Director's Protest Resolution Report

Pocatello (ID) Resource Management Plan

July 10, 2011

BLM

Contents

Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the BLM's response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-CA-ESD-08-0020-10

Protest issue number

Organization: The Forest Initiative

Protesting organization

Protester: John Smith

Protester's name

Issue Excerpt Text:

Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

Summary

General statement summarizing the issue excerpts (optional).

There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

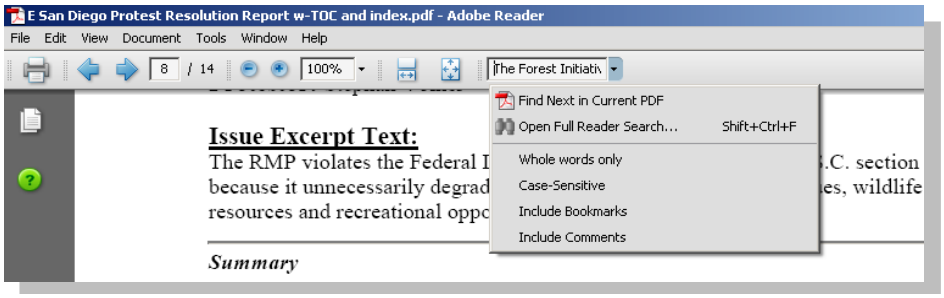
Response

BLM's response to the summary statement or issue excerpt if there is no summary.

Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern
APD	Application for Permit to Drill
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	Best Management Practice
BO	Biological Opinion
BsP	Biophysical Setting Description
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CERCLA	Compensation Environmental & Liability Act
CFR	Code of Federal Regulations
COA	Condition of Approval
CSU	Controlled Surface Use
CWA	Clean Water Act
DFS	Desire Future Conditions
DM	Departmental Manual (Department of the Interior)
DOI	Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
FO	Field Office (BLM)
FRCC	Fire Regime Condition Classes
FWS	U.S. Fish and Wildlife Service
GAP	Gap Analysis Program
GIS	Geographic Information Systems
GYC	Greater Yellowstone Coalition
IB	Information Bulletin
IM	Instruction Memorandum
KPLA	Known Phosphate Lease Area
LHCs	Land Health Conditions
LTA	Land Tenure Adjustments
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act of 1966, as amended
NOA	Notice of Availability
NOI	Notice of Intent
NRHP	National Register of Historic Places
NSO	No Surface Occupancy
OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
PFO	Pocatello Field Office
PRMP	Proposed Resource Management Plan
RFDS	Reasonably Foreseeable Development Scenario
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
SHPO	State Historic Preservation Officer
SO	State Office
T&E	Threatened and Endangered
USC	United States Code
USGS	U.S. Geological Survey
VRM	Visual Resource Management
WA	Wilderness Area
WWP	Western Watershed Project
WSA	Wilderness Study Area
WSR	Wild and Scenic River(s)
YCT	Yellowstone Cutthroat Trout
YCT	Yellowstone Cutthroat Trout

Protesting Party Index

Protester	Organization	Submission Number	Determination
Fite, Katie	Western Watersheds Project	PP-ID-Pocatello-10-01	Denied
Strong, Katie	Greater Yellowstone Coalition	PP-ID-Pocatello-10-02	Denied

Issue Topics and Responses

FLPMA

Issue Number: PP-ID-Pocatello-10-02-43
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

Implementation of the proposed RMP will lead to a number of severe environmental impacts. The BLM refers to these as "significant" impacts, but by any measure they are prohibited "undue" impacts under the terms the FLPMA. 43 U.S.C. § 1732(b) (BLM is required to take "any" "action" that is necessary to prevent unnecessary or undue degradation of the public lands). This is especially true since the BLM has almost complete authority to specify the time, place, and manner of phosphate mine development. See, e.g., Blackfoot Bridge Mine Draft EIS, Table 1.3-1: Major Permits, Approvals, and Authorizing Actions Potentially Required for the Blackfoot Bridge Mine. Almost none of these impacts are unavoidable, and consequently they are undue.

Issue Number: PP-ID-Pocatello-10-02-45
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

1. The BLM should close the field office to additional phosphate leasing until the existing contamination problem is resolved to avoid unnecessary and *[sic]* undue degradation.
The potential widespread and severe impacts of additional phosphate mining—especially when considered cumulatively with the existing seventeen Superfund sites—constitute a prohibited "undue" impact on the environment of the Pocatello Field Office. The Mineral Policy Center court recognized that "FLPMA, by its plain terms, vests the Secretary of the Interior with the authority—and indeed the obligation—to disapprove of an otherwise permissible mining operation because the operation, though necessary for mining, would unduly harm or degrade the public land." 292 F.Supp.2d at 42 (emphasis added). Because the BLM has almost complete authority to regulate the time, place and manner of phosphate mining activities—and in fact an obligation to do so under many "applicable" laws and many other "non-discretionary" laws—none of these impacts have to be accepted by the BLM as inevitable, unavoidable or acceptable, and thus by definition they are undue and prohibited.

Summary: The impacts of additional leasing when considered cumulatively with the existing 17 Superfund sites within the field office constitute a prohibited “undue” impact. The failure to close the field office to additional phosphate leasing is a violation of the FLPMA directive to “take any action necessary to prevent unnecessary or undue degradation of the public lands.”

Response: Congress recognized that, through the multiple-use mandate, there would be conflicting uses and impacts on public lands. The BLM does not consider activities that comply with applicable statutes, regulations and policy—and include appropriate mitigation measures and operating standards—to cause unnecessary or undue degradation. Specifically relating to additional phosphate leasing, the PRMP/FEIS p. 4-375 states, “It is estimated that phosphate reserves that are currently under lease and that are presently economically feasible to mine would

last another 40-50 years." Therefore, it is unlikely that any significant amounts of phosphate will be leased during the life of the Pocatello RMP. No lease modifications would be issued without future site specific NEPA. (Please see the response to Issue 24.1 for a further discussion of phosphate leasing.)

NEPA
Range of Alternatives

Issue Number: PP-ID-Pocatello-10-01-177
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We are similarly dismayed that BLM has not developed a much broader range of habitat protections for ALL imperiled and sensitive species. BLM provides alternatives B and C being near-identical (and minimal) and A and D being near-identical (and minimal). There is no valid range of alternatives here.

Issue Number: PP-ID-Pocatello-10-01-287
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

There is no alternative that reduces the Footprint of transmission or other infrastructure, significantly reduces livestock infrastructure, significantly increases passive restoration, etc.

Issue Number: PP-ID-Pocatello-10-01-288
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Many of the components of are nearly identical across all alternatives. Examples: Grazing lands and AUM allocations, lands available for minerals, rights-of-way, large land disposals/trades - are very similar across alternatives.

Summary: The PRMP/FEIS violates NEPA because it does not analyze a reasonable range of alternatives with regard to livestock grazing, minerals and rights of way, and land disposals.
Response: The BLM considered a reasonable range of alternatives in the PRMP/FEIS concerning resources and uses, such as livestock grazing, minerals, rights of way, and land disposals (PRMP/FEIS, Chapter 2 – Alternatives, pp. 2-98 through 2-226). The PRMP/FEIS alternatives were based on the issues identified, resource conditions, and the relative allocation of resources. The range is further defined by existing constraints and provides a reasonable basis for defining the area or extent of the allocations. The variation between alternatives represents a real and definable trade-off among management options, not merely an arbitrary delineation. Four alternatives were analyzed in detail in the PRMP/FEIS. The BLM's range of alternatives represented a full spectrum of options, including a No Action alternative (Alternative A); a

Proposed Plan (Alternative B), emphasizing resource conservation and ecosystem health balanced with commodity production and public land use; Alternative C, emphasizing management strategies to preserve and protect ecosystem health; and Alternative D, emphasizing commodity production and public use opportunities (PRMP/FEIS at 2-6 to 2-8).

Wildlife habitat management is addressed through vegetation resource management. The PRMP/FEIS includes a range of alternatives appropriate to the vegetation resource management. Mid- and low-elevation shrub vegetation types were identified as a concern; vegetation management and treatments reflect this emphasis. Alternatives range from 3,400 acres treated to achieve desired future conditions in aspen/conifer types and 0.0 acres in sagebrush shrub-steppe type, to 20,000 acres in aspen/conifer type and 142,000 acres in sagebrush shrub-steppe type (PRMP/FEIS Sections 2.8, 2.10, 2.11, and 2.12). These treatments will result in creating the desired canopy cover for key wildlife vegetation over 30 years ranging from 67,100 acres in mid- and low-elevation shrub types and 0.0 acres in crested wheatgrass seedings to 89,100 acres in mid- and low-elevation shrub types and 42,100 acres in crested wheatgrass seedings (PRMP/FEIS Table 4.2.6.1).

Similarly, commodity uses (e.g., transmission, wind energy, rights-of-way, and land disposals, grazing management, and fluid and solid minerals management) are addressed through alternatives that identify a reasonable range of uses or allocations, based on the identified need for a change in those allocations or uses. Rights-of-way open, avoidance and exclusion areas vary from 561,700, 20,200, and 0.0 acres respectively to 590,000, 23,800, and 30,700 acres respectively (PRMP/FEIS Sections 2.8, 2.10, 2.11 and 2.12). Land tenure adjustments range from 24,950 acres identified for disposal to 60,700 acres (PRMP/FEIS Table ES-9, p. ES-63 and Table 4.2.2-1, p. 4-287).

Grazing management allocations range from 527,800 available acres and 86,000 unavailable acres to 560,000 available acres and 53,800 unavailable acres (PRMP/FEIS Table ES-9, p. ES-64, Sections 2.8, 2.10, 2.11 and 2.12, Table 4.3.3.1, p. 4-304). Public scoping comments were analyzed by the planning team and condensed into six planning issues[1]. Similar concerns from each of the six planning issues were grouped together and used to develop the action alternatives (PRMP/FEIS, Chapter 2, pg 2-5) with a specific theme/emphasis (i.e., Alternative D–Commodity Production, Alternative C–Preserve and Maintain Ecosystem Health, and Alternative B[2]–Balancing Commodity/Production with Conservation and Ecosystem Health) based upon the issues/concerns driving development of each alternative.

Based upon this approach, the specific management direction for a particular resource or resource use was driven by the theme/emphasis of each action alternative. Thus, management

[1] Planning issues identify a major controversy or dispute regarding management of resources or uses on the public lands that can be addressed in a variety of ways.

[2] Alternative B is the Proposed RMP as identified in the FEIS.

[3] Public lands currently available for grazing but no grazing preference established.

[4] Public lands currently available for grazing with a grazing preference but no authorized permittee or lessee.

Alternative B is the Proposed RMP as identified in the FEIS.

direction for one resource could require changes in management direction for other interdependent resources or uses (PRMP/FEIS, Chapter 1, pg 1-3). Livestock grazing management direction is interdependent with various resources, such as special status species and vegetation. That is, where a particular theme/emphasis resulted in specific management objectives to address resource concerns or achieve resource objectives for special status species or vegetation, grazing management direction was adjusted to support those management objectives. (PRMP/FEIS, Chapter 1, pg 1-3).

With respect to grazing, most allotments are meeting rangeland health standards. Therefore, it was not reasonable to consider major reductions in grazing allocations or a wholesale ban on grazing throughout the planning period. Changes in grazing management at the implementation stage, through permit renewal, will adequately address the impacts of livestock grazing. That is not to say that there are no changes to grazing allocations in the various alternatives. However, the range of alternatives, in which public lands are identified as available or not available for livestock grazing (BLM Land Use Planning Handbook [H-1601-1], Appendix C, March 2005), is a result of resource use management direction (i.e., land tenure adjustment, ACECs, solid/fluid mineral lease areas, public land withdrawals/recreation areas, and livestock grazing) (FEIS/PRMP, Chapter 4, pg 4-304). Resource use management direction influenced the range of alternatives for livestock grazing. For example:

- Land Tenure Adjustment, Zone 4 Disposal – Small to medium sized, non-contiguous/isolated parcels of public lands identified for exchange or sale by alternative constitute the 24,950 acres (Alternative C) to 60,700 acres (Alternative D) identified as not available for livestock grazing because these parcels would be removed from the public land base administered by the BLM.
- Areas of Critical Environmental Concern – Certain ACECs identified by alternative constitute the 910 acres (Alternatives B/D) to 2,050 acres (Alternative C) not available for livestock grazing to protect resource values and unique characteristics such as special status plants, vegetative communities, and geologic features.
- Solid Leasables and Fluid Minerals – Areas of disturbance associated with mining and fluid minerals development and production constitute about 780 acres (Alternatives A-D) not available for livestock grazing to avoid conflicts between livestock and mining operations/vehicular/heavy equipment traffic.
- Withdrawals/Recreation Areas – Public lands identified for specific purposes (i.e. administrative sites, use by other federal agencies, and recreation areas designated "open" for OHV use) constitute about 24,500 acres (Alternatives A-D) not available for livestock grazing to avoid conflicts between livestock and these types of uses.
- Livestock Grazing – Specifically, riparian allotments and public lands currently not allocated[3] or allotted[4] for livestock grazing constitute the 300 acres (Alternative B) to 7,500 acres (Alternative C) not available for livestock grazing.

[3] Public lands currently available for grazing but no grazing preference established.
[4] Public lands currently available for grazing with a grazing preference but no authorized permittee or lessee.

Periodic allotment evaluations of vegetative conditions and rangeland health have been completed with 367 allotments being assessed to determine if allotments are meeting or making significant progress towards meeting Idaho Standards for Rangeland Health. Of these allotments, approximately 83 percent (≈ 463,774 acres of public lands) are meeting standards or making significant progress towards meeting standards. About 15 percent (≈ 82,524 acres of public lands) are not meeting standards with appropriate action being taken to ensure significant progress toward meeting the standards. The remaining two percent of lands have yet to be assessed.

Consequently, with about 98 percent (546,298 acres) of the public lands available for livestock grazing having been assessed and the vast majority of those acres are meeting or making significant progress towards standards, the need to identify additional BLM-administered public lands as unavailable is not reasonable. This is explained in 2.5.1 Exclusive Use or Protection of the PRMP/FEIS (pg 2-8). Key points are summarized as follows:

- Closures and adjustments to livestock grazing use have been incorporated into the action alternatives in order to address issues.
- BLM has considerable discretion through the grazing regulations (43 CFR 4100) to determine and adjust stocking levels, seasons of use, grazing management activities, and allocate forage for uses of the public lands.
- Analysis of an alternative which would make all public lands unavailable to livestock grazing through the resource management planning process would not be consistent with the intent of the Taylor Grazing Act (1934).
- FLPMA requires that public lands be managed on a "multiple use and sustained yield basis" (Sections 302(a) and 102(7)) which includes livestock grazing as a "principal or major" use of public lands.
- Multiple use does not require that all public lands be used for livestock grazing. Conversely, in the absence of identified resource conflicts, making all BLM-administered public lands unavailable to livestock grazing would be arbitrary and would not meet the principle of multiple use and sustained yield.
- Reduced or no livestock grazing at the site specific level (e.g., allotment or pasture) for the term or portion of the grazing permit/lease may be appropriate to consider in response to findings associated with Idaho Standards for Rangeland Health assessments.

