riddle Allotment but not by East Castle Creek permittees.

4. A letter dated August 12, 2005, responded to a letter from Katie Fite of WWP dated July 1, 2005 requesting information about the 2005 authorization and monitoring results in Pasture 12 in connection with her observations along Poison Creek. Copies of the grazing authorizations were sent, and copies of monitoring results were promised.
5. A letter sent in March, 2006, responded to a letter from Katie Fite of WWP dated February 16, 2006. WWP's letter reported recent observations on the Phase I and Phase III seedings, the Birch Creek exclosure. The response letter described authorized grazing and monitoring completed in 2005, and replied to WWP's perspectives on condition, recent livestock impacts, and trend. BLM provided a follow-up tour of pastures 10B and 11B on June 14, 2006 to address WWP's observations, which was also attended by Gil King.
6. A letter dated May 26, 2006, scheduled the Allotment for further data collection and invited participation in data collection. The letters invited interested publics, State and local governments, Tribal Governments and the East Castle Creek Allotment permittees to provide monitoring data, photos and other information relevant to the permit renewal process.
7. Intermountain Range Consultants representing Gordon King provided comments on BLM's 2006 monitoring data collected in Pasture 12 after grazing in a letter dated September 1, 2006. The letter stated that BLM's concerns about the effects of 2006 grazing in that pasture were unwarranted based upon re-examination of the same areas and requested that BLM to visit the areas with the King's to correct alleged errors in the data. The letter also indicated that Gordon King was currently working on BLM's requested permit renewal application.
8. A Freedom of Information Act (FOIA) request was submitted by Gordon and Rose King on November 3, 2006 for any pertinent BLM data collected since January 1, 1998 that would be included in the Draft Assessment for East Castle Creek Allotment.
9. On March 13, 2007, BLM scheduled a field tour with John Anchustegui and Gordon and Gil King to discuss modifications to use in 2007 that would rest Pasture 12 without causing unacceptable impacts to the other spring pastures. Their authorizations reflected modifications that resulted in rest for both pastures 11B and 12.
10. A letter dated April 11, 2007, scheduled the Allotment for additional data collection and again invited participation in data collection. The letters also again invited interested publics, State and local governments, Tribal Governments and the East Castle Creek Allotment permittees to provide monitoring data, photos and other information relevant to the permit renewal process.

11. On May 31, 2007 Gil King accompanied the BFO interdisciplinary team and observed the Rangeland Health Evaluation of two locations in Pasture 10B. On June 4, 2007 Gil King and Bob Schweigert of Intermountain Range Consultants observed the Rangeland Health Evaluation of three locations in Pasture 12.
12. On July 18, July 25, September 7, September 10, and finally on November 5, 2007 John Anchustegui and Gordon and Gil King met with BLM individually or jointly to discuss their respective permit renewal applications and particularly a division of the spring pastures between them. The BFO team also accompanied Gil and John on a horseback inspection of portions of Pasture 8B on October 11, 2007. However, John and Gordon did not agree upon a division of Pasture 12. Since the details of a spring division were essential, completion of their respective applications was delayed.
13. A letter dated November 29, 2007, to interested publics, State and local governments, Tribal Governments and East Castle Creek Allotment permittees, explained how their comments to the Draft Rangeland Health Assessment would be considered in the Final Assessment and in the subsequent East Castle Creek Evaluation and Determination. Enclosed with the letter was a copy of the Draft Assessment. The letter solicited comments on the Draft Assessment from interested publics, State and local governments, Tribal Governments and East Castle Creek Allotment permittees.
14. Bob Schweigert of Intermountain Range Consultants provided comments, dated December 21, 2007, to the Draft Rangeland Health Assessment. A related Freedom of Information Act (FOIA) request was also submitted by Gordon and Rose King on December 17, 2007 for any pertinent data that had been included in the Draft Assessment. Bob requested that the Kings be involved in all further meetings to finalize the Assessment and develop the Evaluation and the Determination.
15. Gregg R. Dawson of the Idaho Department of Agriculture provided three comments to the Draft Rangeland Health Assessment in a letter dated December 19, 2007.
16. BFO staff met with John Anchustegui individually on January 10, 2008 to refine and capture his permit renewal application. The permit renewal process outlined in IM No. ID-2004-086 "Reissuing and Issuing Livestock Grazing Permits and Leases that required an application from him was again described. A list of resource issues identified in the Draft Assessment was presented by staff, and his ideas about addressing them were solicited. He stated that a division of the spring pastures was integral to his application, but that he would offer a minimum of 25% spring nonuse, would delay spring turnout and move cattle into his FFR pastures as needed to keep impacts at acceptable levels, and would continue nonuse based upon future monitoring by BLM.
17. BFO staff met with the King family separately on January 9, January 16, and January 29, 2008 to refine and capture their permit renewal application. The permit renewal process outlined in IM No. ID-2004-086 "Reissuing and Issuing Livestock Grazing Permits and Leases that required an application from him was again described. A list of resource issues identified in the Draft Assessment was presented by staff, and their ideas were

solicited. Mr. King stated that his written application would reflect common use in the spring pastures with John Anchustegui. Information about wetland condition was provided to the Kings, and suggestions for exclosures were discussed in some detail.

