

# Yellowstone to Uintas Connection

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**UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF LAND APPEALS**

YELLOWSTONE TO UINTAS  
CONNECTION, Appellant,

v.

BUREAU OF LAND MANAGEMENT,  
Respondent.

DOI-BLM-ID-I020-2015-0032-EIS  
IBLA 2017-97

Appeal of January 13, 2017 Decision by  
BLM Idaho Falls District Director, Mary  
D'Aversa, to Approve a Record of Decision,  
Final Environmental Impact Statement, and  
RCA Alternative as defined therein for the  
Rasmussen Valley Mine Expansion

**NOTICE OF APPEAL, STATEMENT OF STANDING, STATEMENT OF REASONS  
AND PETITION FOR STAY**

**NOTICE OF APPEAL**

This is notice that, pursuant to 43 CFR Part 4, Yellowstone to Uintas Connection is hereby appealing the DOI-BLM-ID-I020-2015-0032-EIS (Rasmussen Valley Mine EIS) and its ROD signed on January 13, 2017.

**STATEMENT OF STANDING**

Yellowstone to Uintas Connection (Y2U) is a 501c3 non-profit organization working to protect and restore the integrity and habitat quality of the regionally significant wildlife corridor in SE Idaho, SW Wyoming and NE Utah that connects the Greater Yellowstone Ecosystem to the Uinta Mountains and Southern Rockies. Dr. John Carter, Ecologist for Y2U lives in SE Idaho, manages a wildlife preserve there and has lived in, traveled, camped, hiked and explored this area for several decades. In conjunction with this particular project, Dr. Carter visited the

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mine location to collect data for comments, which were timely submitted. He has visited the area in the past and plans to visit the area in the future to monitor conditions as will other Y2U staff and members.

### **STATEMENT OF REASONS**

The FEIS and ROD are problematic and are not in compliance with the intent of NEPA, FLPMA and NFMA. The agencies have taken a mine-centric approach and failed to analyze cumulative impacts from past, present and future activities including mining, roads, OHVs and human traffic and other factors fragmenting and degrading habitat, polluting soils and waters in the SE Idaho Phosphate Mining Region, which is part of the Regionally Significant Wildlife Corridor connecting the Greater Yellowstone Ecosystem to the Uinta Mountains and Southern Rockies.

There is no reasonable range of alternatives that would mitigate the habitat loss or pollution. Consideration of closing allotments to livestock grazing, reducing road density, reducing winter over snow travel, providing for adequate residual vegetation and cover for sage grouse and other wildlife, cessation of logging – these things are affecting the habitat in the Cumulative Effects Area (CEA) and should be part of any mitigation. Instead, mitigation for the Rasmussen Mine Expansion is planned by paying a third party money based on a hypothetical calculation rather than mitigating habitat fragmentation in the Study Area and CEA.

The FEIS and ROD pretend that covering up the mine pit at the end of this phase of mining is all that is needed, yet there is no characterization of sources of selenium and sediment, nor any mitigation to bring these pollutants into compliance with the Clean Water Act. There is no delineation of soil contamination by selenium in relation to known sources such as roads and mining operations. A site specific analysis of mitigation actions in the CEA must be undertaken

and a plan implemented to restore degraded habitat in order to sustain and restore these populations. Sources of water and soil pollution must be identified and corrected to meet the intent of the Clean Water Act and background levels for soil.

## **1. Canada lynx**

The FEIS (p4-219) claims that noise and human activity associated with the Rasmussen Collaborative Alternative (RCA) would cause lynx to travel around the periphery of the Study Area but would not impede broad-scale movements of lynx or preclude use of the linkage area, and that over the long-term, human activity would cease and reclaimed areas are expected to recover to high-elevation rangeland habitat. We note that recovery is anticipated to take 100 years according to the FEIS while the aspen are permanently lost and future mining expansions will occur in leased areas. There is no end in sight and the FEIS does not take this into account. The FEIS noted that lynx have historically used this area, that it is part of the linkage habitat, and that lynx have been sighted in Caribou County, but there are no recent observations. (FEIS p3-134, 135). The FEIS does not address the WHY of why there are no recent observations nor offer to mitigate those causes.

The problem with relying on these recent observations is that habitat fragmentation and human activities such as mining, roads, snowmobiles, and noise have continued to increase over time and are superimposed on top of heavy livestock grazing. These activities are widespread in Caribou County and while the FEIS has depicted the extent of mining and leasing in the County, it has not analyzed these other activities that are cumulative with mining. The Corridor, or linkage area, should have been mapped and these activities overlain to describe the density of roads, snowmobile activity, OHV activity, timber sales, hunting areas, trapping, grazing and other activities that are under control of the Forest Service. It's as if the BLM and Forest Service

do not recognize any limits, yet the Multiple Use Sustained Yield Act, NFMA and FLPMA recognize that not all uses should occur on all lands. Mining is a major disrupter of habitat in the County, yet there is no proposed curtailment of these other activities to mitigate the noise, roads, human activity and habitat degradation from mining associated activities.