Nonetheless, as periodic allotment evaluations continue and site specific or implementation level activities associated with livestock grazing management are undertaken, and considering the issues or concerns associated with these actions/activities, future environmental assessments may consider a "reduced" or "no grazing" alternative.

Fluid minerals allocations with NSO stipulations range from 314,000 acres open to 347,300 acres open (PRMP/FEIS Table ES-9, p. ES-67, Table 4.3.4-1, p. 4-328). Solid leasable mineral allocations for public lands open for leasing range from 582,400 acres open to 597,500 acres (PRMP/FEIS Table ES-9, p. ES-67, PRMP/FEIS Sections 2.8, 2.10, 2.11 and 2.12, Table 4.3.4-

1, p. 4-328).

Baseline Data

Issue Number: PP-ID-Pocatello-10-01-205
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Much more detailed maps are necessary, as the PFO involves highly complex land ownership, leasing areas. For example, Map 3-15. Please provide much more detail on the configuration of land ownership. Vegetation communities, waters (both surface and aquifers), important and special status species occurrence related to Phosphate Mines and Known Phosphate Leasing Areas. It is impossible to really tell what is going on from this very limited map. How likely is there that claims will be staked, and proposals exist, far outside the small area portrayed here?

What are the impacts on the local infrastructure, local water bodies, important and sensitive species, etc. that may be affected here?

Issue Number: PP-ID-Pocatello-10-01-275
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

There is no adequate mapping, description, and analysis of these effects to serve as a Baseline in the EIS area for understanding the effects on small mammals, birds, recreational uses, cultural sites, desertification processes, watershed degradation etc.

Issue Number: PP-ID-Pocatello-10-01-282
Organization: Western Watersheds Project
Protester: Katie Fite
Issue Excerpt Text:
Even basic mapping of cheatgrass occurrence is not provided - so the scale of dominance of under stories or the entire system is not revealed. Areas "at risk" to cheatgrass expansion are not identified, either.

Issue Number: PP-ID-Pocatello-10-01-36
Organization: Western Watersheds Project
Protester: Katie Fite
Issue Excerpt Text:

The EIS fails to provide current Baseline info on the Pocatello landscape, including how: Sagebrush distribution is highly fragmented, and much less extensive than large-scale maps suggest.

Summary: The BLM has failed to take the "hard look" required by NEPA because it failed to use adequate baseline data for its analysis. Specifically, the BLM did not present accurate baseline data on sage-grouse in the planning area or use adequate baseline data with respect to invasive species/noxious weeds.

Response: a. *The BLM has failed to use adequate baseline data for its analysis:* The level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decisions. The baseline data provided in Chapter 3 and various appendices in the Proposed RMP (PRMP)/Final EIS (FEIS) are sufficient to support, at the general land use planning-level, the environmental impact analysis resulting from management actions presented in this PRMP/FEIS. The level of information needed to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decisions.

Land use planning-level decisions are broad in scope, and therefore, do not require an exhaustive gathering and monitoring of baseline data. The BLM realizes that more data could always be gathered; however, the baseline data used in preparing the PRMP/FEIS provide the necessary basis to make informed land use plan-level decisions. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions. The BLM will conduct subsequent NEPA analysis for projects proposed for implementation under the approved Pocatello RMP. The subsequent NEPA analysis will evaluate project impacts at the site-specific level. As part of the NEPA process for future implementation projects, the public will be afforded an opportunity to participate in these efforts.

The BLM National Environmental Policy Handbook (H-1790-1) states, "The affected environment section succinctly describes the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the proposed action or an alternative. The affected section of the environmental analysis is defined and limited by the identified issues" (Handbook H-1790-1, Section 6.7, p. 53). Issues were identified in the PRMP/FEIS through analysis of scoping comments and used to formulate the development of the action alternatives presented in the PRMP/FEIS (Section 1.4, pp. 1-3 through 1-7 and Section 2.3, pp. 2-5 through 2-8).

PRMP/FEIS Chapter 3 – Affected Environment is consistent with BLM Handbook H-1790-1. Section 3.1 Introduction (pp. 3-1 through 3-142) states in part, "The purpose of this chapter is to provide a description of the existing biological, physical, and socioeconomic characteristics, including human uses. Information from broad-scale assessments were used to help set the context for the planning area. The level of information presented in this chapter is commensurate with and sufficient to assess potential effects of the action alternatives in Chapter 4 – Environmental Consequences. Also presented are general trends…occurring to a given resource as a result of the existing Pocatello RMP (1988a) and Malad Management Framework Plan (MFP) (BLM 1981a). Risks to individual resources as a result of management action (or inaction) are discussed; and finally, opportunities to manage individual resources under the planning process are presented."

PRMP/FEIS Chapter 4 – Environmental Consequences describes the direct, indirect and cumulative effects for each alternative, including Alternative A – No Action. Alternative A describes the impacts of current management direction for each resource and use brought forward from the existing land use plans: the BLM Malad Management Framework Plan (1981a) and Pocatello RMP (1988a). This analysis of impacts provides the baseline to compare the impacts of management direction for the action alternatives B, C, and D. This analysis ties to Chapter 3 – Affected Environment which describes the current condition and trend of each resource and use as described in the PRMP/FEIS.

The PRMP/FEIS relies on the best available data and information in the development of

proposed decisions in relation to Alternative A – No Action baseline and trends. The level and degree of information (condition/trend/risk/opportunity) presented in Chapter 3 – Affected Environment for each resource and use is appropriate.

The BLM notes that the planning area's land status (set forth in Chapter 1 – Introduction, Figure 1-1) is highly complex. The BLM-administered public lands are intermingled with private, state, and other lands managed by other Federal agencies. Some changes to the maps were made between the Draft and Final EIS. As stated in PRMP/FEIS, Chapter 1 – Introduction, 1.1.3 - Changes from the Draft Resource Management Plan to the Proposed Resource Management Plan, "Figures 3-10 through 3-20 have been renumbered." Figure 3-15 from the Draft RMP/EIS is Figure 3-16 in the PRMP/FEIS which illustrates existing phosphate mines and known phosphate lease areas (KPLA). As can be seen in Figure 3-16, a small percentage, <5 percent, of BLM-administered public lands, is within the KPLAs. The complexities of phosphate mining and KPLAs are described in Chapter 3 – Affected Environment, 3.3.4.1 Non-Energy Leasable Minerals: Phosphate (pp. 3-93 through 3-96).

b. *There is a lack of accurate baseline data on sage-grouse in the planning area*: In preparation of the PRMP/FEIS, the BLM utilized the best available data and information. Baseline data for sage-grouse is discussed in Chapter 3 – Affected Environment, 3.2.7 Special Status Species, pp. 3-51 through 3-55. Baseline data associated with sage grouse in southeast Idaho is derived from sources associated with southeastern Idaho (e.g., Idaho Sage-grouse Advisory Committee, 2008).

c. *The BLM did not use adequate baseline data with respect to invasive species/noxious weeds:* Cheatgrass "scale of dominance" is described in Chapter 3 – Affected Environment. Section 3.2.5.12 Invasive Species/Noxious Weeds states that productivity of public lands is in danger of being reduced and that the number of acres occupied by invasive species/noxious weeds in each vegetation type is currently unknown (Chapter 3 – Affected Environment, pp. 3-28 through 3-29) Comment Response 5-G-75 in Appendix U-Comments Received on Pocatello Draft RMP/EIS (p U-236), states, "Section 3.2.5.1 Low-Elevation Shrub addresses risks to this vegetation type which includes the 'expected' increase of invasive species and noxious weeds. In addition, this section speaks to bulbous bluegrass and cheatgrass being an increased risk. Section 3.2.5 describes how the Gap Analysis Program (GAP) data for southern Idaho was used to identify the 11 vegetation types for the planning area resulting from the aggregation of 51 GAP cover types. Based upon the GAP data, aggregation of cover types, and professional judgment of the planning team, areas in which annual/invasive perennial grasses (e.g., cheatgrass and bulbous bluegrass) could clearly be distinguished (e.g., 100% of species) accounted for approximately 50 acres. Consequently these acres were included with the Other/Vegetated Lava vegetation type (Section 3.2.5.11). Table 3-2 identifies the number of acres of Low-Elevation Shrub, Perennial Grass and Seedings (i.e., crested wheatgrass) vegetation types. As described in Sections 3.2.5.4 and 3.2.5.5, Perennial Grass and Seedings are described as being considered as either an intermediate stage (Perennial Grass) or uncharacteristic component (Seedings) of the Low-Elevation Shrub vegetation type. As identified in Section 3.2.5.12, cheatgrass and bulbous bluegrass can be found in all vegetation types but specific acres are unknown."

Adequacy of Analysis

Issue Number: PP-ID-Pocatello-10-02-30
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

b. The BLM must take a hard look at the potential, reasonably foreseeable impacts to wildlife and domestic animals that may result from designating 582,400 acres as open to additional phosphate leasing.

The FEIS seriously downplays the toxicity of the selenium released by phosphate mining to domestic animals and wildlife. The FEIS—like the draft EIS—fails to acknowledge that hundreds of sheep have died from selenium released by phosphate mining, or that horses have been sickened to the point where they had to be euthanized, or that there have been confirmed wildlife die-offs, or that selenium released from phosphate mining has resulted in an elk liver consumption advisory from the Idaho Department of Welfare. In fact, with regard to wildlife, the FEIS asserts that "[t]he effect on wildlife from the consumption of contaminated vegetation is, as yet, unknown." FEIS, 4-87. As GYC pointed out in its draft comments, numerous peer-reviewed studies document the negative effects of selenium on wildlife. See, e.g., Appendix E, Dr. Steve Hamilton's comments on the Smoky Canyon Mine FEIS and his extensive—but not exhaustive—bibliography on this topic. The BLM failed to respond to this comment.

Issue Number: PP-ID-Pocatello-10-02-31
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

With regard to domestic livestock, the FEIS admits that selenium "may" be toxic but fails to adequately describe the extent of the problem (e.g., by mentioning the numbers of livestock affected, where and when these events have happened, and other pertinent information that would indicate that the agency truly took a "hard look at the potential impacts of opening 582,400 acres of land to additional phosphate leasing.)

Issue Number: PP-ID-Pocatello-10-02-33
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

c. The BLM must take a hard look at the potential, reasonably foreseeable impacts to Yellowstone Cutthroat Trout that may result from designating 582,400 acres as open to additional phosphate leasing.

The discussion in the FEIS on the impact of phosphate mining to aquatic species, especially

Yellowstone cutthroat trout, falls woefully short of the "hard look" required by NEPA. As GYC mentioned in its comments on the draft EIS, selenium concentrations in the Blackfoot River watershed are high enough to cause observable declines in Yellowstone cutthroat trout populations. GYC DEIS Comments, p. 9. Selenium contamination has essentially eliminated trout from East Mill Creek. The BLM dismisses the need to even disclose this level of detail, asserting that such analysis will be performed on a site-specific basis. However, this is a programmatic document, designed to disclose and assess the big-picture impact of various management decisions. Certainly the devastation of entire populations of a sensitive and iconic fish species from the cumulative impacts of phosphate mine development should be analyzed. Without including this information, the BLM has failed to take the required hard look. Vague and general statements do not suffice.

Issue Number: PP-ID-Pocatello-10-02-38
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

The FEIS perpetuates the false claim that the agencies, including the BLM, had no knowledge of the potential harm to the waters, fish, wildlife, and livestock due to the release of selenium into the environment of southeast Idaho by phosphate mining until late 1996 when this was, in fact, known at least as early as 1982. See, e.g., FEIS Smoky Canyon Phosphate Mine, March 1982; see also Appendix G, Dr. Imhoff's report 'Environmental Contamination from Selenium in Southeast Idaho: Who Knew What, and When Did They Know It." The reality that the FEIS fails to acknowledge is that every open-pit phosphate mine in the region has contaminated soils, vegetation, surface water and groundwater with selenium, threatening native fish, wildlife, domestic livestock and human health. In short, the FEIS glosses over, and even ignores, the widespread and significant impacts phosphate mining has had on the planning area.

Issue Number: PP-ID-Pocatello-10-02-39
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

The BLM's response to GYC's comments provide no remedy: while admitting that "selenium contamination associated with historic phosphate mining is widespread and … has caused significant environmental impacts," the BLM fails to accurately describe and analyze these impacts in the FEIS to meaningfully inform the planning effort. Rather, the BLM falls back on BMPs and deferring the analysis. As discussed above, these are not appropriate avenues for the BLM to take at this juncture.

Summary: The PRMP/FEIS fails to adequately address—and improperly defers the analysis of—impacts from selenium toxicity associated with phosphate mining on fish, wildlife, and livestock.

Response: The BLM closely examined and disclosed the likely environmental effects of future phosphate development in the planning area. One of the issues identified as a "need for change" driving the development of management direction in the PRMP/FEIS was controlling contaminant release and enhancing reclamation related to phosphate mining (PRMP/FEIS Table 1-2). Management direction (PRMP/FEIS Chapter 2 – Alternatives) was developed to address this major issue. The PRMP/FEIS discloses the existing environmental effects of past phosphate mining activities and assesses applying new management direction to correct and mitigate these issues. The PRMP/FEIS documents the effects, including cumulative effects, of past, current and future impacts from phosphate mining, both with (alternatives B, C, and D), and without (alternative A) for Air Quality (pp. 4-10 and 4-13); Soils (pp. 4- 45, 52, 54, 57, 59, and 61-62); bioaccumulation of contaminants in reclamation vegetation (pp. 4-85, 87, 103, 117, and 120): Fish and Wildlife (pp. 4-155, 159, 166, 170, 174, and 175); Special Status Species (pp. 4-176, 189, 199-200, 211, 220, 227 and 234); Surface and Groundwater Contamination/Quality (pp. 4-244, 248-251 and 255); and Socio-economics and Environmental Justice (p. 4-416).

Selenium toxicity and animal deaths are discussed in the PRMP/FEIS at p. 3-96: "in larger doses, selenium may be toxic"; p. 4-120, "selenium can be bio-accumulated in reclamation plants

and the plants can become toxic to livestock and wildlife"; p. 4-165, "….toxic to wildlife"; p. 4-155, "affecting wide range of aquatic species, flora and fauna alike"; and p. 4-189, "Sheep consuming vegetation and/or drinking water with elevated levels at some historic phosphate mines have died in recent years."