18. Bob Schweigert of Intermountain Range Consultants submitted Mr. King's written application for term permit renewal on January 14, 2008. Feedback to his application was provided by BFO staff on January 29, 2008.
19. By letter dated February 4, 2008, interested publics, the Owyhee County Commissioners, State agencies, Tribal Governments and East Castle Creek Allotment permittees were sent a copy of the Final Rangeland Health Assessment for the East Castle Creek Allotment. The letter explained that the contents of the Final Rangeland Health Assessment would be discussed in the East Castle Creek Evaluation and Determination to be released within the next 6 months.
20. A letter dated May 27, 2008 to interested publics, local governments, State agencies, Tribal Governments and East Castle Creek Allotment permittees announced the completion and enclosed a copy of the Final Rangeland Evaluation and Determination, signed and dated May 21, 2008. BLM's letter explained BLM policy governing the permit renewal process found in IM No. ID-2004-086. Also, the letter invited the recipients to participate in development of alternatives or to provide alternatives for EA# ID-120-2008-EA45 with the requirement that alternative proposals result in progress towards meeting the Standards for Rangeland Health in the East Castle Creek Allotment. Proposals were to be submitted by June 20, 2008.
21. Katie Fite of Western Watershed Project sent a letter dated June 8, 2008, in response to the BLM letter dated May 27, 2008 that accompanied the Final Rangeland Evaluation and Determination. Ms. Fite asserted that current trend in most resources was actually downward, that the affected public lands were of increasing national significance, that the permit renewal process was biased in favor of the permittees, that large scale collection of additional resource data were required, and that the BFO must prepare an Environmental Impact Analysis in support of the permit renewal process. While she did not present a fully developed alternative, Ms. Fite suggested that livestock grazing should be curtailed, and range improvement projects removed from the allotment. She asked for a tour of the allotment to discuss their concerns.
22. A letter dated June 26, 2008, responded to Ms. Fite's letter dated June 8, 2008. BLM's letter explained that the Determination had been finalized and that it would not be timely to revisit the Determination and Assessment for East Castle Creek Allotment in the field. However, an offer to meet in the field to develop alternatives based upon the Determination was extended.
23. Bob Schweigert of Intermountain Range Consultants submitted the final version of Mr. King's written application for term permit renewal on June 22, 2008. Feedback to his original application had been provided by BFO staff on January 29, 2008. Bob Schweigert also provided further comments to the Final Rangeland Health Assessment

and to the Final Rangeland Evaluation and Determination on behalf of Gordon King on June 20, 2008.

24. In compliance with IM No. ID-2004-086 “Reissuing and Issuing Livestock Grazing Permits and Leases”, two formal meetings with John Anchustegui (Alternative B of EA# ID-120-2008-EA45) and one formal meeting with the Kings (Alternative C of EA# ID-120-2008-EA45) were conducted to resolve resource issues concerning their grazing applications and with alternatives prepared by the BFO interdisciplinary team (IDT). These meetings occurred on August 7 and September 30 and August 1, 2008, respectively and included various members of the IDT. Informal telephone conferences were also held at various times during the summer and fall of 2008. John Anchustegui submitted a combined application for term permit renewal for himself and for Phillips Bros. Cattle Co., his lessee, on October 1, 2008. Harry Melton of Owyhee Calcium Products Co. submitted an application to renew his term permits in the East Castle Creek and Battle Creek allotments on December 19, 2008.
25. A fax dated September 19, 2008 to Gordon King included the current alternative descriptions in EA# ID-120-2008-EA45, and requested their review and feedback. Alternative D was explicitly designed as an Adaptive Management alternative, with the Settlement and respective applications as starting points. Alternative E had also been substantially modified from previous versions to incorporate elements of Adaptive Management, including deliberate use of Annual Indicator Criteria to govern and provide feedback for grazing practices. John Anchustegui requested that the document not be faxed to him, and picked it up in person.
26. A letter dated October 10, 2008 to interested publics, State agencies and local governments, Tribal Governments and East Castle Creek Allotment permittees expanded the review of the Purpose and Need, Affected Environment, and alternative descriptions by releasing a draft Scoping Document that included these sections of EA# ID-120-2008-EA45. Comments were to be submitted by October 31, 2008, and timely comments were received from WWP, Gordon and Rose King, and from the Idaho Department of Fish and Game.
27. Katie Fite of Western Watershed Project sent an e-mail dated November 29, 2008, also in response to the BLM letter dated October 10, 2008, that requested BLM to develop at least 3 additional alternatives for East Castle Creek cooperatively with WWP. The alternatives were to be the No Grazing Alternative and two other alternatives that involved removal of existing range improvement projects, large scale grazing closures, and implementation of stubble height, bank and upland trampling standards that would trigger livestock removal from the affected pasture. Other comments were similar to earlier submissions.
28. An e-mail from Arnold Pike to Aden Seidlitz dated November 21, 2008 described BLM’s responses to feedback from Ted Howard of the Shoshone Paiute Tribe on BLM’s draft Scoping Document. That document was presented to him at the October 16, 2008 tribal consultation meeting, with a request for comment. Ted wanted to know what had

been found in the cultural clearances conducted for projects described in the Scoping Document, and also suggested several edits to the Scoping Document.