The Wasatch Cache National Forest published a map of linkage habitat on its website in the early 2000's. That map is provided in Figure 1. The Agencies should provide a map of the corridor or linkage area referenced in the FEIS and then analyze habitat fragmentation in Caribou County, propose road closures, grazing allotment closures, fence removals, setting noise limits on vehicles, which as we have measured here in SE Idaho on Forest access roads at over 100 dB from atvs, dirt bikes, snowmobiles, and pickup trucks with modified exhausts (unpublished data). Winter use should be closed or modified in the corridor to provide a migration pathway for lynx.

The FEIS referenced lynx observations and radio-collared lynx moving through the area, but did not provide maps and analysis of their travel routes or observation locations identifying where these occurred. This, combined with the failure to take a hard look at fragmentation in the linkage area is a failure to meet NEPA's requirements. Ruggiero et al (1999) cited in the FEIS discuss the negative effects of habitat fragmentation on competition with lynx by other carnivores and the loss of connectivity. The Biological Assessment<sup>1</sup> for Canada lynx points out that,

Because suitable habitats in areas where populations act as metapopulations are spatially separated, the persistence of a metapopulation is dependent on the efficiency and success of dispersing animals in reaching isolated patches of suitable habitat. When patches are fragmented and connections between patches do not exist, recolonization becomes problematic and the metapopulation may be unable to persist, even though patches of suitable habitat remain (Meffe and Carroll 1997). Additional fragmentation and isolation of suitable habitat occurring as a result of land management activities can not only affect small isolated habitat

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<sup>1</sup> Hickenbottom et al. 1999. Biological Assessment of the Effects of National Forest Land and Resource Management Plans and Bureau of Land Management Land Use Plans on Canada Lynx.

patches supporting smaller populations but also large contiguous patches supporting higher population levels.

Table 4.8-5 of the FEIS presents goals and standards relating to USFS and BLM Management Direction for Canada lynx. Many of the vegetation goals and standards are claimed to be compliant, yet there is no guarantee that even after the lengthy time of recovery of destroyed plant communities (110 years claimed for restoration), that in fact they will recover. These small and isolated aspen stands have significant ecological importance for not only lynx and lynx prey, but other wildlife such as elk, deer and grouse. The FEIS deflects in order to claim that the area is small and there is plenty of habitat elsewhere in the Forest, but there is no analysis of the actions fragmenting those habitats or where those habitats occur and their current condition.

Wildlife Goal 5 (FEIS p 4-187) requires that the agency “maintain, and where necessary and feasible, provide for habitat connectivity across forested and non-forested landscapes”. The FEIS claims the RCA would be consistent with this goal, claiming that after active mining these areas would be reclaimed and connectivity would not be impacted over the long term. However, as pointed out above, mining is expected to continue for the foreseeable future with many thousand acres of active leases yet to be mined in the Corridor. The FEIS has not proposed mitigations in the CEA to ensure connectivity. Such actions as closing roads, eliminating livestock grazing and the loss of forage for prey bases, decreasing human activity, eliminating timber sales and further habitat fragmentation. The FEIS specifically states in Action SS-1.1.3 (FEIS p 4-187) that impacts to lynx are expected to be minor and therefore no mitigation measures are necessary. In the end, all goals and standards are explained away, demonstrating their complete uselessness in addressing habitat degradation.

## 2. Sage Grouse

The FEIS dismisses impacts to sage grouse as short term and that habitat modifications associated with mine development may fragment marginally suitable sagebrush habitat and indirectly impact individual sage grouse. Our observation of the area in October, 2016 shows that sagebrush habitat in grazed areas lacks suitable cover (Figure 2) for sage grouse based on the Connelly (2000) guidelines, while the State-managed Habitat Management Area (HMA), which is protected from livestock grazing has sagebrush habitat with near 100% ground cover and fully mature grasses with sufficient height to provide the necessary cover for sage grouse and other wildlife (Figure 3). A large area of this sagebrush habitat will be destroyed and fragmented by the RCA.

The FEIS (p 3-136) describes the release of a 2015 Approved Resource Management Plan Amendment (ARMPA) for the Southern Conservation Area in which the Study Area lies. The ARMPA found there were no Priority Habitat Management Areas (PHMA), Important Habitat Management Areas (IHMA) or General Habitat Management Areas (GHMA) in the Study Area and that the nearest GHMA is 5 to 6 miles to the south. GHMAs are characterized as areas outside of the PHMAs or IHMAs that contain 10% of the occupied leks that are of low male attendance compared to leks in the PHMAs or IHMAs. The ARMPA is under litigation for, among other things, failure to “adopt consistent, enforceable, science-based conservation measures needed to redress major threats to sage grouse, notable impacts from energy and mineral development, infrastructure and livestock grazing.”<sup>2</sup> It is of note that the Rasmussen Valley Study Area did not even meet the GHMA characteristics of lower quality disturbed or patchy habitat of low lek connectivity. It appears that phosphate mining activity

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<sup>2</sup> Western Watersheds Project et al. v Janice Schneider, Assistant Secretary of Interior, Bureau of Land Management; and U.S. Forest Service. Complaint filed in the US District Court for the District of Idaho.

was given a pass and sage grouse habitat gerrymandered to avoid addressing habitat loss from mining.