The existence of environmental effects from selenium is well known (PRMP/FEIS 3-96 through 3-100), but the extent and severity has been a source of debate and continues to be assessed. In its Final Area Wide Risk Management Plan, the Idaho Department of Environmental Quality concludes:

- Based on current conditions, there is a low probability of human health risks in the region. Potentially significant health risks to humans are indicated only in the case of subsistence lifestyle users and only if subsistence is localized in a highly affected area.
- Based on regional observations, subsistence level human use is highly unlikely.
- Based on current conditions, there is a low probability of population-level impacts on regional wildlife.
- There is a high probability of subpopulation or individual-level effects occurring for ecological flora and fauna receptors growing and residing in the vicinity of highly affected areas (2004b, IDEQ; PRMP/FEIS p. 3-97).

The concerns expressed by GYC, which are shared by the BLM, are the focus of the BLM's "need for change" approach in identifying the issues to be addressed in the Pocatello planning effort. Objective PP-ME 2.3., p. 2-76 of the PRMP/FEIS states, "Regulate mineral development activities to prevent or control sediment and the release of contaminants such as selenium and metals into the environment." That is the intent of setting extensive operating and reclamation standards at the planning stage. This direction, coupled with mitigation measures to be identified in subsequent site-specific NEPA analysis at the future leasing application or mine and reclamation plan application stage, is anticipated to address selenium and other contamination issues to avoid the adverse effects of the past and ensure that selenium and other contaminants do not adversely affect current and post mining land uses, such as fish and wildlife habitat, livestock grazing, and the human environment.

Selenium loading to portions of the Blackfoot River has resulted in portions of the river exceeding the chronic selenium standard set in the Clean Water Act as being protective of cold water biota and aquatic life. Segments of the river have now been listed as water quality impaired under section 303(d) of the Act (PRMP/FEIS p. 3-69 text and footnote p. 3-97). The selenium standard set by EPA in the CWA that is protective of chronic effects to aquatic life such as Yellowstone cutthroat trout is 0.005 mg/l. There are also other conditions and activities within the Blackfoot River system that affect the Yellowstone cutthroat trout population besides selenium related to phosphate mining activities. These include degraded habitat, prolonged drought, and operation of the Blackfoot River Dam (PRMP/FEIS pp. 3-56 through 3-57).

The PRMP/FEIS acknowledges selenium problems in East Mill Creek by noting the fish consumption advisory (PRMP/FEIS p. 3-97). The high concentration of selenium and related fish problems in East Mill Creek, not to be dismissed, are not comparable to concentration levels and fish populations in the Blackfoot River. Selenium concentrations in the East Mill Creek have steadily risen over the years to a point where it is likely, as GYC states, that trout may now be essentially eliminated from the stream. The source of contamination is phosphate waste rock and the historic mines located on National Forest System Lands within the Caribou-Targhee National Forest. Planning direction for these lands is not part of the PRMP/FEIS (Action PP-ME 1.2.4, p. 2-72). This mine area is included and is managed in the Caribou Revised Forest Plan (2003a. Forest Service). East Mill Creek, however, is a tributary in the watershed that contributes to the Blackfoot River and the overall impacts to water quality that are considered in the cumulative effects analysis in Chapter 4 – Environmental Consequences (PRMP/FEIS 4.2.6.8 Cumulative Impacts (p. 4-175) and 4.2.9.8. Cumulative Impacts (p. 4-254)).

Directly related to the Yellowstone cutthroat trout (YCT) issue raised by GYC, selenium concentrations in the Blackfoot River are primarily tied to effects from historic, unmitigated phosphate mining that has occurred over the past 50 years (PRMP/FEIS, (pp. 3-96 through 3-98)). Because portions of the Blackfoot River exceed chronic cold-water biota standards during spring runoff, it is likely that there are effects to fish, including YCT (PRMP/FEIS, (p. 3-96)). The full effects are not fully understood or agreed upon at this time. Federal and state agencies are currently overseeing the Compensation Environmental Response and Liability Act (CERCLA) cleanup projects at the phosphate mining sites in the Blackfoot watershed. These projects are anticipated to reduce selenium loading to the Blackfoot River over time (PRMP/FEIS, pp. 3-96 through 3-98).

The BLM shares some of the concerns expressed by GYC and has addressed these concerns in the PRMP/FEIS Goal SW-2, (PRMP/FEIS p. 2-17) and Objective, PP-SW-2.1 (PRMP/FEIS, p. 2-17) to protect and maintain watersheds and "long term improvement of surface and groundwater quality." Subsequent management actions, PP-SW-2.1.1 through 2.1.5, identify how the objective will be accomplished. This direction applies to all surface and groundwater, inclusive of the Blackfoot River. Impaired water bodies containing YCT, such as the Blackfoot River, receive the BLM's top priority for restoration in the PRMP/FEIS (Action PP-SW-2.1.3). The PRMP/FEIS directs enhancement of water quality for sensitive species, specifically salmonid (trout) habitat (Action PP-22-1.3.8). Additionally, specific phosphate mine planning direction in the PRMP/FEIS addresses water quality and wildlife, including fish habitat impacts from phosphate mining, in Actions PP-ME-2.3.7 and PP-ME-2.3.8. New reclamation requirements that apply to phosphate mines have also been included in the PRMP/FEIS (Action PP-GE-3.1.1 and Appendix A, Standard 1 (Watersheds), ensuring proper hydrologic cycling; and Standard 7 (Water Quality), meeting Idaho Water Quality Standards. The FEIS concludes that maximum contaminant levels for reclamation vegetation and other standards and guidelines (PRMP/FEIS, Action PP-ME-2.2.2, p. 2-73 and PP-ME-2.3.8, p. 2-76) "would result in revegetation at phosphate mining sites that assists in reestablishment of site stability, nutrient cycling, hydrologic function and integrity, which would be utilized as a safe source of forage for

wildlife and livestock in the future. Guidelines under Alternatives B, C and D would also require that reclamation follow-up continue as necessary until established standards and Land Health Conditions (LHCs) for vegetation are achieved." (PRMP/FEIS, p. 4-120).

Fire

Issue Number: PP-ID-Pocatello-10-01-234
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We Protest the FEIS's continued reliance on the flawed Fire and other Models presented in the DEIS Appendix, (J-1 to J-12), largely continued forward in confusing charts, tables and lists in the FEIS. The entire Fire Model and Vegetation actions have serious flaws. It demonstrates that the predictions made by BLM about the environmental effects of its actions are divorced from reality. J-2 to 3 describes various "assumptions" made to construct and predict the effects of the model.

Flawed General Assumptions of the Model included: "the proposed treatments are the only disturbances incorporated into this modeled analysis of succession and BpS class change. Other activities and disturbances such as OHV use, wild land fire, grazing, forest management and mining". Since ALL of those components of the RMP preferred and other limited range of alternative actions would allow very high levels of ALL of grazing and other disturbance to occur, this assumption is deeply flawed, and no valid modeling (and no valid EIS process and alternatives) can be based on it.

Issue Number: PP-ID-Pocatello-10-01-299
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

You cannot possibly Model something and call it "natural" based on only 32 years of near-recent data where livestock, weeds, etc., have caused increasingly frequent and large-scale fires. Plus, you cannot disregard 2003 to the present. You term this 32 years (up to 2002) "natural fire rotation" - yet it can in no way be natural. Weeds, livestock grazing, suppression, human starts, etc. all greatly affect any "fire rotation" claimed here - and it is not "natural".

Summary: The PRMP/FEIS relies on flawed modeling and assumptions and does not incorporate the entire scope of potential disturbances. Furthermore, data used in these modeling exercises is out-of-date and limited in relation to "natural" historic conditions.

Response: The CD located inside the back cover of Volume I of the PRMP/FEIS contained Appendix J – Methodology and Assumptions for Vegetation Modeling, Fire Regime Condition Class and Land Health Conditions. Page J-3 states, "[T]the proposed treatments are the only disturbances incorporated into the modeled analysis of succession and BpS class change. Other activities and disturbance factors such as off-highway vehicle use, wildland fire, grazing, forest management and mining were assumed to have no effect on succession or BpS class change," because there was no suitable model available that was capable of incorporating or addressing the potential impacts of other activities and disturbance factors (e.g., off-highway vehicle use, wildland fire, grazing, forest management and mining) on succession and BpS class changes. As a result, those factors were assumed to have no effect in the modeled analysis of succession and BpS class change. However, those other activities and disturbance factors were addressed in the impact analysis Chapter 4 – Environmental Consequences (PRMP/Final EIS, see pp. 4-246 to 4-

264).

The BLM used 32 years of fire history data to determine the "current fire rotation." The historic, or "natural fire rotation" for each vegetation type was obtained from existing BpS descriptions (Appendix J – Methodology and Assumptions for Vegetation Modeling, Fire Regime Condition Class and Land Health Conditions) (fire frequency-severity). The "natural fire rotation," as well as reference fire frequency-severity, represent the historic (pre-European man) fire rotation for each vegetation cover type and also define the desired fire rotation to which current and alternative fire rotations are compared (Appendix J-17).

Finally, with respect to fire data from 2003 to present, the planning effort for the Pocatello RMP was initiated in February 2003 and incorporated strategies from the BLM Land Use Planning Handbook (1601-1, Appendix C, J. Wildland Fire Management), among them was selecting 2003 as the cutoff date to facilitate and standardize data collection in order to complete the DEIS and FEIS. The BLM has, however, examined the data from 2003 through 2009 and concluded that it does not fall outside the normal bounds of the years included in the existing analysis in the PRMP/FEIS. Therefore, this more recent data would not significantly change the results if it were included.

Fish, Wildlife, Plants, Special Status Species

Issue Number: PP-ID-Pocatello-10-01-109
Organization: Western Watersheds Project
Protester: Katie Fite
Other Sections: 1

Issue Excerpt Text:

The impacts of grazing during sensitive periods of the year for native wildlife must be assessed. For example, inundating sage grouse nesting or brood rearing habitats with large numbers of cattle or sheep during nesting season may cause:
Removal of cover necessary to protect nesting birds and to hide and provide essential insect food for chicks; cause flushing of birds from nests - thus revealing nests to predators; cause separation of broods and increased vulnerability to predation; strip essential cover to hide shells and nests and conceal chicks from aerial vision-oriented predators and screen scent from ground-based predators.

Issue Number: PP-ID-Pocatello-10-01-157
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

A reasonable range of alternatives in a 2010 RMP must be based on full consideration of the following:

1. The USFWS March 2010 Warranted but Precluded Determination finding that sage-grouse were in such dire straits that ESA Listing was warranted. The FEIS doesn't discuss the "warranted but precluded" finding and its implications. There is also no Alternative that ensures viability and recovery of sage-grouse populations in the District.

Issue Number: PP-ID-Pocatello-10-01-158
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

2. The RMP does not comply with the National Sagebrush Habitat Conservation Strategy and Sage-grouse Conservation Plan. For example, it doesn't contain a maximum restoration of sagebrush alternative, or an alternative that ensures recovery of viable populations of sage-grouse.

Issue Number: PP-ID-Pocatello-10-01-159
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

3. The RMP/FEIS doesn't comply with BLM's Special Status Species Policy because the RMP will contribute to the need to list the sage-grouse. The RMP continues near status-quo stocking (which is actually at a level much higher than the potential of the land for grazing as shown by the levels of Actual Use), allows even more mining exploration and development, expands transmission and renewable energy, and otherwise intensifies human disturbance and the human Footprint on an already greatly fragmented landscape.

Summary: The PRMP/FEIS fails to adequately address impacts to Greater Sage-Grouse and is inconsistent with the BLM's National Sagebrush Habitat Conservation Strategy and its Special Status Species Policy.

Response: a. *The PRMP/FEIS fails to adequately address impacts to Greater Sage-Grouse and is inconsistent with the BLM's National Sagebrush Habitat Conservation Strategy and its Special Status Species Policy:* Chapter 4 of the PRMP/FEIS fully assesses and discloses the environmental consequences of the alternatives as required by 40 CFR §1502.16, including the direct, indirect and cumulative impacts of the management direction for each alternative in relation to the human and natural environment. Impacts of resources and uses management direction to Greater Sage-Grouse habitat is described in Chapter 4 – Environmental Consequences, 4.2.7 Special Status Species.

The PRMP/FEIS is consistent with the National Sage-Grouse Habitat Conservation Strategy (U.S. Department of the Interior, November 2004) and Conservation Plan for the Greater Sage-Grouse in Idaho (July 2006). The National Strategy provides a framework for future conservation efforts by setting out broad goals and specific actions to meet the goals and guiding principles. The PRMP/FEIS incorporated the conservation mechanisms in the Conservation Plan for the Greater Sage-Grouse in Idaho (July 2006) and the National Sage-Grouse Habitat Conservation Strategy that address threats to sage-grouse habitat, resulting in reasonable, feasible and effective options for conserving sagebrush habitats and associated species in accordance with the BLM's multiple-use mandate in FLPMA.

The alternatives in the PRMP/FEIS provide differing degrees of management, all of which are consistent with the National Sage-Grouse Habitat Conservation Strategy. The emphasis of each action alternative and degree of management is outlined in sections 2.4.1 through 2.4.4 PRMP/FEIS pp. 2-7 to 2-8). Specific management direction for each action alternative is addressed in pp. 2-141 through 2-226 under various resources (e.g., Special Status Species) and resource uses.

Section 2.4.3 of the PRMP/FEIS (p. 2-8) describes Alternative C as follows: "This alternative includes…specific measures to protect or enhance resource values…emphasizes active and specific measures to protect and enhance vegetation and habitat for special status species, fish, and wildlife…reflect[s] a reduction in resource production goals for forage, fiber, and minerals.

Management actions would be applied to broad areas containing important habitat, as well as specific priority geographical areas. Such management actions would benefit sensitive resources and a broad array of associated species." This alternative is consistent with the National Sage-Grouse Habitat Conservation Strategy which provides that one alternative in the PRMP/FEIS describes and analyzes the conservation of sagebrush habitat (emphasizing special status species habitat).

Special Status Species, Objective C-SS-1.2, Action C-SS-1.2.1 (PRMP/FEIS pp. 2-177 through 2-179) provides management direction for resources and uses such as livestock grazing, lands and realty, vegetation/ riparian and fluid minerals for five Greater sage-grouse priority areas. These five priority areas total approximately 267,400 acres (44%) of the BLM-administered public lands within the planning area and approximately 70% of the entire sagebrush steppe type. The goal in the PRMP/FEIS is to manage special status species and their habitats and to provide for their continued presence and conservation as part of an ecologically healthy system is identical across all alternatives and is consistent with the BLM's Special Status Species Management Policy (BLM Manual 6840) (PRMP/FEIS, p. 2-28).