Prior to preparation of EA# ID-120-2008-EA45, the Bruneau Field Office (BFO) prepared the East Castle Creek Evaluation and Determination, to comply with BLM grazing regulations (43 CFR 4180) and Instructional Memorandum (IM) No. ID-2004-086 "Reissuing and Issuing Livestock Grazing Permits and Leases". The East Castle Creek Evaluation and Determination identified current livestock grazing as a significant causal factor in not meeting some of Idaho's Standards for Rangeland Health and in non-compliance with some Guidelines for Livestock Grazing Management. The Evaluation and Determination was dated and signed May 21, 2008. The following is a condensed summary of the Evaluation and Determination:

1. Standard 1 (Watersheds) and associated Guidelines 3, 4 and 9 were not being met in Pastures 8B, 8BI, 8BIII & 10B because of continued early spring use during the critical growing season prior to 2005; and excessive livestock use on seeded areas (1998-2004).
2. Standard 2 (Riparian Areas and Wetlands) and Guidelines 5, 6 and 17 are not being met on portions of Poison and Sheep creeks in pastures 8B, 12, and 28A and spring and wetland areas in pastures 12, 17, 19, 28, 29A and 44 of the East Castle Creek Allotment due to current livestock grazing.
3. Standard 3 (Stream Channel and Floodplain) and Standard 7 (Water Quality) and Guidelines 7 and 10 are not being met on portions of Poison and Sheep creeks in pastures 8B, 12 and 28A of the East Castle Creek Allotment due to current livestock grazing.
4. Standard 4 (Native Plant Communities) and associated Guidelines 4, 9 and 12 were not being met in Pastures 8B, 8BI, 8BIII, 10B & 12 because of depletion of deep rooted perennial bunchgrasses and the season and intensity of livestock use and in Pastures 28 & 28A because of the high utilization of bitterbrush and mahogany.
5. Standard 8 (Threatened, Endangered and Sensitive Species) There are not any threatened or endangered wildlife species in the East Castle Creek Allotment. However, a number of BLM special status species are known or likely to occur within the East Castle Creek Allotment. See the East Castle Creek Evaluation and Determination for a discussion of these species. Standard 8 as it relates to the habitat for BLM special status species and the associated Guidelines 11 and 12 are not being met on portions of West Fork of Shoofly Creek, in Pasture 5B and in pastures 10B, 11B, 12, 28, 28A, 29A, & 44 in the East Castle Creek Allotment due to current livestock grazing or to associated water hauling.

In addition to ISRH&GLGM, the 1983 Bruneau Management Framework Plan (MFP) identified resource conditions and specified resource goals and objectives for management of livestock grazing on public land. The Bruneau MFP is the applicable Land Use Plan for the Bruneau Field Office. Idaho's Standards for Rangeland Health and Guidelines for Livestock Grazing Management comply with Bruneau MFP resource goals and objectives.

The IBLA decided in Comb Wash that BLM needs to take a “hard look” at resource issues prior to renewal of a 10 year term livestock grazing permit. To comply with the IBLA order, the Settlement required the preparation of a new Standards and Guidelines Assessment, a Determination, and an EA, which is # ID-120-2008-EA45, in support of the final grazing decisions that must be issued.

In compliance with BLM’s guidance for preparation of EAs, current management was analyzed in EA # ID-120-2008-EA45. Alternative A analyzes current livestock grazing and range improvements implemented by portions of the 1997 decisions that were not Stayed by IBLA (a stubble height term and condition for Birch Creek, grazing systems in the summer pastures, several exclosures, and creation of riparian pastures 29C and 29D).

Instruction Memorandum No. ID-2004-086 “Reissuing and Issuing Livestock Grazing Permits and Leases” states that a grazing permit renewal application needs to be prepared by the permittee after the completion of a Determination. Gordon King submitted a draft and final written grazing permit renewal application, with additional clarification offered by his comments to the Scoping Document. Mr. King’s application also included the former Paul Black permit, which he has since acquired. John Anchustegui met with BLM to develop his grazing permit renewal application, which was captured in written form by BLM for both John and for his lessee, Phillips Bros. Cattle Co. Owyhee Calcium Products has cancelled their earlier lease with Mr. Anchustegui. The details of the OCP permit would be the same in each alternative that BLM analyzed, since modifications were not required to address unmet Standards, Guidelines, or MFP objectives. Alternative C of EA # ID-120-2008-EA45 is a representation of Mr. King’s grazing permit renewal application for both of his permits.

IM No. ID-2004-086 further states that “If the applicant’s proposal is not likely to start making progress toward meeting the standard(s), BLM will develop and analyze at least one alternative that will start making progress toward meeting the Standard(s).” Mr. King’s interim proposal was determined to make some progress toward meeting Standards. However, some of Mr. King’s proposals might not result in the same favorable outcome reported in the Determination if fully implemented in his winter and summer pastures. Mr. Anchustegui’s proposal was determined to make some progress toward meeting Standards, but the permittees did not agree on the details of splitting the spring pastures. Your permit renewal application involves only the winter pasture of East Castle Creek. Therefore, an interdisciplinary team (IDT) of BFO staff developed Alternatives D and E of EA # ID-120-2008-EA45, which will make significant progress toward meeting the standards that are not met due to current livestock grazing. A number of other alternatives and individual resource project proposals were considered, but not fully analyzed in the original EA (pages 14-18).