While the FEIS fails to characterize this area as having any priority for sage grouse, it then cites the Caribou National Forest Revised Forest Plan that projects within 10 miles of an active sage grouse lek should be considered further for suitability as sage grouse habitat. IDFG has records of 10 leks within 10 miles of the Study Area, which is well within the CEA 15 mile radius. Five are classed as unoccupied, three are undetermined, one is not verified and there is one occupied lek 7.8 miles south of the Study Area. There have been further observations of sage grouse displaying in the HMA and Dry Valley, 4 miles south. Aerial surveys in 2011, 2012 did not find sage grouse winter use or lek activity within the Study Area and a 3 mile buffer, while 19 sage grouse were observed in summer 2011 in the Study Area and vicinity. (FEIS p3-139). Given the potential habitat quality as shown in Figure 3, sage grouse clearly have high quality habitat in Rasmussen Valley HMA and potentially across the entire Valley if livestock grazing were meeting the Connelly (2000) guidelines for 7" herbaceous vegetation height for nesting and brood rearing. Based on our observations in Rasmussen Valley, habitat, including upland sagebrush suitable for nesting and early brood rearing, riparian and meadow areas suitable for late brood rearing, are present and represent quality habitat, particularly in the ungrazed HMA. (See Figure 4 for an overview). The FEIS (p4-190) characterizes the impacts to sage grouse by the Proposed Action (which is similar to the RCA which eliminated the overhead power line):

“The Proposed Action may impact greater sage-grouse through short-term displacement of individuals, long-term habitat loss and alteration, direct mortality from vehicle collisions, avoidance responses to the proposed power line, and increased predation. Mining activities could potentially cause individual sage-grouse to temporarily or permanently avoid marginally suitable habitat in the vicinity of these activities. As a result, displaced sage-grouse may relocate to

unaffected but already occupied habitats where population and competition would increase. Consequences of such displacement and competition could result in lower survival and potentially lower reproductive success of individual sage-grouse (NTT 2011).”

The Cumulative Effects Area is defined as a 15 mile radius of the Study Area and impacts to sage grouse are considered to be related to habitat alteration from livestock grazing, invasive species, wildfires, roads, fences and power lines. (FEIS p5-48). Cumulative effects to sage grouse and other shrubland dependent sensitive species include continued loss and degradation of sagebrush habitat related to livestock grazing, invasives and fire. Then, “Past and present disturbances from roads and mining activities have resulted in fragmentation of special populations and their habitats in the CEA.” (FEIS p5-51). Then the FEIS states, “Fragmentation effects within the CEA have not been quantified by the land management agencies.” (Emphasis added). This is clearly a problem when the Forest Service does not analyze these impacts across the CEA, including habitat fragmentation by mining, roads, power lines, OHVs, snowmobiles, livestock grazing and fences.

The BLM Sage Grouse National Technical Team report (NTT), cited in the FEIS (p3-136) addressed sage grouse habitat needs, factors impacting sage grouse, and recommended monitoring and mitigation. The goal stated in the NTT (P6) for priority habitat is to **“Maintain and/or increase sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other conservation partners.”** In priority sage-grouse habitat, the goal is to maintain a minimum of 50 - 70% of sagebrush habitats with no more than 3% disturbance and to restore areas with greater than 3% disturbance (of priority areas or each one-mile section). Priority sage grouse habitat should have been identified in the CEA and Caribou County for the land use plan

amendments, but mining and other uses have compromised that habitat and enabled the agencies to declare it as “marginal”. The overlooking of these considerations is the reason for the legal complaint cited above. Nevertheless, the habitat potential should not have been ignored. The intent is not to permit, “Large-scale disturbances that impact sage grouse distribution and abundance at any level... in priority areas.” Figure 5 was taken from the complaint and shows historical sage grouse habitat including the SE Idaho area. Figure 6 was taken from an initial analysis of priority areas and connectivity by the Department of Interior.<sup>3</sup> What is clear is that this area, including the CEA, was once considered as priority habitat. It is not clear what factors lead to the FEIS declaring the habitat marginal or what considerations lead to BLM finding no (PHMA, IHMA, or GHMA) in the SE Idaho phosphate mining region, when habitat potential exists today, and leks occurred here in the past. The NTT report (p6) summarized causes of sage grouse population declines as: “Human land use, including tillage agriculture, historic grazing management, energy development, roads and power line infrastructure, and even recreation have contributed both individually and cumulatively to lower numbers of sage-grouse across the range (75 FR 13910, Knick et al. 2011).”