Specifically, action Proposed Plan (PP)-SS-1.3.5 requires buffers for active and occupied leks of 0.6 and 2.0 miles from temporary human disturbances and permanent infrastructure development (e.g., mining exploration and development, transmission lines, wind turbines), which provides for the continued sustainability of sage-grouse and its habitat. Similarly, PP-SS-1.1.3, which states in part, "… appropriate actions…that contribute to the continued presence and conservation of special status species would be considered to minimize the potential for the listing of species" (PRMP/FEIS, p. 2-29). This management guidance is consistent with the BLM's Special Status Species Policy.

A discussion of impacts to Special Status Species resulting from wildland fire management direction and livestock grazing direction is found in PRMP/FEIS Chapter 4 – Environmental Consequences on pp. 4-185/186 and 4-188/189 respectively. PRMP management actions, Chapter 2 – Alternatives, such as PP-VE-2.1.3, PP-VE-2.1.8; Action PP-VE-2.1.10, PP-VE-4.1.2, PP-SS-1.3.5, PP-WF-3.1.2, PP-WF-3.1.6, PP-WF-3.6.2, and PP-LG-1.2.5 (PRMP/FEIS, pp. 2-12 through 2-97) provide for the proactive restoration, rehabilitation, and fire suppression tactics to protect sagebrush habitat by reducing the size of wildland fires, maintaining productive sage-grouse habitat, and maintaining sagebrush cover (Idaho Sage-Grouse Advisory Committee 2006) (PRMP/FEIS, p. 4-185).

A common impact on Greater Sage-Grouse from fire is the reduction or modification of habitat. Frequent or large-scale wildland fires have the potential to remove substantial portions of sage-grouse habitat rendering large areas unsuitable or marginal for Greater Sage-Grouse (Idaho Sage-Grouse Advisory Committee 2006). Fire also would potentially fragment existing Greater Sage-Grouse habitat by reducing sagebrush cover or by impairing the progress of restoration efforts. When used on the appropriate scale and time-frame, fire would improve sagebrush areas and sage-grouse habitat, by reducing invasive species/noxious weeds, stimulating regeneration of

sagebrush, and temporarily increasing the relative abundance of insects available as forage for young sage-grouse (PRMP/FEIS, p. 4-186).

Improper livestock grazing practices reduce cover for sage-grouse, disrupt lek activity, and result in fewer forbs being available for sage-grouse. In addition, the development and placement of mineral supplements, fences, and other structures such as those for water storage would also impact Greater Sage-Grouse by providing barriers to movements (PRMP/FEIS, p. 4-188). Proper livestock grazing would be compatible with sage-grouse habitat. Proper livestock grazing practices would maintain, if not improve, habitat by ensuring that adequate vegetative resources, grasses, forbs and shrubs remain for the nesting, foraging, and cover requirements of sage-grouse. Improved grazing management practices including control of timing, intensity, duration, and frequency of grazing use, as well as the sequence of these treatments over time, have improved vegetative conditions (Idaho Sage-Grouse Advisory Committee 2006) (PRMP/FEIS, p. 4-189). Seasonal protections and timing restrictions for nesting and brood rearing would protect sage-grouse habitats during critical periods of the year. While many of the restrictions placed on livestock grazing are intended to protect big game habitat, those restrictions would have an indirect impact on sage-grouse by protecting the bird's habitat as well (PRMP/FEIS, p. 4-183).

This level of analysis is sufficient for the planning process. Because the PRMP/FEIS does not authorize any specific activities which may impact the sage grouse, any specific impacts that may occur will depend upon what future activities are implemented. Future activities conducted pursuant to the management direction in the approved RMP will be subject to an appropriate level of additional site-specific analysis, including evaluations of appropriate mitigation measures for sage-grouse and sage-grouse habitat. Future site-specific analysis will comply with NEPA.

b. *The BLM should prepare a Supplemental EIS to address new information in the USFWS March 23, 2010 Federal Register Notice regarding sage grouse*:

The USFWS published its 12-month findings for petitions to list the greater sage-grouse on March 23, 2010 and the BLM released the Pocatello PRMP/FEIS in May 2010. Following the release of the PRMP/FEIS, the Pocatello Field Office (PFO) prepared a SIR to document that the 2010 information contained in the 12-month findings was reviewed and used in making relevant decisions about greater sage-grouse in the ARMP. The purpose of the SIR was to: 1) review information presented in the 12-month findings (FWS 2010) with regards to the Pocatello Field Office planning area, 2) determine if any information presented in the "findings" changed the analysis or management actions presented in the PRMP/FEIS, and 3) inform the Idaho State Director of the adequacy of the analysis presented in the PRMP/FEIS.

Through this evaluation, the BLM did not identify any significant new circumstances or information that would change the analysis of impacts in the EIS. A supplemental EIS, as defined by the CEQ regulations at 40 CFR 1502.9, is therefore not warranted. A summary of this report and its conclusions will be included in the Record of Decision.

After the USFWS issued its 12-month findings, BLM convened the Sage-Grouse National Technical Team (NTT), which brought together resource specialists and scientists from the BLM, State Fish and Wildlife Agencies, the FWS, the Natural Resources Conservation Service (NRCS), and the U.S. Geological Survey (USGS). The NTT developed a series of science-based conservation measures in a report issued in December 2011. Also in December 2011, the BLM released a National Greater Sage-Grouse Land Use Planning Strategy (Washington Office Instruction Memorandum No. 2012-044) requiring consideration of conservation measures when revising or amending RMPs in greater sage-grouse habitat.

At the time the NTT report and IM 2012-044 were issued the BLM had already issued the Pocatello PRMP/FEIS and the Director's protest period was closed. Although the ARMP does not analyze the specific conservation measures developed by the NTT, it does include management decisions for protection of greater sage-grouse that are more protective than management direction in the previous plans. Additionally, as announced on December 9, 2011 in a published Notice of Intent, the BLM and the Forest Service initiated a process to incorporate consistent objectives and conservation measures for the protection of greater sage-grouse into multiple land use plans throughout the range of the greater sage-grouse, including the Pocatello ARMP. These conservation measures would be incorporated into land use plans through RMP amendment and revision processes. Through this ongoing effort, the BLM plans to issue a sub-regional EIS that will amend BLM and Forest Service land use plans in Idaho and Southwestern Montana, including the Pocatello ARMP. The Record of Decision for the Idaho/Southwestern Montana sub-regional EIS is scheduled for completion in September 2014.

Lands, Withdrawals, Realty

Issue Number: PP-ID-Pocatello-10-02-34
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

2. The BLM failed to take a "hard look" at the potential, reasonably foreseeable impacts of the land disposal designations of the proposed Pocatello RMP.

The FEIS fails to adequately disclose and analyze the potential impacts to the areas designated for potential land disposal. See, GYC DEIS Comments, p. 18-19. The proposed RMP would designate 197,300 acres as open for disposal through trade or outright sale. FEIS, 2-150. This constitutes approximately 31% of public land in the Pocatello field office area. Id. Many of these parcels provide important fish, wildlife, and recreational values, including access to other public lands or waterways. The FEIS fails to take a hard look at the impact to these, and other, values.

Summary: The FEIS fails to adequately analyze the potential impacts of the proposed land disposal designations in the PRMP.

Response: A comparable comment was made in a letter dated April 4, 2007, received during the 90-day comment period on the Draft Pocatello RMP and EIS (October 2006). This comment was addressed in the Pocatello PRMP/FEIS (April 2010) Appendix U – Comments Received on

Pocatello Draft RMP/EIS, as Comment Response 3-G-45.

The land tenure adjustment zones at issue in the comments above do not propose to dispose of the public lands covered by those zones. The designation simply allows for consideration of disposal as an option should an opportunity arise wherein a transaction would be in the public interest. Management actions PP-LR-5.1.3 and PP-LR-5.2.1 (PRMP/FEIS, pp. 2-62 through 2-65) identify the screening process, criteria, and consideration factors to be used when considering land tenure adjustment proposals. These management actions will be used to assess individual land tenure adjustment proposals. These management actions already address the concern that the public lands identified in Zones 3 and 4 "…provide important fish, wildlife, and recreational values, including access to other public lands or waterways" by noting that parcels with such characteristics in those zones "may not be suitable for disposal, except through exchange for equal or higher resource value lands" (PRMP/FEIS, p. 2-65).

Direct, indirect, and cumulative impacts for land tenure adjustments (LTA) are analyzed for resources and uses in Chapter 4 – Environmental Consequences of the PRMP/FEIS. Examples of LTA impacts to resources and uses such as Air Quality (AQ), Cultural Resources (CR), Vegetation (VE), Special Status Species (SSS), Livestock Grazing (LG) and Minerals and Energy (ME) can be found at p. 4-19 for AQ; pp. 4-22/23/28/32-35 for CR; pp. 4-99/137/141 for VE; pp. 4-176/179/188/203/205/247/254 for SSS; pp. 4-304/321/324/326/328/ for LG; and pp. 4-335/357/358/364 for ME, respectively.

This analysis takes a "hard look" at the potential, reasonably foreseeable impacts of land disposal, including a description of the methods and assumptions (PRMP/FEIS, p. 4-288) used to assess those impacts. The scale of this analysis is appropriate for the planning effort as it currently is not known what parcels/areas within LTA Zones 3 and 4 may be proposed in the future for disposal. Individual land tenure adjustment proposals will be analyzed through the NEPA process, and the public will be presented with an opportunity to participate in that process.

Livestock Grazing

Issue Number: PP-ID-Pocatello-10-01-121
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

BLM must conduct a full inventory and assessment of all existing livestock facilities and developments on the allotments, all water haul and salting sites, and all vegetation treatments that have been conducted on these lands. The full array of direct, indirect, cumulative and synergistic impacts of these projects and activities must be assessed, and facilities identified for de-commissioning or removal under a range of alternatives.

Issue Number: PP-ID-Pocatello-10-01-135
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

As part of its analysis, BLM must examine roading in the context of livestock activities. Roads and jeep

trails whose primary purpose is placing salt or checking on a water trough should be closed and restored/obliterated. Livestock permittees own horses, and can and should use them in pursuing public lands livestock grazing. BLM, as part of this Travel/Recreational Use Planning, must identify methods of road closure and restoration and set a time table for accomplishing this.

Issue Number: PP-ID-Pocatello-10-01-137
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We Protest the Failure to Provide an Adequate Economic Analysis of Livestock Grazing Costs, and the Environmental Values That Are Lost Under Continued High Use Allocations.

BLM must detail its annual cost of administration of livestock grazing on affected lands under the current and alternative systems. BLM must provide the percentage of these administrative costs that are covered by BLM's income from the very meager grazing fee, and present this to the public in its economic analysis.

BLM must detail its other costs in administration of these lands (recreational opportunities lost, weeds invading and treatments, increased fire treatments and/or suppression costs with livestock-caused weeds like cheatgrass) and present this to the public in its economic analysis. This is necessary to understand the administration of livestock grazing.

Issue Number: PP-ID-Pocatello-10-01-199
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

DEIS Appendix P, Grazing, provided only allotment names and AUMs, and this has not been altered in the FEIS. Please contrast this to the Owyhee RMP, where for each Element of the Environment, BLM provided a discussion of how all the other elements of the environment would be affected by Goals/Mgmt actions under the Alternative.

Issue Number: PP-ID-Pocatello-10-01-26
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

The Proposed Action fails to address significant removal and restoration of these and other livestock facilities in important and essential habitat areas.

Issue Number: PP-ID-Pocatello-10-01-286
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Unfortunately, the livestock utilization levels now being applied across the USRD and adjacent Forest and other lands do not adhere to these requirements, and will not provide for necessary residual stubble heights and cover for sage grouse nesting, even under normal circumstances -let alone under drought, or weakened or low vigor conditions. Yet the Pocatello RMP fails to identify required measurable standards of livestock use that provide basic habitat needs, and that serve as a way to incrementally recover damaged lands.

Issue Number: PP-ID-Pocatello-10-01-291
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Alt. 8 Lvst Grzg. DEIS 2-68 to 2-70, FEIS 2-152- to 2-154, BLM provides no livestock use standards of any kind. PLUS the language of Objective B-LG-1.2 is ALARMING! "Consistent with maintaining a thriving ecological balance and multiple use relationships provide annually a total preference (active + suspended) of approximately 87,800 AUMs". There is no basis in reality for keeping suspended AUMs - and no explanation is provided for why this is being done.

Issue Number: PP-ID-Pocatello-10-01-37
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

A very large number of livestock facilities (fences, spring projects, pipelines, trough systems salting sites, corrals, wells, windmills, water haul sites, etc.) have been constructed or placed on public lands - including across these allotments and surrounding lands. Roads almost inevitably grow up either as a direct result of facility construction/placement; or of continued facility use and maintenance. Then, roads become travel corridors for predators (Braun 1998, Federal Register 2003, Federal Register 2004, Connelly et aI. 2004, Freilich et al. 2003, Connelly et al. 2004, Dobkin and Sauder 2004), and conduits for weed invasion (Gelbard and Belnap 2003). Many of these facilities have unforeseen effects, and exert influence over much larger areas than anticipated. For example, water developments may attract sage grouse predators and be "sinks" (Connelly et al. 2004).

Issue Number: PP-ID-Pocatello-10-01-92
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We Protest the Failure of BLM to Require Prudent Measures as Grazing Permit Terms and Conditions to Protect Native Predators from Being Killed for Preying on Loosely Controlled Livestock. BLM must assess the impacts of predator control actions across these lands on special status animal species and native plant communities. BLM must outlaw aerial gunning of coyotes on all PFO lands, and prohibit Wildlife Services activities that conflict with public uses of these lands. This may cause intrusive disturbance in wild land areas and may disturb sensitive wildlife species during critical periods of the year. Activities of Wildlife Services can damage public lands. For example, WS may harm public lands and values by: driving roads when muddy, disturbing wildlife during sensitive times of year; cross-country travel by OHVs spreading weed seeds, crushing vegetation or harming soils; trapping in sensitive species habitats or near popular recreation areas or important wildlife habitats; altering population structure of native predators; removing badgers that are important in providing burrows for burrowing owls; reducing predator kills and thus reducing carrion for bald eagles and some other raptors; accidental mortality of golden eagles or other raptors in traps, etc.

Issue Number: PP-ID-Pocatello-10-01-95
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

BLM must present accurate and detailed information on the areas where predator control activities currently occur, and the amount and timing of such activities. BLM must develop an expanded range of alternatives that minimize predator conflicts based on timing of livestock use, management of livestock, and rest or avoidance of "problem" areas or "problem" times of the year. We are alarmed at recent proposals to expand predator killing under mule deer or other initiatives that are being promoted by various livestock-industry-affiliated groups. Under this RMP, BLM should fully assess foreseeable impacts of such activities - dubbed research or any other names. A full suite of Livestock, development and other avoidance actions should be undertaken to minimize conflicts with important native predators.