On January 2, 2009, you received my Proposed Decision dated December 24, 2008 regarding your ten-year permit renewal application for the East Castle Creek Allotment, along with the original EA# ID-120-2008-EA45 and its associated Finding of No Significant Impact (FONSI). That Proposed Decision offered you a new ten-year permit that addressed the Purpose and Need of the original EA# ID-120-2008-EA45.

Two timely protests were received from WWP; and a timely protest was received from Gordon and Rose King. I have carefully considered each protest statement of reasons as to why the proposed decision was in error and have responded to these reasons. Since the protests and responses were lengthy, they are incorporated as necessary within this Final Decision and enclosed for your reference.

A significant protest point which Mr. King raised was that our transcription of his application into Alternative C did not include many of your projects and some other provisions; therefore, that the impact analysis in the original EA# ID-120-2008-EA45 did not accurately describe the results of implementing your proposal. He further stated that a full analysis of your complete proposal should have been considered in my selection of Alternative D with modifications for the Proposed Decision. Therefore, I have elected to modify the impact analysis of Alternative C to fully consider his permit renewal application, and to reissue it within a modified EA# ID-120-2008-EA45 to accompany my Final Decision.

Final Decision

After careful consideration of the statement of reasons included in the protests, information received through consultation, communication and coordination with Robert N. Schweigert, the King family, and Katie Fite and Ken Cole of WWP, my final decision is to select the proposed action (Alternative D) with modifications and with additional clarifications to the Terms and Conditions, Flexibility, the AIC, and the Monitoring Plan as the Decision Record of EA # ID-120-2008-EA45. I have reviewed my Finding of No Significant Impact of December 24, 2009 for EA # ID-120-2008-EA45 and have determined that it is still valid.

The proposed action (modified Alternative D, with additional clarifications) will be implemented by incorporating it as terms and conditions into a ten year term livestock grazing permit to be offered to Owyhee Calcium Products (1101614) in both the East Castle Creek and Battle Creek allotments. The management objectives, livestock management, AICs, and monitoring plan will be used to set the parameters in the development of the annual grazing system in the East Castle Creek Allotment. The effective date of this final decision will be April 1st, 2009, and will be in effect through February 28th, 2019.

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

Table 1. Mandatory terms and conditions for Owyhee Calcium Products # 1101614 that comply with 43 CFR 4130.3-1(a).

Allotment	Livestock		Grazing Period		% Public Land	Animal Unit Months		
	Number	Kind	Begin	End		Active	Suspended	Permitted
00893 East Castle Creek	92	C	11/1	1/31	100	278	0	278
00802 Battle Creek	22	C	11/1	1/31	100	67	0	67

Terms and Conditions

1. All grazing in the Battle Creek Allotment will be in accordance with the BLM final decision issued in September 1999 for operator 1101614. Flexibility in pasture movement may be practiced in accordance with the following guidelines: tens days flexibility in dates will be allowed in moving in and out of the winter pasture, beginning five days before and not to exceed five days following the scheduled move date, with 95% of the herd moved by the scheduled move date.
2. Grazing use in the Battle Creek Allotment will be in compliance with the operational and resource use criteria identified in EA#99045.
3. Livestock grazing management in the East Castle Creek Allotment shall be made in accordance with the Field Manager's Final Decision for East Castle Creek Allotment.
4. Livestock turnout is subject to the Boise District range readiness criteria.
5. Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter (1/4) mile away from any riparian area, spring, stream, meadow, aspen stand, sensitive plant populations, playa, or water development located on public land unless a variance is approved by the authorized officer.
6. Livestock exclosures located within the East Castle Creek Allotment are closed to livestock use or as otherwise approved by the Authorized Officer.
7. Maintenance activities within the Little Jacks Creek Wilderness Study Area require prior consultation with the authorized officer. Motorized vehicles are restricted to designated roads in WSAs.
8. Pursuant to 43 CFR 10.4(b), the Permittee is required to notify BLM by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4(c), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.
9. Properly complete, sign and date an Actual Grazing Use Report Form (BLM Form 4130-5) for each allotment. Actual use must be submitted by individual pasture. The completed form(s) must be submitted to the Bruneau Field Office within 15 days from the last day of authorized annual grazing use.
10. Permittees or Lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands in accordance with 43 CFR 4130.3-2(h).

11. Pastures referred to as Fenced Federal Range (FFR) are managed as custodial use as long as BLM land mixed in with the private and State lands meet or make progress toward the Idaho Standards for Rangeland Health.
12. Livestock that are six months or older at the beginning of the grazing season are required to have ear-tags that are issued by the BLM or as otherwise determined by the authorized officer.
13. You are required to coordinate trailing activities and movement between pastures with the BLM at the earliest possible time to the initiation of trailing. A trailing permit or similar authorization may be required prior to crossing public land if not in the same allotment shown on the grazing permit. No trailing will occur in the fall down Birch Creek in Pastures 10B and 11B unless authorized by the Bruneau Field Manager.