These are the factors at play in this region in addition to mining.

FLPMA directs BLM to manage public lands “in accordance with” the applicable land use plan. 43 U.S.C. § 1732(a). This statutory directive prevents BLM from taking actions inconsistent with provisions of a land use plan. *Norton*, 542 U.S. at 69, 124 S. Ct. 2373. Until the plan is amended, inconsistent actions can be set aside as contrary to law under section 706(2) of the APA. *Id.* The Pocatello Field Office Approved Resource Management Plan (ARMP) identifies very particular objectives. Objective ME-2.3 of the Pocatello Field Office Approved

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<sup>3</sup> Information Bulletin No. ID-2012-001 Dated 10/3/2011 from BLM Idaho State Office. Rescinded.

Resource Management Plan for Minerals and Energy (ROD and ARMP p99): “Regulate mineral development activities to prevent or control sediment and the release of contaminants such as selenium and metals into the environment.” Action ME-2.3.7 states that “Phosphate mine site plans will be designed to meet the following goals as identified in the *Interagency Area-Wide Investigation of Phosphate Mine Contamination and Final Risk Management Plan* (IPMP) (2004).” (1) Protect southeast Idaho’s surface water resources; (2) Protect wildlife habitat and ecological resources in southeast Idaho; (3) Maintain and protect multiple beneficial uses of the southeast Idaho phosphate mining resource area; and (4) Protect southeast Idaho’s ground water resources. (ROD and ARMP p100).

The NTT Report describes that roads and human activity impact wildlife, including sage grouse, through increased mortality, behavioral changes, habitat loss and fragmentation, spread of exotic species, and increased human access. Road densities are high in sagebrush habitats: “Within the sage grouse range, 95% of the mapped sagebrush habitats are within 2.5 km (1.55 miles) of a mapped road; density of secondary roads exceeds 5 km/km<sup>2</sup> (3.1 miles/247 acres) in some regions (Knick et al. 2011).” Permanent or seasonal road or area closures are recommended. (NTT p11).

Addressing livestock grazing, the NTT report (p14) notes that it can alter habitat, trample nests and eggs, alter sage grouse behavior, and create impacts from structures associated with livestock grazing. Grazing management should maintain adequate residual cover. (This corresponds to 7” of herbaceous vegetation in nesting and brood rearing areas.)<sup>4</sup> Other recommendations in the NTT (p15 – 17) include: Grazing timing is important to avoid disturbing nest sites and to provide for adequate cover in nesting and brood rearing areas in sagebrush,

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<sup>4</sup> Connelly, J.W., M.A. Schroeder, A.R. Sands and C.E. Braun. 2000a. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28:967-985.

meadow and riparian areas. Work cooperatively on ranch planning, complete habitat measurements for comparison to ecological site potential and habitat objectives. Adjusting livestock grazing to avoid these areas during nesting and brood-rearing (spring and summer) promotes recovery. Retirement of grazing can be used to benefit sage grouse and their habitats. None of these recommendations are carried through in the FEIS and ROD for the Rasmussen Mine Expansion. This avoids NEPA's requirement for a Hard Look.

The NTT report (p19) also noted that:

“There is strong evidence from the literature to support that surface-disturbing energy or mineral development within priority sage-grouse habitats is not consistent with a goal to maintain or increase populations or distribution. None of the published science reports a positive influence of development on sage-grouse populations or habitats.”

It then summarizes effects related to energy development, which are likely similar for any industrial operation such as minerals (references omitted) (NTT p19):

abandonment may increase if leks are repeatedly disturbed by raptors perching on power lines near leks, by vehicle traffic on nearby roads, or by noise and human activity associated with energy development during the breeding season. One recently completed research study in Wyoming, experimentally validated noise from natural gas drilling and roads resulted in a decline of 29% and 73% respectively in male peak attendance at leks relative to paired controls; declines were immediate and sustained throughout the experiment with low statistical support for a cumulative effect of noise over time. Collisions with nearby power lines and vehicles and increased predation by raptors may also increase mortality of birds at leks. Alternatively, roads and power lines may indirectly affect lek persistence by altering productivity of local populations or survival at other times of the year. For example, sage-grouse mortality associated with power lines and roads occurs year-round, and ponds created by coal bed natural gas development may increase the risk of West Nile virus mortality in late summer. Loss and degradation of sagebrush habitat can also reduce carrying capacity of local breeding populations. Birds may avoid otherwise suitable habitat as the density of roads, power lines, or energy development increases.

While proclaiming the CEA to be marginal habitat, the FEIS failed to acknowledge these impacts have been occurring in this region for years, likely being the reason for today's

“marginal habitat”, yet offered no analysis or mitigation to reverse those conditions in order to provide for sage grouse that formerly occupied the CEA and surroundings. Finally, the NTT Report discusses that habitat restoration and monitoring are needed to create or maintain a landscape that benefits sage grouse, providing numerous recommendations throughout the report.