Summary: The PRMP/FEIS lacks an adequate analysis of the impacts from livestock grazing, livestock facilities and related activities, including inventory and assessment of all existing livestock facilities, roading in the context of livestock activities, construction and placement of livestock facilities on public lands, and Wildlife Services' predator control activities.

Response: Chapter 4 – Environmental Consequences – of the PRMP/FEIS fully assesses and discloses the environmental consequences of the alternatives as required by 40 CFR §1502.16,

including the direct, indirect, and cumulative impacts of the management direction for each alternative in relation to the human and natural environment. Impact analyses and conclusions are based on interdisciplinary team knowledge of the resources and uses within the planning area, and information contained in pertinent, existing literature. Specific points raised are addressed below, as follows:

a. BLM must conduct a full inventory and assessment of all existing livestock facilities and developments on the allotments, all water haul and salting sites, and all vegetation treatments that have been conducted on these lands: Appendix U – Comments Received on Pocatello Draft RMP/EIS, Comment Response 6-G-109, responds to this comment by stating that the "impacts of future range improvements will be addressed on a site-specific basis upon implementation of the Proposed RMP." Those range improvement impacts that are relevant to the planning process are discussed in Chapter 4 – Environmental Consequences in sections 4.2.5 Vegetation, 4.2.6 Fish and Wildlife, 4.2.7, Special Status Species, and 4.3.3 Livestock Grazing. The PRMP/FEIS also identified range improvements (e.g., facilities and developments) as an appropriate grazing management practice/tool to improve livestock grazing management (Chapter 2 – Alternatives, Action PP-LG-1.2.2) consistent with Appendix C, B. Livestock Grazing of the Land Use Planning Handbook H-1601-1.

The best available data and information were used in the preparation of the PRMP/FEIS. Chapter 3 – Affected Environment and Appendix P – Pocatello Field Office Allotment Status include livestock use descriptions and trends, and baseline data regarding livestock grazing in the planning area as well as discussion of livestock use/resource conflicts (PRMP/FEIS, p. 3-87). Baseline data on rangeland conditions is found in PRMP/FEIS Section 3.2.5 Vegetation (PRMP/FEIS, p. 3-25). Baseline data on soils, fish and wildlife habitat, and vegetation are contained in sections 3.2.3, 3.2.6, and 3.2.5 respectively of the PRMP/FEIS.

Alternative A – No Action – describes the impacts of current management direction for each resource and use (PRMP/FEIS, Chapter 4 – Environmental Consequences) brought forward from the existing land use plans (Malad MFP, 1981 and Pocatello RMP, 1988) and allows for the identification of general trends occurring for given resources and uses under existing plans while providing a baseline to compare the impacts of management direction for the action alternatives, B, C, and D.

b. *As part of its analysis, BLM must examine roading in the context of livestock activities:* PRMP/FEIS, Appendix U – Comments Received on Pocatello Draft RMP/EIS, Comment Response 6-G-122, responded to "roading in the context of livestock activities…should be closed and restored/obliterated" by directing attention to Action RE-4.1.8 of the DRMP/DEIS. Action PP-RE-4.2.8 (PRMP/FEIS, p. 2-87) in the PRMP/FEIS states in part: "Cross-country travel using motorized vehicles is not allowed. Once travel management plans have been completed, motorized travel will be restricted to designated routes, travel on routes that have not been recognized as a designated route is not allowed. Authorized/permitted activities may have allowances for travel off designated routes if it is obtained in writing from the authorized officer

in the form of a letter; or specifically stipulated or identified in the terms and conditions of the permit/authorization."

As comprehensive travel management planning is implemented, "Roads and jeep trails whose primary purpose is placing salt or checking on a water trough" would be evaluated through the NEPA process for route designation or closure/restoration on a site-specific basis, PP-RE-4.3.5, (PRMP/FEIS, p. 2-88) based upon criteria as identified in PP-RE-4.3.6 (PRMP/FEIS, p. 2-88). Livestock grazing decisions at the planning level are broad allocations and a discussion of specific roads is beyond the scope of this planning document; they will be addressed in subsequent travel management plans, as appropriate.

c. *A very large number of livestock facilities (fences, spring projects, pipelines, trough systems salting sites, corrals, wells, windmills, water haul sites, etc.) have been constructed or placed on public lands*: The PRMP/FEIS addresses the impacts of the construction of livestock-related range improvements in Appendix U– Comments Received on Pocatello Draft RMP/EIS, Comment Response 6-G-109, which responded to the Protester's previous statements about "existing livestock facilities and developments…direct, indirect, cumulative…impacts… decommissioning or removal" by stating that the "[i]mpacts of future range improvements will be addressed on a site-specific basis upon implementation of the PRMP. Surveying and considering de-commissioning or removal of range improvements is outside the scope of this LUP." Those range improvement impacts that are relevant to the planning process are discussed in Chapter 4 – Environmental Consequences in sections: 4.2.5 Vegetation, 4.2.6 Fish and Wildlife, 4.2.7, Special Status Species, and 4.3.3 Livestock Grazing. The PRMP/FEIS also identified range improvements (e.g., facilities and developments) as an appropriate grazing management practice/tool to improve livestock grazing management Chapter 2 – Alternatives, Action PP-LG-1.2.2 (PRMP/FEIS, p. 2-68) consistent with Appendix C, B. Livestock Grazing of the Land Use Planning Handbook H-1601-1.

The response to comment 6-G-124, Appendix U – Comments Received on Pocatello Draft RMP/EIS (p. U-286) states, "[a]dministrative costs are outside the scope of this LUP." Council on Environmental Quality regulations at Title 40 - Protection of Environment (40 CFR 1502.23 - Cost-Benefit Analysis) state, in part, "...For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, which is likely to be relevant and important to a decision."

The BLM's budget and program priorities, including administration of livestock grazing, are set by Congress, and as such any discussion of the costs and relative benefits of program administration are not relevant to the planning decisions set forth in the PRMP.

Appendix U – Comments Received on Pocatello Draft RMP/EIS, Comment Response 6-G-106

previously responded to the Protester's statement about "utilization levels "and "measurable standards" stating, "Land use plans and planning decisions are broad in scale and are not site-specific. They provide the basis for every on-the-ground action the BLM undertakes as required in 43 CFR § 1601." The protests specific concerns regarding site specific utilization plans, mitigation measures, or site conditions are not appropriately addressed as part of the planning process. These concerns would be addressed at project level planning/implementation under the approved RMP. For example, the application of a residual stubble height of 7– 9 inches or determining the level of livestock use that provides basic habitat needs would be considered on a site-specific basis.

Identifying "suspended" AUMs in Objective B-LG-1.2 (PRMP/FEIS, p. 2-68) is consistent with 43 Code of Federal Regulations[5] § 4110.2-2 Specifying permitted use, which states in part (a) "Permitted use shall encompass all authorized use including livestock use, any suspended us, and conservation use …"and § 4130.2 Grazing permits or leases, which states in part (a) " …Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use and conservation use …" Further, this direction is consistent with BLM's Grazing Administration Handbook H-4110-1 – Qualifications and Preference at .2 Grazing Preference. A. Apportioning Grazing Preference. This states in part, "The total grazing preference includes both the active and suspended preference." Identifying both active and suspended AUMs is consistent with the Land Use Planning Handbook (H-1601-1), Appendix C, Livestock Grazing where lands identified as available for livestock grazing, identify on an area wide basis both the amount of existing forage available for livestock (expressed in animal unit months) and the future anticipated amount of forage available for livestock with full implementation of the land use plan. [Footnote 1: Bureau of Land Management Grazing Regulations As Amended, Effective August 11, 2006, and As Modified To Reflect Injunctive Relief Granted on August 11, 2006 In Western Watersheds Project V. Kraayenbrink, Civ. No. 05-297-E-BLW (D. Idaho) and Maughan V. Rosenkrance, Civ. No. 06-275-E-BLW (D. Idaho), and on September 25, 2006 In WWP V. Kraayenbrink Civ. No. 05-297 (D. Idaho).]

Closures and adjustments to livestock grazing have been incorporated into the action alternatives in order to address issues identified in the planning effort. The BLM retains discretion through its grazing regulations (43 CFR 4100) to adjust livestock use levels, including reductions, change, or elimination of livestock grazing on specific allotments where livestock grazing is causing or contributing to unacceptable conflicts with the management of other resource values or uses. These actions are mandated under FLPMA (Sec. 102. (8)), which states in part, that "the public lands be managed in a manner…will provide food and habitat for fish and wildlife and domestic animals…"

d. *BLM must assess the impacts of predator control actions across these lands on special status*

[5] Bureau of Land Management Grazing Regulations As Amended, Effective August 11, 2006, and As Modified To Reflect Injunctive Relief Granted on August 11, 2006 In Western Watersheds Project V. Kraayenbrink , Civ. No. 05-297-E-BLW (D. Idaho) and Maughan V. Rosenkrance, Civ. No. 06-275-E-BLW (D. Idaho), and on September 25, 2006 In WWP V. Kraayenbrink Civ. No. 05-297 (D. Idaho).

animal species and native plant communities: The assessment of impacts from the USDA Wildlife Services' predator control activities is outside the scope of the land use planning process. Wildlife Services is a Federal agency in the Department of Agriculture responsible for wildlife damage management. Wildlife Services oversees predator control and completes the necessary environmental analysis for those activities as appropriate (refer to p. 4-230 in the PRMP/FEIS for more information). The PRMP/FEIS Appendix U – Comments Received on Pocatello Draft RMP/EIS, Comment Response 6-G-82, which responds to the concern about "predator control activities" stating that "US Fish & Wildlife Service [*sic* – should have been USDA APHIS Wildlife Services (WS)] conducts a NEPA process for predator control activities; these activities on BLM administered lands must be consistent with the RMP direction."

Phosphate Leasing and Mining

Inadequate range of alternatives

Issue Number: PP-ID-Pocatello-10-02-10
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

By not developing one or more action alternatives that specifically analyzed and thoroughly considered meaningfully different levels of future phosphate mine leasing and development, the BLM failed to adequately analyze and present to the public and the decision-maker a realistic assessment of the direct, indirect, and cumulative effects of future phosphate mine leasing and development, as discussed further below. This is especially important given that virtually every large open-pit phosphate mine that has ever been developed in southeast Idaho is now classified as a Superfund site.

3 See also FEIS, U-151: The RMP does not contain a proposal to conduct programmatic phosphate leasing; rather it identifies areas that BLM would consider leasing. Please refer to section 2.5.4 for a discussion of the no future phosphate leasing alternative.

Issue Number: PP-ID-Pocatello-10-02-4
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

In the FEIS for the Pocatello RMP, the BLM failed to analyze an adequate range of reasonable alternatives, especially regarding phosphate mining and oil and gas development.

1. The BLM failed to analyze an adequate range of alternatives regarding phosphate mining.
The alternatives analyzed in the FEIS fail to consider an adequate range of scenarios with regard to solid minerals leasing (which includes phosphate). In fact, the alternatives only differ by 2.5% with regard to the amount of acres of the federal mineral estate of leasable minerals open to leasing. The percentage difference between the proposed alternative and the no-action alternative is only 1.5%. Under each alternative, the leasing would be subject to standard lease terms and conditions. FEIS, 2-258. These differences are negligible. Clearly, the FEIS did not analyze meaningfully different levels of phosphate leasing or different kinds of development scenarios, such as imposing stricter lease terms and conditions than is standard.

Issue Number: PP-ID-Pocatello-10-02-8
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

First, GYC's DEIS comments did not suggest that the RMP should constitute a programmatic NEPA document for making site-specific leasing decisions. Rather, GYC pointed out the BLM's responsibility to analyze an adequate range of alternatives regarding what areas will be designated as open to additional

phosphate leasing. GYC also pointed out that the BLM should consider buying back leases in some of the alternatives in the FEIS. A more thorough analysis of (1) the current environmental impacts of phosphate mining, and (2) a reasonable projection of future impacts, developed around a range of alternatives, would assist the public and the decision maker in making well-informed decisions at the landscape scale regarding how much of the planning area to leave open to potential phosphate mining and, conversely, identify areas that have already been impacted too severely by phosphate mining to allow further leasing during the life of this RMP revision.

Issue Number: PP-ID-Pocatello-10-02-9
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

The very purpose of preparing the revised Pocatello RMP is to provide the PFO with a comprehensive framework for managing, among other things, phosphate mining. FEIS, E-2 (emphasis added). The BLM expressly stated that phosphate mining is an issue of concern, whose consideration would drive the formulation of plan alternatives. FEIS, ES-5. The FEIS further states: Management direction is needed to address the process of mining and reclamation to ensure containment and control of hazardous substances, such as selenium and other potential contaminants, to make sure post mining land is safe and productive, providing for future well-suited resources and uses. FEIS, ES-4, table ES-2. Given this, it seems incongruous for the BLM to (1) develop alternatives that only differ by 2.5% in the amount of acreage open to potential phosphate leasing, and (2) then claim that consideration of an adequate range of reasonable alternatives—and, as discussed below, take a hard look at the environmental impacts of phosphate mining—because to do so would be outside the scope of the RMP. Rather, the management direction mentioned in the FEIS must begin with the Pocatello RMP.

Summary: The BLM failed to analyze meaningfully different levels of phosphate leasing or the cumulative effects of phosphate mine development in the PRMP/FEIS, in violation of NEPA and with a lack of consideration of the known environmental impacts of existing phosphate mines in southeast Idaho.

Response: The alternatives presented in the PRMP/FEIS were prepared with public involvement and within a scope set by the Land Use Planning Handbook, H-1601-1. The PRMP/FEIS identifies areas open or closed to non-energy leasing and development, and area wide terms, conditions, or other special considerations needed to protect other resource values while exploring or developing minerals (H-1601-1, Appendix C, p. 26).

The scope for the PRMP/FEIS was set by formulating alternatives to identify combinations of management practices to resolve planning issues and provide guidance where direction for a resource or use is currently lacking or is insufficient in the existing planning documents (PRMP/FEIS sections 1.4 and 2.3). The BLM determined management direction was needed to address the process of mining and reclamation to ensure containment and control of hazardous substances, such as selenium and other potential contaminants, to make sure post mining land use is safe and productive, providing for future well-suited resources and uses (PRMP/FEIS Table 1-2, p. 1-4). Although little variation exists between acreages identified as open or closed to future phosphate leasing in the PRMP, an appropriate range of alternatives was set by adding extensive direction for addressing selenium and other contamination issues related to phosphate

leasing, mining, and reclamation standards in the action alternatives B, C, and D that did not exist in Alternative A.