Flexibility

Flexibility in pasture movement may be practiced in accordance with the following guidelines:

1. Grazing schedules will generally be as shown in Table 4, but dates may vary based on range readiness, annual indicator criteria, AUMs of use, and as approved by the authorized officer.
2. Five days flexibility in dates will be allowed in moving between pastures unless otherwise authorized by the Bruneau Field Manager.
3. Use in summer pastures 28 and 28A is limited to 26 days each. When browse use exceeds an average of 50% on bitterbrush or mountain mahogany in key areas, livestock will be removed from the pasture. If browse use is <50% when livestock have been in the pasture 26 days, use may be extended as long as permitted use is within annual indicator criteria.

Annual Indicator Criteria

Annual Indicator Criteria, along with other required management practices will result in a reasonable expectation that long term desired conditions will be achieved. These indicators may be modified by the Field Manager based on the recommendations of the interdisciplinary team of resource specialists and consultation with the livestock grazing permittees. The following Annual Indicator Criteria will be monitored in accordance with the East Castle Creek Monitoring Plan (Enclosed).

1. Utilization on key upland grass species (bottlebrush squirreltail, Sandberg bluegrass, bluebunch wheatgrass, ricegrass, Thurber needlegrass, crested wheatgrass) will not exceed an average of 40% in the spring pastures (8B, 8BI, 8BIII, 10B) at key areas based on statistical significance.
2. Utilization of key upland grass species, winterfat, and Nuttall saltbush will not exceed an average of 50% in Pasture 5B at key areas based on statistical significance.

3. Ground disturbance in and around Mulford’s milkvetch populations decreases once the water haul site is moved away from the population. If soil disturbance is not reduced, identify an alternate trough location that will not impact Mulford’s milkvetch.
4. Utilization of key upland grass species (bluebunch wheatgrass, Idaho fescue, Sandberg’s bluegrass, Thurber needlegrass, needle-and-thread, ricegrass) does not exceed an average of 50% (pastures 11B, 12, 28, 28A, 29A, 29B) at key areas based on statistical significance .
5. Utilization of current year’s growth of key upland browse species by all classes of animals combined (livestock & wildlife) will not exceed 30% in mule deer winter range (pastures 8B and 10B) at key areas and 50% in mule deer summer range (pastures 28, 28A, 29A, 29B, 29C and 29D) at key areas based on statistical significance.
6. Browsing by livestock of woody species less than 5 feet tall (including young willows) on Poison, Birch, Sheep, and West Fork Shoofly creeks will not exceed an average of 25% of current annual production at key areas based on statistical significance.
7. A minimum of 4 inches of stubble height will remain on the above listed streams on the greenline at key areas. Streambank alteration attributable to livestock grazing is less than 10% based on MIM monitoring methods at key areas.
8. Bacteria in Battle and Poison creeks will not exceed the State of Idaho Water Quality Standards (see enclosed Monitoring Plan, which is also Appendix B of Final EA# ID-120-2008-EA45).

Annual Indicator Criteria will be applied in accordance with IM-ID-2005-074 to assist compliance with the applicable portions of the Standards and Guidelines, and with the applicable portions of the Bruneau Management Framework Plan (see Appendix D of Final EA# ID-120-2008-EA45). The Annual Indicators are used as thresholds to indicate when adjustments to livestock grazing management are necessary to meet or make significant progress toward meeting the Idaho Standards for Rangeland Health and resource objectives. These adjustments may occur during each grazing year, including, but not limited to, redistribution of livestock within a pasture to areas still within the Annual Indicator Criteria or removal of livestock from a pasture.

Mid- and Long-term Indicator Criteria

Mid-term and long-term monitoring will be used to evaluate the effectiveness of meeting our resource objectives (as listed on pgs. 5 and 6 and in Appendix A) as described on pages 42 and 43 of Final EA# ID-120-2008-EA45). The Monitoring Plan is enclosed. The following two tables display additional monitoring and responses for each resource issue identified in the Purpose and Need:

Table 2. Long Term Effectiveness Monitoring of sites that will be monitored for progress

Pasture	Long Term Effectiveness Monitoring
---------	------------------------------------

5B Upland Vegetation	Monitoring exclosures, trend and density measurements. Will evaluate at 10 years.
8B, 8BI, 8BIII, & 10B Upland Vegetation	Monitoring exclosures, trend and density measurements. Will evaluate at 5 and 10 years. Examples of criteria to indicate success towards meeting resource objectives may include: <ul style="list-style-type: none"> - Number of perennial grass plants per meter square - Percent of existing perennial grasses producing seed - Statistically significant increase in % of grasses in interspaces vs. under shrubs
8B, 12, 28A, Riparian and Stream Channel	Statistically significant improvements in greenline cover, vegetation, bank stability, and upward trend in functioning condition in the long-term (5- 10 years).
8B, 12, 28A Water quality	Long term monitoring (5 to 10 years) shows that water quality standards are being met or progress toward meeting the standards.
12 Hanging meadows	Long term monitoring (5 to 10 years) results show that hanging meadows are meeting or making progress toward meeting proper functioning condition.
29A, 17, 19 Riparian, Upland Vegetation, Browse	Long term monitoring (5 to 10 years) results show that wetlands and riparian areas are meeting or making progress toward meeting proper functioning condition; upland vegetation communities condition are maintained or improving and there is no hedging of browse species caused by livestock grazing.
28, 28A Riparian, Upland Vegetation, Browse	Long term monitoring (5 to 10 years) results show that wetlands and riparian areas are meeting or making progress toward meeting proper functioning condition; upland vegetation communities condition are maintained or improving and there is reduced hedging of browse species.