The FEIS and ROD failed to take the requisite hard look at these factors and recommendations and fully analyze habitat fragmentation within its CEA, connectivity to other populations, degradation of habitat by livestock grazing. It did not reveal the current habitat data for sage grouse habitat occurring in the CEA, nor did it reveal population trends and relate those to the progression of habitat fragmentation over time by mining and other human uses. It did not analyze the outcomes of past mitigation for phosphate mining and how they have restored or maintained sage grouse habitat. It did not analyze alternatives to reduce fragmentation and habitat degradation from roads, grazing, and human activities. Rather, the agencies are allowing Agrium to merely write a check for some unknown mitigation that likely will not improve on ground conditions in the CEA, thus leaving the sage grouse population here on its apparent path to extinction in spite of Agency obligations to maintain viable populations of sensitive species under FLPMA and its own RMP.

Table 4.8-7 of the FEIS lists Management Direction for Sage Grouse for the BLM and Forest Service. Requirements, objectives, actions are generally dismissed as impacting sage grouse using the rationale that the mine site is not in designated sage grouse habitat or the habitat is marginal for sage grouse. This ignores that the habitat in Rasmussen Valley has all the components required for sage grouse and formerly supported sage grouse. The HMA habitat is excellent while other habitats are degraded by roads, mining, human activity and livestock

grazing. These are the reason for “marginal” habitat, not the native ecosystem that is being destroyed by mining, roads and grazing.

Action SS-1.1.3 (FEIS Table 4.8-1) requires appropriate actions such as timing, spatial closures, habitat avoidance/restrictions, conservation measures and guidelines that contribute to the continued presence and conservation of species will be considered. These provisions are brushed off by stating the habitat is not in designated grouse habitat. Meanwhile all the other human activities in the CEA continue to degrade and fragment sage grouse habitat and connectivity.

These points also apply to the other special status species and their population viability. The FEIS has not engaged in population trend analysis, accounted for goshawk habitat fragmentation and nesting sites over time related to habitat fragmentation from mining, roads, timber sales, livestock grazing and other human activities.

The ROD indicated that fences and water developments were to be built to close one area to livestock and move them into another allotment or pasture. There was no analysis of grazing effects on special status species, stocking rates, and no analysis of these fences and water development locations, and impacts to habitats from livestock concentrations. Instead, future NEPA is planned for this. This avoids cumulative impact analysis, a violation of NEPA.

### **3. Climate Change**

While the FEIS (p 4-28) characterized CO<sub>2</sub> emissions from the RCA as 20% larger than the Proposed Action, it did not account for all CO<sub>2</sub> emissions in the CEA even though Agrium operates several of those mining and processing operations. The FEIS did paint a dire picture of future conditions based on predictions for the next hundred years with potential average temperature increase of 2 – 11.5° with negative implications for reclamation success. (FEIS p 3-

31). Chapter 5 described some of the impacts of climate change such as timing of stream flow, changing snowmelt, reducing water supplies, changing infiltration rates, changes in precipitation, vegetation. So there is great uncertainty about site specific effects. With this in mind, the Precautionary Principle should be invoked rather than doing nothing to address the problem. As regards Climate Change, Cumulative Effects are not analyzed to NEPA's hard look standard, including the considerations listed above, but also in respect to the Forest Service Roadmap to address climate change.<sup>5</sup> This roadmap provides guidance to the agency, including, but not limited to: assess vulnerability of species and ecosystems to climate change; restore resilience; promote carbon sequestration; connect habitats, restore important corridors for fish and wildlife, decrease fragmentation and remove impediments to species migration.

In addition, the National Fish, Wildlife and Plants Climate Adaptation Strategy proposed by the Fish and Wildlife Service, NOAA Fisheries and the American Fish and Wildlife Association describes climate change effects and emphasizes conservation of habitats and reduction of non-climate stressors to help fish and wildlife adapt. The FEIS has not complied with the Forest Service Roadmap, nor has it addressed conservation of habitats and reduction of non-climate stressors to help fish and wildlife adapt in accordance with the National Fish, Wildlife and Plants Climate Adaptation Strategy.<sup>6</sup> The failure to address and mitigate these impacts fails NEPA's Hard Look and NFMA's mandate to sustain special status species such as goshawk, sage grouse and others in the CEA. The following discussion points out information that should have been analyzed and used to develop appropriate site specific mitigation in the CEA.

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<sup>5</sup> USDA. 2010. National Roadmap for Responding to Climate Change. 30p.  
[www.fs.fed.us/climatechange/pdf/roadmap.pdf](http://www.fs.fed.us/climatechange/pdf/roadmap.pdf)

<sup>6</sup> Barnhart, G., Griffis, R., and Shaffer, M. 2012. National Fish, Wildlife and Plants Climate Adaptation Strategy Public Review Draft. Fish and Wildlife Service, NOAA Fisheries Service and American Fish and Wildlife Association. 115p.