The PRMP/FEIS is consistent with the Land Use Planning Handbook (H-1601-1) for Non-energy Leasables (Appendix C, p. 26) in identifying areas open or closed for non-energy leasing and development. Alternatives range from 582,400 acres to 597,500 acres open for non-energy leasables (Chapter 2 – Alternatives, Table 2-13 Comparison of Alternatives, p. 2-258). Based on foreseeable leasing and mining development (Chapter 3 – Affect Environment, 3.3.4.1 Non Energy Leasable Minerals: Phosphate and Chapter 4 – Environmental Consequences, Methods and Assumptions (pp. 4-333 and 4-334), the PRMP/FEIS discloses the likely impacts from the management direction of allowing consideration of future phosphate leasing on lands identified as open. In the PRMP/FEIS, the BLM considered but eliminated from detailed analysis closing all public lands to new phosphate leasing (see 2.5.4, p. 2-10; and Comment Response 3-G-10, p. U-150). The PRMP/FEIS does not propose any new phosphate leasing. Although the PRMP/FEIS indicates it is reasonably foreseeable that the BLM will issue two phosphate leases encompassing about 1,600 acres, the PRMP/FEIS does not authorize issuing any leases (PRMP/FEIS p. 4-334). Before issuing phosphate leases, the BLM will prepare appropriate NEPA analysis for any proposed future site specific action. At that point (during implementation), the BLM's NEPA analysis for a phosphate mine or leasing proposal (including lease modification) will assess the points that GYC makes, i.e., (1) the current environmental impacts of phosphate mining, and (2) a reasonable projection of future impacts, developed around a range of alternatives, and (3) identifying if the area has already been impacted too severely by phosphate mining to allow further mining or leasing, or mining or leasing without additional environmental protection measures.

As mentioned previously in response to Issue 9.4 – Adequacy of Analysis, the PRMP/FEIS documents the effects, including cumulative effects, of past, current and future impacts from phosphate mining to Air Quality (pp. 4-10, 4-13); Soils (pp. 4- 45, 52, 54, 57, 59, 61-62), bioaccumulation of contaminants in reclamation vegetation (pp. 4-85, 87, 103, 117, 120); Fish and Wildlife (pp. 4-155, 159, 166, 170, 174, 175); Special Status Species (pp. 4-176, 189, 199-200, 211, 220, 227, 234); Surface and Groundwater Contamination/Quality (pp. 4-244, 248-251, 255); and Socio-Economics and Environmental Justice (p. 4-416).

New leasing is not a prerequisite for continued or new phosphate mine development in the Pocatello Field Office area. The BLM estimates that half of the approximately one billion ton southeast Idaho phosphate reserve is currently under lease to private entities (FEIS Chapter 3 – Affected Environment, Section 3.3.4.1, p. 3-93). As noted on p. 4-375, "[t]he phosphate industry has been operating on a large scale on federal leases since the early 1950s. Approximately half of the economically feasible phosphate resource currently under lease has been mined. Phosphate would be depleted in the future as mining continues. It is estimated that reserves that are currently under lease and that are presently economically feasible to mine would last another 40-50 years."

Environmental impacts associated with phosphate development are therefore not related to the number of new leases or amount of land available to lease, since (1) existing mines have enough reserves to continue operations 40 – 50 years into the foreseeable future, and (2) most of the acreage in the planning area shown as "open" to consideration of phosphate leasing does not contain known economic deposits of phosphate. The BLM anticipates that the existing 83 federal phosphate leases comprising over 42,000 acres (PRMP/FEIS Table 3-22, p. 3-94) will meet current phosphate mining demand for 40 - 50 years. Future phosphate leasing, anticipated to be low (Chapter 3 – Affected Environment, 3.3.4.1 Non Energy Leasable Minerals: Phosphate and Chapter 4 – Environmental Consequences, Methods and Assumptions (p. 4-333 and 4-334), will continue to be managed on a case-by-case basis through implementation and in conformance with the Approved Pocatello RMP and 43 CFR 3500.7(a).

The BLM will prepare individual NEPA documents of appropriate depth and analysis to evaluate impacts from any leasing, including reasonably foreseeable actions and cumulative effects from mining the leases, while meeting the requirements at 43 CFR 3500.7(b). Further NEPA analysis is conducted subsequent to any leasing when a phosphate lessee submits a mine and reclamation plan (MRP) for approval consideration (reference 43 CFR 3590.2(a)). At that point, the BLM will conduct a full assessment of the environmental impacts from mining. Appropriate site specific mitigation measures are developed and applied to maintain compliance with water quality and other environmental laws (i.e., BLM, 2000, FEIS Dry Valley Mine – South Extension Project; BLM, 2002, FSEIS Smoky Canyon Mine Panels B&C; BLM, 2005 DEIS Smoky Canyon Mine Panels F&G).

Extensive land use plan direction is contained in the three action alternatives B, C, and D to provide effective planning direction for future phosphate leasing and development consideration. This direction addresses the "need for change" issues identifying the importance of providing environmental protection and productive post mining use for public lands impacted by phosphate mining.

Although 582,400 acres of public lands are designated as open for consideration of phosphate leasing, it must be understood that virtually all of the minable phosphate is in, or immediately adjacent to, the Federal Known Phosphate Leasing Areas (KPLAs) (PRMP/FEIS, Chapter 3 – Affected Environment, 3.3.4.1 Non-Energy Leasable Minerals, Table 3-22) located within a portion of Caribou County (Figure 3-16). These KPLAs comprise a small fraction of the 582,400 acres of public lands in the planning area designated as open for leasing by the PRMP/FEIS. Please note that although Table 3-22 shows 70,302 acres within the KPLAs, that acreage includes a mixture of Federal, state, and private lands. Figure 3-16 graphically shows the small fraction of public lands which are located within KPLAs. Most of these phosphate deposits are already under lease (PRMP/FEIS, Chapter 3- Affected Environment, p. 3-94 and Table 3-22) and have been mined or will be in the foreseeable future.

Lease buyouts

Issue Number: PP-ID-Pocatello-10-02-44
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

By the BLM's own admission, additional phosphate mining will likely continue to impact surface and groundwater. See, e.g., FEIS, 4-255 ("Discharges of selenium or other contaminants to ground and surface water from phosphate mining would likely continue…Future surface and groundwater quality could be affected by the opening of additional areas to phosphate mining."). However, the FEIS barely scratched the surface in terms of describing and analyzing these impacts. The impacts of selenium contamination from phosphate mining have severely impacted the planning area. Allowing consideration of additional phosphate mining leases will cause avoidable, undue degradation, as will not providing the Pocatello Field Office with the explicit direction in the RMP to seek to buy back leases in sensitive areas.

Issue Number: PP-ID-Pocatello-10-02-5
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

As suggested in GYC's comments on the DEIS, the BLM should have thoroughly considered a no future leasing alternative, a range of different levels of areas open to additional leasing, and buying back existing leases. While GYC realizes that lease buyouts might require Congressional authorization or that means to acquire or provide these monies might be beyond what the Pocatello RMP can specifically require, the BLM certainly at a minimum can provide in the Pocatello RMP that lease buyout will always be considered when development is proposed in sensitive areas.

Summary: The BLM should have considered buyouts of existing leases even though they require congressional authorization.

Response: The consideration of repurchasing phosphate leases is not within the scope of the PRMP/FEIS and does not meet the Purpose and Need of the EIS (Chapter 1 - Introduction, Section 1.2). Phosphate leasing decisions (e.g., leasing and lease buyouts) are land use plan implementation decisions not within the scope of land use plan decisions (Land Use Planning Handbook (H-1601-1), Appendix C, K. Non-Energy Leasables, p. 26). In response to comments, Appendix U, pg. U-150) comment response 3-G-10 states, "Programmatic phosphate leasing and development is outside the scope of this RMP effort. Appropriate analysis under NEPA will be conducted in the future in response to requests for new phosphate leases and mine development." Congress has not directed the BLM to investigate repurchasing phosphate leases nor has it appropriated funding for this type of investigation and endeavor.

Under the FLPMA and the Minerals Policy Act, the BLM must manage public lands "in a manner that will protect the environmental values" and that are "managed for domestic sources of minerals" (FLPMA, Sec 102 (a)(8) & (a)(12)) and "foster the orderly and economic development of domestic sources of mineral resources…to lessen any adverse impact of mineral extraction…upon the…environment (Minerals Policy Act, Title 30 Chapter 2 Sec. 21a).

While not endorsing a lease repurchase program, the BLM developed extensive plan direction in

the PRMP and the other action alternatives designed to assist in effectively managing effects of phosphate leasing and development to ensure a domestic supply of phosphate minerals (FLPMA, Sec. 102 (a) (12)) and provide the economic benefits of development while applying provisions for environmental protection and productive post mining use of lands impacted by phosphate mining. This aside, the PRMP would not preclude the repurchase of phosphate leases from willing sellers if Congressional direction and appropriations are made in the future.

Failure to take a hard look at impacts from mining

Issue Number: PP-ID-Pocatello-10-02-14
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

Rather, the Final EIS glossed over these impacts, asserting that new Best Management Practices (BMPs) will essentially eliminate all concerns over the toxic pollution that has resulted from every phosphate mine permitted thus far in southeast Idaho. This reliance is misplaced. The BLM must disclose and analyze the potential impacts of further phosphate leasing, and subsequent mining, in this FEIS.

Issue Number: PP-ID-Pocatello-10-02-16
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

Simply put, the assertion that the current track record of BMPs holds no instructive value as to this type of measures' effectiveness is absurd. Releases of selenium have yet to be eliminated, or even significantly reduced. Given this grim history, the BLM's unsupported and unsupportable assertion that new? BMPs will solve selenium contamination problems clearly shows that the BLM has not taken a hard look at the reasonably foreseeable impacts of phosphate mining, rendering the BLM's decision to leave open 582,400 acres to further phosphate mine leasing severely flawed.

Issue Number: PP-ID-Pocatello-10-02-19
Organization: Greater Yellowstone Coalition

Protester: Katie Strong

Issue Excerpt Text:

GYC's comments on the draft EIS asserted that the BMPs must be subject to rigorous evaluation prior to reliance on them. In response, the BLM seems to want it both ways: the BLM asserts that BMPs can be relied on to reduce or eliminate selenium contamination, but conversely seek to defer any analysis or evaluation of the effectiveness of those BMPs until future NEPA processes. The BLM cannot avoid analyzing these impacts, and these proposed mitigation measures, by simply stating that these impacts and measures will be analyzed later. Kern v. BLM, 284 F.3d at 1072. The environmental consequences of leaving 582,400 acres open to potential phosphate mining—to be mitigated only by the BLM's currently failing BMPs—must be analyzed in the EIS for the Pocatello RMP. As the Ninth Circuit noted in Kern: Drafting an [EIS] necessarily involves some degree of forecasting. Id.

Issue Number: PP-ID-Pocatello-10-02-21
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

This runs afoul of the ruling in Kern cited above: the BLM must evaluate the impacts resulting from the reasonably foreseeable phosphate mining that will occur under each alternative.

Issue Number: PP-ID-Pocatello-10-02-26
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

The FEIS barely goes beyond the vague admission that "[p]hosphate mining throughout southeast Idaho has impacted, and continues to impact, surface water quality by contributing various [contaminants of potential concern], primarily selenium." FEIS, 4-248. Beyond various renditions of this vague and general statement, the closest the FEIS comes to disclosing and analyzing the extent of the problem is to mention that "[t]he [Idaho Department of Environmental Quality] has listed six stream segments within the project area as impaired with high selenium concentrations under section 303(d) of the Clean Water Act." FEIS, 3-97. However, the BLM failed to even name these streams or include them in the table titled "Listed 303(d) Water Bodies on Public Lands within the Planning Area" See FEIS 3-70.

Issue Number: PP-ID-Pocatello-10-02-37
Organization: Greater Yellowstone Coalition
Protester: Katie Strong

Issue Excerpt Text:

The FEIS seriously downplays the extent and severity of selenium contamination from past and ongoing mining activities. It fails to provide a meaningful discussion, disclosure, and analysis of the impacts of the existing seventeen Superfund sites. It fails to describe the cumulative effects of current phosphate mining and its accompanying selenium contamination, especially when combined with the existing widespread releases of selenium from the Superfund sites. GYC DEIS Comments, p. 8. As noted above, the FEIS fails to adequately identify and catalogue streams so impacted by selenium as to be added to the § 303(d) list.

Summary: The BLM failed to take a "hard look" at the reasonably foreseeable impacts of continuing development of existing phosphate mines in light of the past damage associated with phosphate mining and the inadequacy of the BLM's best management practices (BMP) in limiting this damage.

Response: See also the previous response to 24.1 - Inadequate Range of Alternatives for phosphate leasing.

The BLM closely examined and disclosed the likely environmental effects of the continuation of phosphate mining in the planning area. One of the issues driving alternative development and subsequent management direction was controlling contaminant release and enhancing reclamation related to phosphate mining (Chapter 1 – Introduction, Table 1-2). Management direction (Objective PP-ME-2.3, and Actions PP-ME-2.3.1 through PP-ME-2.3.8) was developed to address this major issue.

Taking the "hard look" required under NEPA focuses more on the effects of applying direction containing operational standards and guidelines, more specific reclamation standards, and setting contaminant limits that supplement the Clean Water Act and other environmental protection statutes. These are contained in the PRMP/FEIS plan direction for the action alternatives

(PRMP/FEIS Alternative B (Proposed Plan) Goal ME-1, pp. 2-71 through 2-82).

The scope and nature of the specific proposed action determines the level of analysis needed to comply with the requirements of NEPA. Environmental analysis in the PRMP/FEIS is being used to evaluate broad management direction and provide an analytical foundation for subsequent project-specific NEPA documents needed to conduct phosphate leasing or approval of mining activities. As a consequence, the analysis in Chapter 4 – Environmental Consequences is very different from the analysis that would be presented in an environmental document analyzing the issuance of a phosphate lease or approval of a mining plan.

The PRMP/FEIS indicates that implementation of the planning direction for solid leasable minerals, including phosphate, would serve to increase and better delineate phosphate mine operating and reclamation requirements, assist in restoring impacted lands to proper functioning condition, aid in preventing release of contaminants to the environment, and ensure productive post development land use (Chapter 4 – Environmental Consequences, pp. 4-362 through 4-363). The planning direction is augmented with additional requirements and best management practices (BMP) that are determined to be necessary from additional NEPA impact analysis for any leasing or mining proposal received during implementation of the PRMP (FEIS Appendix C – Guidelines/Techniques/Practices). At the leasing or mining plan approval stage, the BLM will conduct review and analysis under NEPA to thoroughly assess the site- specific proposal's direct, indirect and cumulative effects. The analysis includes the predicted impacts of development and an evaluation of BMPs and other mitigation measures to ensure that unnecessary or undue degradation would not occur. The analysis will also include reasonable foreseeable and cumulative effects analysis that ties to established requirements such as the Clean Water Act, the Idaho Groundwater Rule, and other requirements, including those in PRMP/FEIS Goal ME-1, pp. 2-71 through 2-82).