Exclosures will be used to evaluate site potential and will allow managers to assess the relative impacts of weather and current management on vegetation (Table 3). Exclosures will guide future permit renewals but may not be yield results soon enough to guide short or mid-term grazing modifications.

Table 3. Pastures 8B and 10B Management Response with Exclosure Monitoring

Inside exclosure	Outside exclosure	Result
Up	Down or static	Reduce utilization annual indicators & reduce numbers or season of use.
No difference	No difference	Maintain grazing management.
No difference	Up	During permit renewal and with additional NEPA analysis, increase numbers or season of use.

The Decision Tree similar to what is described in IM-ID-2005-074 (Appendix D of Final EA# ID-120-2008-EA45) will be used to determine if adjustments are needed after 3 years. Adjustment could be in numbers of livestock, season of use, or a combination of numbers and

season of use. The results of long-term monitoring will be evaluated after 5 years. The following are three possible responses to effectiveness monitoring:

1. If objectives are valid or if modification to objectives is appropriate
2. If objectives are still valid and monitoring shows progress is being made to meeting them, then livestock grazing management will continue. If appropriate, increases in grazing use may be analyzed.
3. If objectives are valid and monitoring shows progress is not being made toward meeting them and livestock are a causal factor, then modifications in grazing management will be implemented including, but not limited to, changes in season of use, numbers of livestock, or a combination.

Grazing Management

Livestock Grazing Management for the East Castle Creek Allotment will be as shown below in Table 4. Flexibility in the movement of livestock between pastures is defined above in the “Flexibility” section. Changes also may be made in the turnout date, length of use period, and amount of use consistent with phenological development of the plants as a result of weather conditions and climatic variation, but will not exceed the numbers or amount of permitted use shown in Tables 1 and 4.

Table 4. Livestock Grazing Management for East Castle Creek Allotment for all Permittees

Pasture	# of Livestock	Year 1	Year 2	Year 3 ¹	AUMs
5B	1,177 ²	11/1-1/31			2,735
8B, 8BI, 8B III	1,527	4/1 - 4/30	5/1 – 5/31	Repeat	3,063
10B	1,527	5/1 – 5/31	4/1 – 4/30	Repeat	
11B	763	6/1 – 6/15			376
12	764	6/1 – 6/15			377
Total Spring AUMs					3,816
28	1024	7/12 – 8/6	6/16 -7/11	Repeat	1,751
28A		6/16 – 7/11	7/12 – 8/6	Repeat	
29A, 29B	Year 1: 237 Year 2: 380	6/16 – 8/31	7/15 – 8/31 ³	Repeat	601
29C	47	Rest	6/16-6/30	Repeat	23
29D	47	6/16– 6/30	Rest	Repeat	
FFRs (King)	Varies	4/1- 11/30			281
FFRs (JA)	Varies	4/1- 11/30			88
Total					9,295³

¹ The schedule will repeat the following year.

² Maximum initial numbers with staged removal of livestock.

³ In these years, livestock grazing could occur primarily on FFRs, State leases, or Private Property from 6/16 to 7/14 prior to turnout into pastures 29A and 29B on 7/15.

Range Improvements

The following range improvements will be built in the general location shown on Maps 12 and 13 for the Proposed Action of Final EA #ID-120-2008-EA45 and enclosed. The projects are designed to address resource concerns identified in the purpose and need and to address issues identified in the East Castle Creek Evaluation and Determination. All projects have been reviewed for impacts to special status plants and animals and cultural resources and site-specific clearances have been done or will be done prior to installation of the projects. The design of each project will incorporate avoidance or mitigation. Projects are described in fuller detail on pages 47 through 51 of Final EA #ID-120-2008-EA45. Projects listed here will allow for significant progress to be made towards meeting Standards and Guidelines:

1. *Monitoring Exclosures.*
2. *Pasture 5B Water Haul Trough Relocation.*
3. *Magpie Creek Headwaters Exclosure and Trough.*
4. *Battle Creek Headwaters Exclosure and Trough.*
5. *Pasture 44 Spring Exclosure 1.*
6. *Pasture 44 Spring Exclosure 2.*
7. *Buck Spring Exclosure.*
8. *Rat Spring Exclosure.*
9. *Juniper Station Pond.*
10. *Gopher Spring Exclosure.*
11. *Rock Spring Exclosure Expansion.*
12. *Station Spring Exclosure Expansion.*
13. *Pasture 29A Battle Creek Tributary Meadow Exclosure.*
14. *Pasture 29A Pond at Bill De Alder Draw.*
15. *West Fork Shoofly Creek Fence Realignment.*

The following management designs apply:

1. All fences will be built to Boise District Fence Standards or as recommended by Idaho Fish and Game, to ensure that fence design reflects current research concerning sensitive and big game species. Current Boise District Fence Standards include the following:
 - a. Pasture division fences will have 3 wires (Type B), with the bottom wire smooth and with wire spacing suitable for deer and antelope habitat;
 - b. Exclosures will have 4 wires (Type A), with the bottom wire smooth and with wire spacing suitable for bighorn sheep habitat.
 - c. In addition:
 - Visibility markers will be placed where needed according to most current recommendations.
 - Raptor anti-perching devices will be placed on wooden posts in sensitive sage-grouse habitat.
 - Blading of fencelines will not be allowed during construction.
 - Green fenceposts will be used to minimize visual contrast.
 - Gates will be incorporated into all fence construction.
2. New spring developments will be built according to BLM Boise District standards, including fencing the source and engineering an appropriate overflow mechanism. The following design standards and mitigation measures will apply:
 - a. Headboxes will be installed at the lower end of the spring head using standard specifications to avoid drying wetland areas;
 - b. Headboxes that must be installed at the upper end of the spring head will have flow management devices installed on the troughs, and standard specifications will be used to avoid drying wetland areas;
 - c. Troughs will be installed, with standard bird ladders, bases, and braces;
 - d. Disturbed areas will be contoured to the natural setting, if necessary and seeded to a seed mix appropriate to the ecological site(s) and with the same or similar plant species to the surrounding vegetation;
 - e. New access roads will not be constructed.
3. New pipelines will be built according to BLM Boise District standards, including engineering an appropriate overflow mechanism for each trough. The following design standards and mitigation measures will apply:
 - a. Troughs will be installed, with standard bird ladders, bases, and braces;
 - b. Pipelines will be ripped in, with minimum disturbance including the jeep trail along the pipeline not exceeding 50 feet in width;
 - c. Disturbed areas will be reseeded to a seed mix appropriate to the ecological site(s).
4. Pond repair will be done to restore a functional state using standard design criteria. The following design standards and mitigation measures will apply:
 - a. Fill material will be taken from the existing area of disturbance;
 - b. Vehicle activity will occur within the existing area of disturbance to the extent feasible or as approved by the authorized officer;
 - c. Existing access roads or ways will be used.

5. In conformance with Bureau policy, motorized access will not be authorized for construction and maintenance of projects within the Little Jacks Creek Wilderness Study Area. No motorized cross-country travel will be allowed off of designated routes in the Wilderness Study Area.
6. Sensitive species and cultural clearances will be conducted before project implementation. Any modifications of a project to avoid sensitive species or a cultural site will be assessed to ensure the modification is within the scope of analysis presented in this EA. If it is determined to be outside this scope of analysis, a separate NEPA analysis will be conducted.
7. All projects will be monitored for weeds for a minimum of three years following construction. Noxious or invasive weeds will be treated in conformance with the Boise District Noxious Weed EA.
8. Riparian or spring exclosures that do not respond to rest with an increase in desirable vegetation will have the option of being restored with site appropriate species. Seed will be broadcast by hand and manually raked into the soil. Transplants of vegetative material may also occur. Any restoration will be limited to areas disturbed by project implementation or inside exclosures.

Rationale for the Final Decision

Alternatives B and C represent John Anchustegui's and Gordon King's permit renewal applications, respectively. The permittees were unable to agree on one grazing management proposal for the common use pastures within East Castle Creek Allotment. Both of these proposals have merit, have common features with this decision, and were fully considered in making this decision. In addition, several clarifications to the Terms and Conditions, Flexibility, the AIC, and the Monitoring Plan resulting from Mr. King's protest have been incorporated into this Final Decision. Your permit renewal application involves only the winter pasture of East Castle Creek, where Standards and Guidelines were met except for the location of a temporary water trough, which you have not been involved with.

However, Gordon King's long-term application would not address the level of browse use observed in his summer pastures, could result in utilization levels exceeding the MFP objective in the winter pasture, and may be less favorable than this Final Decision in promoting progress toward ISRH and MFP objectives in the spring pastures. Specifically, Mr. King's interim and long-term applications are less favorable for riparian areas on Poison Creek, and the realignment of Pastures 8B and 10B may impose stocking rates that do not meet the AIC or even the MFP utilization objective on the lakebeds. Gordon King's application included fencing most of the wetland areas from grazing use. While these fences would protect the areas from grazing livestock and make progress toward meeting Standards 2, 7, and 8, there would be several miles of additional fence that would be constructed and would require additional funding for maintenance. My Final Decision includes sufficient wetland exclosures and upland water projects to facilitate significant progress. These exclosures along with prescribed limitations to grazing use periods together with use of annual indicator criteria and the application of adaptive

management is the best initial approach at this time. Additional projects that are proposed by the permittees but are not part of this Final Decision could still be built if the need is identified by the prescribed monitoring and adaptive management approach.

The East Castle Creek Evaluation and Determination (May, 2008) identified Standards 2, 3, 4, 7 and 8 as not being met and livestock grazing management is a causal factor in some of the pastures and Standards 1 and 4 as not being met in pastures 8B, 8BI, 8BIII, and 10B under grazing management during 1998 through 2004. Grazing use was decreased by agreement since 2004. Permitted use has been reduced 25% in the spring pastures and 15% in summer pastures 28 and 28A in this decision. The 40% utilization limit during the critical growing season of upland vegetation in pastures 8B, 8BI, 8BIII, and 10B and the 50% utilization limit after the critical growing season of upland vegetation in pasture 12, will maintain and improve long term trend of upland plant vegetation. The 50% browse utilization limit and reduction in pastures 28 and 28A will provide sufficient browse for summering mule deer in conformance with the MFP. This meets Standards 1 and 4 and complies with Guidelines 3, 4, 9, and 12.