Livestock, particularly cattle, which graze the project area, have a role in climate change, carbon storage and loss. Worldwide, livestock production accounts for about 37 percent of global anthropogenic methane emissions and 65 percent of anthropogenic nitrous oxide emissions with as much as 18% of current global greenhouse gas emissions generated from the livestock industry - more than all transportation and/or industry sources of greenhouse gases<sup>7</sup>. Nitrous oxide, 300 times more potent than methane in trapping greenhouse gases, is also produced and released with livestock production<sup>8</sup>. The livestock industry's contribution to greenhouse gases should also consider CO<sub>2</sub> released by conversion of forests to grasslands for the purpose of grazing, as well as CO<sub>2</sub> lost from soils due to forest clearing for grazing lands<sup>9</sup>. Vegetation treatments will result in removing trees with their associated carbon pool and clearing land for livestock grazing. Grazing by livestock reduces ground cover, herbaceous plant production, carbon and nitrogen stored in herbaceous plants and soils when compared to ungrazed areas or reference values<sup>10</sup>. Beschta et al (2012) reviewed the influence of ungulate grazing on climate change. They call for elimination or reductions in these influences to restore resilience as a buffer against climate change<sup>11</sup>. While these losses in productivity and resilience are likely occurring in the allotments associated with the Rasmussen Mine Expansion, there was no analysis of livestock's role, and no data comparing conditions in the project area to similar

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<sup>7</sup> Steinfeld H., Gerber, P., Wassenaar, T., Castel, V., Rosales, M., de Haan, C. 2006. Livestock's long shadow. Rome, Italy. Food and Agriculture Organization of the United Nations. 407 p.

<sup>8</sup> Environmental Protection Agency. 2013. Climate change overview of nitrous oxide. Available at: <http://epa.gov/climatechange/ghgemissions/gases/n2o.html>.

<sup>9</sup> Goodland, R., Anhang, J. 2009. Livestock and climate change. World Watch Magazine 22:10-20.

<sup>10</sup> Carter, J. Chard, J. and Chard, B. 2011. Moderating Livestock Grazing Effects on Plant Productivity, Nitrogen and Carbon Storage. In Monaco, T.A. et al. comps. 2011. Proceedings – Threats to Shrubland Ecosystem Integrity; 2010 May 18-20; Logan, UT. Natural Resources and Environmental Issues, Volume XVII. S.J. and Jessie E. Quinney Natural Resources Research Library, Logan Utah, USA.

<sup>11</sup> Beschta, R.L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. D. Williams. 2012. Adapting to Climate Change on Western Public Lands: Addressing the Ecological Effects of Domestic, Wild, and Feral Ungulates. Environmental Management. DOI 10.1007/s00267-012-9964-9. 18p.

ungrazed areas, nor any alternative to reduce or eliminate livestock as a stressor to assist in mitigating the impacts of mining.

Livestock negatively affect biodiversity and resilience. The FEIS did not analyze the effects of livestock on native biodiversity and resilience. A review of the effects of livestock grazing on plant and animal communities in the western USA found that livestock grazing reduced species richness and abundance of plants, small mammals, birds, reptiles, insects and fish compared to conditions following removal of livestock<sup>12</sup>. A meta-analysis of published studies of ecosystem attributes in North American arid ecosystems affected by livestock grazing, compared to ungrazed conditions, found decreases in rodent species richness and diversity and vegetation diversity in the grazed areas<sup>13</sup>. Livestock grazing-induced simplified plant communities in the western USA arid and semi-arid lands have negative effects on pollinators, birds, small mammals, amphibians, wild ungulates, and other native wildlife<sup>14</sup>. Riparian songbird abundance increases as riparian systems recover after livestock exclusion<sup>15, 16</sup>, while overall biodiversity increases under long term rest from livestock grazing<sup>17, 18</sup>. The FEIS should have analyzed an alternative to reduce or eliminate livestock grazing in order to aid in

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<sup>12</sup> Fleischner TL. 1994. Ecological costs of livestock grazing in western North America. *Conservation Biology* 8:629-644

<sup>13</sup> Jones AL. 2000. Effects of cattle grazing on North American arid ecosystems: a quantitative review. *Western North American Naturalist* 60:155-164

<sup>14</sup> Beschta RL, Donahue DL, DellaSala A, Rhodes JJ, Karr JR, O'Brien MH, Fleischner TL, Williams CD. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. *Environmental Management* DOI 10.1007/s00267-012-9964-9

<sup>15</sup> Dobkin DS, Rich AC, Pyle WH. 1998. Habitat and avifaunal recovery from livestock grazing in a riparian meadow system of the northwestern Great Basin. *Conservation Biology* 12: 209-221

<sup>16</sup> Earnst SL, Ballard JA, Dobkin DS. 2005. Riparian songbird abundance a decade after cattle removal on Hart Mountain and Sheldon National Wildlife Refuges *In*: Ralph CJ, Rich T. [eds.], Proceedings of the Third International Partners in Flight Conference; Albany, CA, USA. US Department of Agriculture. Forest Service, General Technical Report PSW-GTR-191, pp 550-558.