Soil

Issue Number: PP-ID-Pocatello-10-01-243
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Note: Lacking from the fire, treatment disturbance is any adequate recognition of the tremendous impacts the disturbance regimes would impose on microbiotic crusts - which serve critical functions in most of the FO. Microbiotic crusts help to exclude weeds stabilize soils, put nutrients back into the soil, and perform a host of other important functions. They are a critical component of health vegetation communities. Yet, nowhere does BLM provide any information on the current health and condition of crusts across the FO, and the effects of the radical disturbance regime and imposed DFCs on them - including the composition of microbiotic crusts -with lichens often characterizing later successional crusts. What is the time frame for recovery of crusts to mid to late successional levels, if succession indeed would operate following radical disturbance to be imposed here?

Summary: There is inadequate information on microbiotic crusts.

Response: A comparable comment was made in a letter dated April 3, 2007, during the 90-day comment period on the Pocatello Draft RMP/DEIS, which was addressed in Appendix U – Comments Received on Pocatello Draft RMP/EIS, as Comment Response 5-G-129.

Biological/microbiotic crusts are described in Chapter 3 – Affected Environment of the PRMP/Final EIS, 3.2.3 Soils (pp. 3-13 to 3-16) and 3.2.5 Vegetation (pp. 3-18 to 3-30). This discussion addresses the importance of microbiotic/biological crusts in stabilizing soils, preventing wind and water erosion and the spread of invasive species/noxious weeds. The "recognition of the tremendous impacts the disturbance regimes would impose on microbiotic crusts" is acknowledged in 3.2.5 Vegetation (p. 3-20) which states, "Disturbance can directly and indirectly affect many aspects of the structure and function of biological crust communities, including cover, species composition, and carbon and nitrogen fixation." Table 3-2 (p. 3-19) provides information on the occurrence of microbiotic/biological crusts in associated vegetation types. Microbiotic/biological crust occurrence and risks are described for the low- and mid-elevation shrub and mountain shrub vegetation types.

Impacts to microbiotic/biological crusts are discussed in Chapter 4 – Environmental Consequences, 4.2.3 Soils and 4.2.5 Vegetation. Impacts are described as crushing of soil crusts; damage to crusts would occur during disturbance (e.g., construction, trampling) reducing soil quality by increasing erosion potential and changing the properties of the associated soil; and by decreasing vegetation cover, destroying the microbiotic crust, increasing soil compaction and surface erosion of soils.

The BLM's standard is to use Natural Resource Conservation Service (NRCS) data, recognizing this agency's special expertise and responsibility. As NRCS develops and updates the surveys and site descriptions, the BLM uses this information as part of its analysis. Site-specific impacts to soils, biological soil crusts, and physical crusts would be completed during the site review and covered through an implementation level NEPA analysis (e.g., term permit renewals, special recreation permits, realty actions, tenure adjustments, and Applications for Permit to Drill).

Travel Management

Issue Number: PP-ID-Pocatello-10-01-135
Organization: Western Watersheds Project
Protester: Katie Fite
Other Sections: 19

Issue Excerpt Text:

As part of its analysis, BLM must examine roading in the context of livestock activities. Roads and jeep trails whose primary purpose is placing salt or checking on a water trough should be closed and restored/obliterated. Livestock permittees own horses, and can and should use them in pursuing public lands livestock grazing. BLM, as part of this Travel/Recreational Use Planning, must identify methods of road closure and restoration and set a time table for accomplishing this.

Summary: There is an inadequate analysis of road closure and restoration.

Response: This comment, submitted in a letter dated April 2, 2007 during the 90-day comment period on the Pocatello DRMP/DEIS, was addressed in the PRMP/FEIS Appendix U – Comments Received on Pocatello Draft RMP/EIS, as Comment Response 6-G-122. The comment response directed the commenter to management actions B-RE-4.1.8 and B-RE-4.2.6 in the DRMP/ and DEIS, which corresponds to PP-RE-4.2.6 (p. 2-86) and PP-RE-4.3.6 (p. 2-88) in the PRMP/FEIS.

The PRMP/FEIS provides management direction in Goal RE-4, Objectives PP-RE- 4.1, 4.2 and 4.3, (PRMP/FEIS, pp. 2-85 through 2-89) for future travel management planning. This direction will be implemented following signing of the Record of Decision for the Pocatello Approved RMP. This direction is consistent with the Land Use Planning Handbook (H1601-1), Appendix C, D. Comprehensive Trails and Travel Management which states in part, "If the final travel management network is to be deferred in the RMP, then the RMP should document the decision-making process…provide the basis for future management decisions, and help set guidelines for making road and trail network adjustments." The PRMP/FEIS establishes such guidelines. (PRMP/FEIS, pp. 2-85 through 2-89)

The travel management planning will not be limited to just "roading in the context of livestock activities." Goal RE-4 (p. 2-85) of the PRMP/FEIS states in part that "a comprehensive approach" will be taken for travel management planning. This means all resources and uses will be considered in the designation of roads/trails for various types of uses (e.g., motorized, mechanized, non-mechanized). The outcome of travel management planning will result in the identification of designated routes for motorized vehicles; designated routes for mechanized vehicles (within Special Recreation Management Areas); seasonal restrictions; routes needing to be redesigned, repaired, maintained, relocated, or closed; and exemptions for administrative and permitted activities as identified in PP-RE-4.3.5 (PRMP/FEIS, p. 2-88). In determining the status (e.g., designated routes, seasonal restrictions, maintenance, and reclamation) for each road/trail, specific criteria as identified in PP-RE-4.3.6 (PRMP/FEIS, p. 2-88) which include environmental conditions, user conflicts, administrative purposes, public purposes, and route, vehicle type and size limitations will be considered.

Future travel management planning will be conducted consistent with NEPA. As part of that process, at a minimum an environmental assessment will be prepared that includes an analysis of impacts to resources and uses resulting from the various alternatives considered in how roads/trails would be designated for various types of uses (e.g., motorized, mechanized, non-mechanized). The public will have an opportunity to participate in this process.

Tribal Interests and Cultural Resources

Issue Number: PP-ID-Pocatello-10-01-256
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We Protest the failure to protect cultural resources from grazing and other disturbances.
Cultural 2-13-to 2-15 provides some much-needed assurances to Tribes. However, woefully lacking are concrete and necessary measures to prevent degradation, alteration, loss, or destruction of cultural sites due to potential or ongoing management activities - such as livestock grazing, livestock facilities, and various invasive management, manipulation and disturbance actions proposed in relation to the tremendous disturbance and expenditure of funds that would require to undertake the large-scale vegetation and habitat manipulation that would occur here..
2-13 references "appropriate management measures", yet the public has no idea of what they may be.

Issue Number: PP-ID-Pocatello-10-01-257
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

What specific appropriate management measures to reduce, or prevent, livestock trampling damage to cultural sites will be taken under the RMP? What measures to prevent or mitigate soil erosion and exposure of artifacts to surface collectors, or sites, to looting, will be taken under all alternatives.

Summary: The PRMP fails to provide measures to protect cultural sites from ongoing activities, including livestock grazing, among others.

Response: These comments, submitted in a letter dated April 3, 2007, during the 90-day comment period on the Pocatello DRMP/DEIS, were addressed in the PRMP/FEIS Appendix U – Comments Received on Pocatello Draft RMP/EIS, as comment responses 5-G-159 and 5-G-160.

Comment response 5-G-159 describe clarifications made for management action CA-CR-1.1.2 of the DRMP/DEIS, "Appropriate management measures to reduce or prevent damage to cultural sites include, but are not limited to, the following: signing, fencing/gating, patrol/surveillance, erosion control, fire control, stabilization, detailed recording, relocation, adaptive reuse of structures, and archaeological data recovery techniques." These management measures are included in management action PP-CR-1.1.2 (PRMP/FEIS, p. 2-13). Chapter 1 – Introduction, Section 1.1.3, Changes to the Alternatives (Chapter 2) (p.1-19) also states, "Cultural Resources - Language has been added to clarify the management of cultural resources."

Comment response 5-G-160 states, "When grazing is adversely affecting a cultural site, then appropriate management measures would be used to reduce or prevent damage to cultural sites (e.g., signing, fencing/gating, stabilization, detailed recording, archaeological data recovery techniques)."

The PRMP/FEIS addresses "concrete and necessary measures to prevent degradation, alteration, loss, or destruction of cultural sites due to potential or ongoing management activities." For example, Wildland Fire Management, Actions PP-WF-1.1.1 (PRMP/FEIS, p. 2-45) and PP-WF-1.3.1 (PRMP/FEIS, p. 2-49) identify actions to be followed for fire suppression activities or vegetation treatment activities for the protection of cultural resources. Item number six of Cultural Resources and Historical Trails in PP-WF-1.3.1 (PRMP/FEIS, p. 2-49) refers to Appendix C – Guidelines/Techniques/Practices which identifies additional cultural protection actions (p. C-5). Appendix C – Guidelines/Techniques/Practices provides management guidelines, techniques, and practices that when applied with management actions of the PRMP/FEIS would aid in achieving desired outcomes or conditions and the protection of cultural resources from the commenter's concern of "…various invasive management, manipulation and disturbance actions."

Other appropriate management actions "to reduce, or prevent . . . damage to cultural sites" identified in the PRMP/FEIS for resources and uses include mitigating impacts, relocating proposed projects away from cultural sites, and conducting on-site investigations. These actions would be determined on a site-specific basis for each proposal and conducted consistent with NEPA.

Vegetative Communities, Treatments, Weeds

Issue Number: PP-ID-Pocatello-10-01-179
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

The lack of Vegetation Goals that include standards of livestock use that will provide for important and sensitive wildlife species habitats and healthy native vegetation communities is a serious concern, in light of all the vegetation disturbance to be imposed. The action to be taken under Goal VE-2 (FEIS ES2-6) is extremely limited, and is not sufficient for a strategy of Integrated Wed or Pest Management/Control actions on public lands.

Issue Number: PP-ID-Pocatello-10-01-210
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

The FRCC and DFC components of the RMP are purely a fantasyland exercise, based on artificial attempts to impose model-derived conditions and outcomes on lands that have undergone tremendous damage and loss. Their use is especially flawed here, as the components of the modeling schemes were primarily developed for moister and higher elevation forested systems.

Issue Number: PP-ID-Pocatello-10-01-215
Organization: Western Watersheds Project
Protester: Katie Fite
Issue Excerpt Text:

Yet, nowhere, for example, in the EIS, in relation to the "Low elevation shrub" in the FEIS, 111,500 acres is there any information provided on the current cheatgrass, bulbous bluegrass or other alien species composition of understories or health of microbiotic

crusts on these lands, including burned areas dominated by cheatgrass or other exotics, treated/manipulated areas dominated by cheatgrass or other exotics including purposefully seeded exotics, lands likely to become cheatgrass, or where cheatgrass comprises a significant percentage of the understory vegetation here. The EIS must provide detailed information on current extent and occurrence of bulbous bluegrass, cheatgrass, and all land areas and vegetation communities "at risk" of increased weed/ cheatgrass occurrence or dominance under the various alternatives. How has the areal extent, and percent of cheatgrass and other exotics (including those purposefully seeded), changed in all lands and all vegetation communities over the lifetime of the existing Land Use Plan?

Issue Number: PP-ID-Pocatello-10-01-224
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

BLM has not adequately defined the category of "still functioning". Does this translate into "holding on for dear life"? What is the definition, and threshold here, for placing lands in the 3 Classes?

Issue Number: PP-ID-Pocatello-10-01-230
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

BLM must provide detailed analysis of how many acres, including how the acres were determined, that are placed in the category of "encroached juniper acres" here. If BLM is going to claim "encroached", it is necessary to understand how you define encroached, and how you systematically determined "encroachment" across all juniper communities of the PFO. Grazing promotes increased density of junipers, and junipers respond to -Increased carbon dioxide levels. The EIS has not addressed these factors.

Issue Number: PP-ID-Pocatello-10-01-249
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

The Simple 7 worksheet, that was supposedly used to determine the FRCC, appears to apply to Forested Veg and Timber type country, not the great majority of the small tree, much cut-over forests and vast arid non-forested lands of the PFO.

Summary: The PRMP/FEIS does not establish adequate vegetation goals, provide adequate definitions, or provide an adequate analysis or analytical tools.
Response: Responses to specific concerns follow:

a. *The lack of Vegetation Goals that include standards of livestock use that will provide for important and sensitive wildlife species habitats and healthy native vegetation communities is a serious concern:* The PRMP/FEIS vegetation goals address riparian areas, invasive species/noxious weeds, and vegetation types which are consistent with the Land Use Planning Handbook (H-1601-1), Appendix C, C. Vegetation which states in part, "Land use plans identify desired outcomes for vegetative resources, including the desired mix of vegetative types, . . . riparian functions; and provide for native plant, fish, and wildlife habitats and livestock forage." Two vegetation management actions, Action PP-VE-1.1.2 (PRMP/FEIS, p. 2-19) and Action PP-VE-4.1.1 (PRMP/FEIS, p. 2-21), identify the implementation of Idaho Standards for Rangeland

Health to accomplish respective vegetation objectives and goals resulting in desired outcomes for vegetative resources. In addition, the Idaho Standards for Rangeland Health are identified as actions to achieve other resources and uses objectives, (e.g., special status species, livestock grazing and minerals and energy) objectives and goals. For example in the PRMP/FEIS, Action PP-SS-1.2.4 (p. 2-29), PP-SS-1.3.14 (p. 2-44), PP-LG-1.2.1 (p. 2-68), PP-LG-1.2.3 (p. 2-68), PP-ME-1.1.4, (p. 2-71) and PP-ME-2.1.4 (p. 2-73)) identify the use of Idaho Standards for Rangeland Health to achieve objectives. Incorporating the Idaho Standards for Rangeland Health means that the PRMP includes measures that provide for wildlife species habitats and healthy native vegetation communities.

A strategy of integrated weed management (IWM) and integrated pest management (IPM) incorporates components such as: coordination and cooperation; prevention and education; control; inventory, mapping and monitoring; research; and administration and planning. PRMP/FEIS management actions identified in the PRMP/FEIS under Vegetation Goal VE-2 (pp. 2-19 through 2-20) address these components. IWM and IPM are the combination of multiple management tools utilized to reduce weeds and invasive species to an acceptable level while preserving the quality of existing habitat, water, and other natural resources. Combinations of biological, mechanical, and chemical management practices are utilized in IWM and IPM programs to efficiently suppress invasive species/noxious weeds. Actions PP-VE-2.1.1 through 2.1.12 of the PRMP/FEIS incorporate such practices into the PRMP as part of its IWM/IPM strategy (BLM Manual 9015 - Integrated Weed Management). These IWM/IPM strategies are consistent with the BLM's "Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement" and the "Final Programmatic Environmental Report for Vegetation Treatments on Bureau of Land Management Lands in 17 Western States."

b. *BLM has not adequately defined the category of "still functioning":* After review of the specific comment in the protest letter in relation to the preceding and following paragraphs, it is impossible to determine the context or specific issue/concern being raised. The term "still functioning" as identified in the Protester's comment has not been used in the PRMP/FEIS to describe any type of "category" as stated in the Protester's comment.