The livestock grazing management described in Table 4 will implement or continue grazing systems that will allow for deferment during the critical growing season of upland plants. This deferment along with the Annual Indicator Criteria is adequate to maintain or further improve individual plant vigor and allow for population recruitment. Adjustments to turnout date, length of use period, and amount of use based on range readiness, availability of cheatgrass, and other considerations will also continue and will facilitate conformance with the Annual Indicator Criteria. Boise District range readiness standards will protect soils (Standard 1) from mechanical damage from livestock and allow for the physiological needs of native perennial grasses to be met (Standard 4). Accumulation of fine fuels that can carry wildfires will be limited, particularly on the lakebeds.

The shortened use period and implementation of the Annual Indicator Criteria in pastures 8B, 12 and 28A will assist streams and wetlands in these pastures to make progress toward Standards 2, 3, and 7 and to conform with Guidelines 5, 6, 7, 10, and 11. A spring season of use also continues in pastures 8B and 12 as scheduled in Table 4, which is favorable for recovery and regrowth after grazing.

Annual Indicator Criteria (AIC), such as stubble height, streambank alteration, and upland utilization, are short-term monitoring indicators that are also incorporated into grazing practices prescribed by this proposed decision. AIC are assigned numeric limits and are typically measured annually. All modifications of grazing practices based upon annual indicators will be through the Decision Tree as described in BLM Instruction Memorandum No. ID-2005-074. IM No. ID-2005-074 directs that annual indicators, including stubble height, are not to be used as a term and condition on permits.

In accordance with IM 2005-074, one incident of non-compliance of upland utilization AIC will not necessarily reduce upland vegetation health or impede progress toward meeting objectives. In addition, other factors related to plant health, such as frequency of defoliation and opportunity for plant growth or regrowth, will be factors to consider in deciding whether upland plant health is affected. Consideration of other factors that affect upland plant health and likewise, riparian

health, is important in the implementation of adaptive management in East Castle Creek Allotment. Failure to achieve AIC over time that result in not making significant progress toward meeting Idaho's Standards for Rangeland Health (ISRH) and Bruneau MFP objectives will result in change in livestock grazing to ensure that progress is made toward meeting ISRH and MFP objectives. These actions will be in accordance with 43 CFR 4100.

Maintenance of ISRH&GLGM where they are met or progress toward meeting ISRH&GLGM due to livestock grazing practices prescribed by this final decision complies with the goals and objectives of the Bruneau MFP. Therefore, Alternative D of EA #ID-120-2008-EA45 as modified in this final decision and incorporating clarifications to the Terms and Conditions, Flexibility, the AIC, and the Monitoring Plan will obtain the goals and objectives of the Bruneau MFP.

Standards 2 (Riparian Areas and Wetlands) and 8 (Threatened, Endangered and Sensitive Species) and Guidelines 6, 11 and 17 are not being met in spring and wetland areas in pastures 10B, 11B, 12, 17, 19, 28, 28A, 29A and 44 of the East Castle Creek Allotment due to currently permitted livestock grazing. In addition, Standard 8 is not being met in Pasture 5B due to impacts associated with the location of a temporary water trough. The range improvements listed in this Final Decision will result in significant progress towards meeting Standards 2 and 8 and Guidelines 6, 11, and 17 by providing complete protection from or reducing current levels of livestock impacts. These range improvement projects are compliant with the Finding of No Significant Impact (FONSI) for EA # ID-120-2008-EA45 (see enclosed FONSI).

All qualifications of 43 CFR 4110.1, 4110.2, 4110.2-1, and 4110.2-2 have been met by your application. The proposed range improvements within the allotment will be implemented consistent with 43 CFR 4120.3 to 4120.3-2 and with 4120.3-4 to 4120.3-8. The modification and renewal of this grazing permit is consistent with 43 CFR 4100.0-8, 4110.2-4, 4110.3, 4130.1-1, 4130.2, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4160 and all of subpart 4180.

Authority

Authority under which this final decision is being issued is found in Title 43 of the Code of Federal Regulations (CFR) 4100 Grazing Regulations.

43 CFR 4100.0-8
43 CFR 4110.1
43 CFR 4110.2-2
43 CFR 4110.2-4
43 CFR 4110.3
43 CFR 4120.3-1
43 CFR 4120.3-4
43 CFR 4130.1-1
43 CFR 4130.2
43 CFR 4130.3
43 CFR 4130.3-1
43 CFR 4130.3-2

43 CFR 4130.3-2(f)
43 CFR 4130.3-2(h)
43 CFR 4130.3-3
43 CFR 4160
43 CFR 4180

Right of Appeal

Please be advised that 43 CFR Part 4 has been amended as of January 9, 2004.

Any applicant, permittee, lessee or other person whose interest is adversely affected by this final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470, 43 CFR 4160.3, and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, *Arnold L. Pike, 3948 Development Avenue, Boise, Idaho 83705*. The person/party must also serve a copy of the appeal on the *Office of the Solicitor, Field Solicitor-U.S. Department of the Interior, University Plaza, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706* and person(s) named [43 CFR 4.421(h)] in the **Copies sent to:** section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error 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 serviced in accordance with 43 CFR 4.471.

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

Sincerely,

Arnold L. Pike
Bruneau Field Manager

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