<sup>17</sup> Brady WW, Stromberg MR, Aldon EF, Bonham CD, Henry SH. 1989. Response of a semidesert grassland to 16 years of rest from grazing. *Journal of Range Management* 42:284-288.

<sup>18</sup> Bock CE, Bock JH, Penney WR, Hawthorne VM. 1984. Responses of birds, rodents, and vegetation to livestock exclosure in a semidesert grassland site. *Journal of Range Management* 37:239-242.

restoring biodiversity and resilience in the project area and to partially offset the impacts from mining.

#### **4. Soil and Water Contamination**

The FEIS Chapter 3 describes streams that are 303D listed for selenium and/or are contaminated by selenium but not exceeding the standard for aquatic life. While describing past mining activities, there is no linkage between selenium in streams and aquatic life, and sources of that contamination. For example, Angus Creek is considered to be maintaining populations (FEIS p 3-129), yet Upper Angus Creek and Rasmussen Creek are listed for selenium, sediment, habitat alterations, temperature and E. coli (FEIS p 3-49). The FEIS also documented selenium levels in fish and aquatic invertebrates, demonstrating uptake and a predicted high mortality for cutthroat trout eggs/larvae. The RCA is also claimed to reduce baseflow by 2.64%, but that is for the combined Angus Creek – Blackfoot River watershed. This understates the loss for Angus Creek which occupies a much smaller portion of the watershed, so likely baseflow would be reduced by about 10%, not 2.64%, further compromising the cutthroat trout and increasing relative selenium concentrations. The FEIS (p 3-51) also noted that selenium in the Blackfoot river had an increasing trend between 2001 and 2012 during the baseflow period. It seems the problem is getting worse and nothing is proposed to reduce these existing contamination levels and meet standards to protect aquatic life.

The Wooly Valley Tipple Haul Road is upstream and the other Rasmussen mines adjacent to the valley in which Angus Creek flows. There is no analysis of the source of selenium, while the FEIS consistently relies on BMPs throughout to control runoff and dust from roads and mining activity. So, the agencies must analyze where the selenium is coming from. The FEIS does not address soil contamination, again relying on BMPs to control dust from

mining and road traffic while admitting that even under AP-42 modeling criteria hundreds of tons of fugitive dust are to be released annually. This is assuming there are controls and the controls are effective. FEIS (p 3-24) only attributes fugitive dust to roads, not to active mining or stockpiles of ore or overburden.

The Rasmussen Valley Road is currently be used for hauling ore to the Woolly Valley Haul Road from the Lane Creek mining operation, also owned by Agrium. Photos from a visit on October 13, 2016 demonstrates that sediment ponds are not capturing blowing dust from the Lane Creek Mine haul road (Figure 7) or the Rasmussen Valley Road (Figure 8) and that BMPs such as wattles are not protecting Angus Creek from sediment (Figures 9 and 10).

EPA's National Hardrock Mining Framework<sup>19</sup> recognizes the huge environmental impacts of hardrock mining in the US and that the public is left with costs of remediation in many cases. Superfund sites occurring in SE Idaho's phosphate mining region are a prime example of this. In particular, EPA recognizes that fugitive dust can contain heavy metals and that areas downwind from sources, including soils can accumulate concentrations above background.

The lack of analysis of sources in relation to pathways and fate of contaminants, including selenium, fails NEPA's Hard Look requirement. Streams outside the Study Area were considered reference streams (FEIS p 3-119) and not analyzed for aquatic biology while ignoring impacts from mining, roads, grazing and other habitat altering factors such as selenium and other water quality pollutants. All streams in the CEA were found to contain selenium, but sources are not identified, remediated or planned to be remediated, while additional loading and flow alteration is planned.

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<sup>19</sup> EPA. 1997. Hardrock Mining Framework. 177p.

FEIS (p 3-120) notes that sediment fines is 79% or higher in most streams. While citing statistics on sediment and spawning, there is no analysis of sources. Invertebrate communities were claimed to be healthy, yet they were dominated by sediment or pollution tolerant organisms. According to the chart below (Figure 13) showing percent survival of salmonids from egg to emergence<sup>20</sup>, aside from the selenium issue, predicted survival at 79% fines is <<10%. The FEIS (p 3-129) noted large cutthroat trout in spawning condition in Angus creek. But, it appears that sediment combined with selenium will prevent spawning success. The FEIS noted bioaccumulation potential in eggs for fish was greater than the mortality threshold. Failure to identify and remediate the sources fails the Hard Look requirement. While adding more pollution without mitigation threatens these populations and fails NFMA and FLPMA requirements for special status species' population viability in addition to allowing additional pollution despite the directive in the ARMP (p99) to "to prevent or control sediment and the release of contaminants such as selenium and metals into the environment."