Further, after review of the comment in the protest letter in relation to the preceding and following paragraphs, the BLM cannot determine the context or specific issue/concern being raised with regards to, "What is the definition, and threshold here, for placing lands in the three Classes." However, if by "three Classes" the Protester is referring to either fire regime condition class (FRCC) or Land Health Condition (LHC), Section II – Fire Regime Condition Class (Appendix J – Methodology and Assumptions for Vegetation Modeling, Fire Regime Condition Class and Land Health Conditions, pp. J-13 through J-18) and Section III – Land Health Condition (Appendix J, pp. J-20 through J-22) describes how FRCC for each vegetation type was determined, provides definitions for FRCC I, II and III as well as the definitions for LHC-A, -B and –C and relationship to FRCC.

Comment response 5-G-75, Appendix U – Comments Received on Pocatello Draft RMP/EIS of the PRMP/FEIS addresses the concern regarding "…information provided on the current cheatgrass, bulbous bluegrass or other alien species composition of understories or health of

microbiotic crust" as follows: "Section 3.2.5.1 Low-Elevation Shrub addresses risks to this vegetation type which includes the 'expected' increase of invasive species and noxious weeds. In addition, this section speaks to bulbous bluegrass and cheatgrass as being an increased risk. Section 3.2.5 describes how Gap Analysis Program (GAP) data for southern Idaho was used to identify the 11 vegetation types for the planning area resulting from the aggregation of 51 GAP cover types. Based upon the GAP data, aggregation of cover types, and professional judgment of the planning team, areas in which annual/invasive perennial grasses (e.g., cheatgrass and bulbous bluegrass) could clearly be distinguished (e.g., 100% of species) accounted for approximately 50 acres. Consequently, these acres were included with the Other/Vegetated Lava Vegetation Type (Section 3.2.5.11). Table 3-2 identifies the number of acres of Low-Elevation Shrub, Perennial Grass and Seedings (Crested Wheatgrass) vegetation types. As described in sections 3.2.5.4 and 3.2.5.5, Perennial Grass and Seedings are described as being considered as either an intermediate stage (Perennial Grass) or uncharacteristic component (Seedings) of the Low-Elevation Shrub vegetation type. As identified in Section 3.2.5.12, cheatgrass and bulbous bluegrass can be found in all vegetation types but specific acres are unknown." The concern expressed for microbiotic crusts is addressed in response to Issue 29 – Soil.

As described in PRMP/FEIS, Appendix J – Methodology and Assumptions for Vegetation Modeling, Fire Regime Condition Class and Land Health Conditions (p. J-22), the "LHC can be defined by ecological components necessary for healthy ecosystems. More specifically, land health indicators focus on the vegetative components of the ecosystem. For example, such indicators describe/quantify the amount and distribution of litter and ground cover; presence or absence of invasive species and noxious weeds; and diversity of species as well as species composition and structure. These indicators are used to describe the vegetation-fuels condition component in Fire Regime Condition Classes (FRCC) determinations" (p. J-22). Table 5 (p. J-21) of Appendix J, identifies the relationship between Land Health Condition (LHC) and FRCC. Because of this relationship, the LHC for each vegetation type is based upon FRCC determinations which are described in Chapter 3 – Affected Environment, 3.2.5 Vegetation (PRMP/FEIS, pp. 3-21 through 3-27).

Appendix U – Comments Received on Pocatello Draft RMP/EIS, comment responses, 5-G-100, 5-G-101 and 5-G-142, regarding "naturally occurring" and "encroached" juniper describe how acres for both categories were determined, including providing a definition of "encroached" (PRMP/FEIS, p. 3-24). Juniper was considered to be encroaching when the percentage of juniper exceeds what was expected for a particular range site (Appendix U, Comment Response 5-G-100, p. U-241). Several ecological range sites, which are identified in the project file, occur throughout the PFO area where natural occurring Juniper was not considered to be encroaching. In addition to aerial/GAP analysis data, range site descriptions were used to identify "natural occurring" versus "encroached" juniper sites. This information was described in Chapter 3 – Affected Environment, 3.2.5 – Vegetation, Tables 3-2/3-3 and section 3.5.2.6 – Juniper.

c. *The Simple 7 worksheet modeling used to determine FRCC and DFC was too limited and did not represent the planning area:* The use of the Simple 7 worksheet for conducting a Fire Regime Condition Class assessment is not limited to "Forested Veg and Timber type country" as alleged. To use the Simple 7 worksheet, the applicable biophysical setting (BpS) description, a grouping of ecologically similar vegetation types is essential (Interagency Fire Regime

Condition Class (FRCC) Guidebook Version 3.0, September 2010). BpS descriptions exist for both non-forested and forested vegetation types developed cooperatively by the U.S. Departments of Agriculture and Interior, and The Nature Conservancy. As described in the PRMP/FEIS, Appendix J – Methodology and Assumptions for Vegetation Modeling, Fire Regime Condition Class and Land Health Conditions, Section IV – Biophysical Setting Descriptions (pg. J-22) six BpS descriptions were used for determining the FRCC for the vegetation types described and used in the PRMP/FEIS. The Simple 7 worksheet was used as intended with respective BpS descriptions resulting in appropriate FRCC determinations for the various vegetation types. These results were used in Chapter 4 – Environmental Consequences – for the analysis of effects related to 4.2.5 Vegetation, 4.2.6 Fish and Wildlife, 4.2.7 Special Status Species, 4.2.10 Wildland Fire Management, and 4.3.1 Forestry.

Desired Future Condition (DFC) as used in the PRMP/FEIS is defined in the Glossary (p. Glossary-4) and expressed as the ecological or management status of vegetation based on ecological, social and economic considerations. As described in Chapter 2 – Alternatives, (pp. 2-1 and 2-2) management objectives and actions for each alternative are a description of a desired future condition for resources and uses on the public lands administered by the BLM.

Visual Resource Management

Issue Number: PP-ID-Pocatello-10-01-184
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

Why are there no adequate Goals for Visual Resources? The RMP Goal is meaningless. The Goal should drive the Actions. Instead, it just rubberstamps a near-status quo situation. There is no current adequate analysis of recreational and other values to base any VRM Categories on, the relative scarcity of the visually untrammeled landscapes so that the importance of protecting those that remain can be understood, etc.

Summary: The discussion of visual resources is inadequate.

Response: Visual resource management (VRM) is described in the PRMP/FEIS on p. 2-44. Goal VR-1 (p. 2-44) is broad in context, but Objective PPCA-VR-1.1 – "Manage visual resources according to established guidelines for Visual Resource Management (VRM) classes" and its accompany management actions are specific. For example:

Action PPCA--VR-1.1.1 - Public lands would continue to be managed according to the following VRM class designations:

- Class I – 11,200 acres
- Class II – 78,600 acres
- Class II – 221,000 acres
- Class IV – 303,000 acres

Action PPCA-VR-1.1.2 - The visual resource contrast rating system would be used during project level planning to determine whether or not proposed activities meet VRM objectives.

Action PPCA-VR-1.1.3 - Mitigation measures would be identified to reduce visual contrasts with rehabilitation actions identified to address landscape modifications on a case-by-case basis.

These measures are consistent with the BLM's VRM policy, which requires all RMP implementation actions to be analyzed for visual impacts and those approved to meet the designated VRM Class Objectives. The VRM policy establishes the objectives for each VRM Class designation (VRM Handbook H-8410-1 and H-8431-1) assuring BLM-wide management consistency of visual resource management protection levels.

These management actions are also consistent with the Land Use Planning Handbook (H1601-1), Appendix C, I. Visual Resources, which states in part, "Manage visual resource values in accordance with visual resource management (VRM) objectives (management classes). Designate VRM management classes for all areas of BLM land." Management action PP-VR-1.1.1 identifies the acres designated for each of the four VRM classes for BLM-administered public lands within the Pocatello planning area.

An extensive review of the Malad MFP (1981), the Pocatello RMP (1988), and the public scoping comments process revealed VRM had not previously been identified as an issue. As a result, existing VRM class designations, PP-VR-1.1.1 (PRMP/FEIS, p. 2-44) were carried forward into this planning effort as described in Chapter 1 – Introduction, 1.4.2 Need for Change Topics (PRMP/FEIS, p. 1-3). The VRM current conditions, classes and associated objectives for BLM-administered public lands within the Pocatello planning area are discussed in Chapter 3 – Affected Environment, 3.2.8 Visual Resources (PRMP/FEIS, pp. 3-62 through 3-66). The impacts to visual resources from resource/use management direction and impacts of visual resource management direction on resources/uses are appropriately described in Chapter 4 - Environmental Consequences (PRMP/FEIS, p. 4-238).

The PRMP/FEIS visual resources management direction is in agreement with the protesting party's April 27, 2003 scoping letter suggestion that, "Lands should be placed in protective VRM categories…to protect their high value as wild lands." The designation of some 613,800 acres of BLM-administered public lands in four VRM classes for the Pocatello planning area will result in the visual qualities of these public lands being managed to meet the VRM objectives for the area in question and minimize the visual impacts of future proposals – keeping public lands "in the most untrammeled and natural state" consistent with the management direction of the other resources/uses identified in the PRMP/FEIS (PRMP/FEIS, pp. 2-12 through 2-97).

Water

Issue Number: PP-ID-Pocatello-10-01-258
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

We Protest the Failure to adequately address Water Flow, Water Quality, Water Quantity, Watershed, Stream and Spring Concerns.

BLM must provide much more details on springs, surface waters, and aquifers. BLM provided (DEIS Map 3-16, FEIS Map 3-17) geothermal springs, but not mapping of other springs, and no clear	explanation or identification of aquifers, aquifer connectivity, changes in flow rates of surface waters, livestock facility development impacts, or changes in aquifer characteristics including flows and water volume, over time.

Summary: The BLM fails to adequately address a range of water-related issues.

Response: Chapter 3 – Affected Environment, 3.2.9 Water Resources of the PRMP/FEIS addresses surface and groundwater conditions (PRMP/FEIS, pp. 3-67 and 3-68) within the Pocatello planning area. Figure 3-10 identifies key water features such as source water areas, Clean Water Act § 303(d) streams, and lakes, and some 106 springs identified as public water reserves on BLM-administered public lands. Figure 3-17 identifies both geothermal springs and wells that occur within the Pocatello planning area on both public lands and land of other jurisdiction (e.g., tribal, private, state, other Federal). The proposed water resource management direction, Goal SW-2, Objective PP-SW-2.1 (PRMP/FEIS, p. 2-17) is consistent with the Land Use Planning Handbook (H1601-1), Appendix C, (B) – Soil and Water, – which states, in part, that plans should "[i]dentify…protective measures to meet Tribal, state, and local water quality requirements." The impacts to water resources quality from resource/use management direction and impacts of water resource management direction on resources/uses are appropriately described in Chapter 4 – Environmental Consequences (PRMP/FEIS, p. 4-243).

Wildlife

Issue Number: PP-ID-Pocatello-10-01-203
Organization: Western Watersheds Project
Protester: Katie Fite

Issue Excerpt Text:

For example, all identified sage grouse habitat should be withdrawn from ALL mineral, oil and gas, geothermal, wind energy and biomass energy activity -including both exploration and development due to the extensive habitat fragmentation that these activities would cause. One basis for this is the Special Status Species priority Areas, as shown on Map Figure 2-27, and any other important sage-grouse habitats.

Summary: There is an inadequate discussion of the impacts of all activities on sage-grouse and sage-grouse habitat.

Response: The comment was previously submitted in a letter dated April 3, 2007, during the 90-day comment period on the Draft RMP/EIS. This comment was addressed in PRMP/FEIS, Appendix U – Comments Received on Pocatello Draft RMP/EIS, by Comment Responses 5-G-61, 2-G-4, and 10-A-12, which addressed identifying 258,100 acres as administratively unavailable to fluid mineral leasing and the coordinated and balanced management of uses to ensure long term needs will be met for future generations for renewable and non-renewable resources, as directed by Congress with the enactment of FLPMA (Appendix U – Comments Received on Pocatello Draft RMP/EIS, pp. U-68 and U-125).

The BLM administers public lands according to diverse and sometimes contrasting direction that allows for mineral development (e.g., the Domestic Minerals Program Act, Mining and Minerals

Policy Act, and Energy Policy Act) as well as environmental protection (e.g., Endangered Species Act, Clean Water Act, Clean Air Act). Furthermore, withdrawing or closing "ALL" areas is contrary to FLPMA, which directs the BLM to administer the public lands according to a multiple use mandate. The BLM's management of resources is guided by the FLPMA directive of multiple use and sustained yield to ensure the long term needs by future generations, of renewable and non-renewable resources.

The PRMP/FEIS evaluated resource/use management direction impacts in relation to the reduction of or continuation of habitat fragmentation for vegetation (pp. 4-80, 83, 89, 98, 99, 114, 126, and 127), fish and wildlife (pp. 4-161 and 175), and special status species (pp. 4-188, 203, 208, and 229). Moreover, the PRMP/FEIS evaluated the specific activities identified by the protester as potentially resulting in habitat fragmentation in the comment excerpt above. The PRMP/FEIS, proposed plan (Alternative B), was revised to identify some 258,100 acres in the Curlew area as administratively unavailable for fluid mineral leasing, eliminating disturbances from exploration and development that could lead to possible habitat fragmentation in that area from such leasing.

The PRMP also contains various distance and seasonal restrictions (Appendix D – Seasonal Restrictions for Identified Wildlife habitat Areas and Raptors) to protect sage- grouse activities such as nesting, brood rearing, breeding, and fawning. These considerations and measures assure the viability and connectivity of habitat for sage-grouse. Similarly, Action PP-LR-6.1.6 (PRMP/FEIS, p. 2-66) for rights-of-way gives specific consideration to habitat fragmentation for a range of activities, such as wind and biomass energy. This management action identifies areas classified as open, avoidance, or exclusion for energy and non-energy right-of ways and land use authorizations. Avoidance areas include special status species habitat, areas of critical environmental concern, and wilderness study areas; as well as exclusion areas identified as research natural areas. Avoiding or excluding exploration and development activities from wildlife habitats will reduce potential habitat fragmentation.