Figure 11 shows a recovering Angus Creek in the HMA. The recovering stream banks and dense vegetation should provide habitat for sage grouse and for spawning and resident cutthroat trout. Yet the Forest Service does not address terminating livestock grazing or excluding livestock from streams in the CEA as a means of increasing resilience, reducing sediment in order to buffer cutthroat trout and aquatic life including amphibians from the impact of mine related selenium and other heavy metals. Again, these are violations of the Hard Look and NFMA, FLPMA requirements to protect special status species populations. Figure 12 shows the effects of livestock related nutrients and sediments on the Blackfoot River from roads and livestock grazing.

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<sup>20</sup> Irving & Bjornn. 1984. Idaho Cooperative Fisheries Unit.

The Point of Compliance for Groundwater (FEIS p 3-79) is being set which abandons the background level for compliance. The FEIS shows that the groundwater standard would be exceeded in the Wells Aquifer from the RCA. No point(s) of compliance were identified in the FEIS. No analysis of regional groundwater contamination was done showing sources, pathways and fate. Again, this is a failure of NEPA's Hard Look requirement and Cumulative Effect requirement. This also violates the intent of the Clean Water Act.

## **5. Other FLPMA Issues**

FLPMA Subpart 2420—Criteria for Multiple-Use Management Classifications, §2420.2(7) requires,

Protection of frail lands, conservation of productive soils and water supplies, and prevention of damage and loss due to excessive runoff, flooding, salination, and siltation, such as the Soil and Moisture Conservation Act (16 U.S.C. 590a et seq.) and section 2 of the Taylor Grazing Act (43 U.S.C. 315a).

Subpart 3590—Solid Minerals (Other Than Coal) Exploration and Mining Operations—General §3590.0-1 Purpose, states,

The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining and processing operations and production practices without waste or avoidable loss of minerals or damage to deposits; to encourage maximum recovery and use of all known mineral resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water and air—and avoid, minimize or correct hazards to public health and safety... .

FLPMA §3591.1 General obligations of lessees, licensees and permittees states that, FEIS and ROD do neither.

## **PETITION FOR STAY**

Pursuant to 43 C.F.R. §§ 4.21 and 4.471, Appellant hereby petitions for a Stay of the challenged decision until the appeal is resolved. A stay of BLM's decision is necessary to prevent irreparable harm to the environment and Y2U.

## **I. LEGAL STANDARD FOR A STAY.**

To prevail on a petition for stay, the appellant must show sufficient justification based on the relative harm to the parties if the stay is granted or denied, the likelihood of Appellant's success on the merits, the likelihood of immediate and irreparable harm if the stay is not granted, and whether the public interest favors granting a stay. 43 C.F.R. § 4.21(b).

In balancing the likelihood of movant's success against the potential consequences of a stay on the other parties it has been held that it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus more deliberative investigation.

*Wyo. Outdoor Council Inc.*, 153 IBLA 379, 388 (2000) (internal quotes omitted). Maintaining the status quo during pendency of appeal "can be of considerable importance since the effectiveness of any relief may be compromised if actions objected to are allowed to go forward during the period of adjudication." *W. Wesley Wallace*, 156 IBLA 277, 278 (2002).

## **II. LIKELIHOOD OF IRREPARABLE HARM.**

The appealed decision will lead to imminent, irreparable environmental harm to Idaho's public lands and waters, Greater sage-grouse, and other wildlife, and Y2U's interests in both. BLM's Record of Decision states that "Implementation of this decision may begin at the close of an appeal filing period which ends 30 days after this ROD is signed." This means that without issuance of a stay, construction may begin immediately.

The Supreme Court has acknowledged that environmental harm, by its nature, is often permanent or irreparable, and that the "balance of harms usually favors issuance of an injunction to protect the environment." *Amoco Prod. Co. v. Village of Gambell, Alaska*, 480 U.S. 531, 545 (1987). This is certainly true for heavy construction on Idaho's arid public lands. *Save Our*

*Sonoran v. Flowers*, 408 F.3d 1113, 1124 (9th Cir. 2005) (irreparable harm caused by roading, utility, & fill project because “once the desert is disturbed, it can never be restored.”); *San Luis Valley Ecosystem Council v. FWS*, 657 F.Supp. 2d 1233, 1241 (D.Colo. 2009) (“complete vegetation recovery will take up to 15-20 years; such a long recovery time may constitute irreparable damage”).

Similarly, Federal courts have repeatedly recognized that noncompliance with NEPA and other environmental laws, in itself, generally causes irreparable injury, both by threatening permanent environmental harm and by injuring the rights of affected members of the public to participate and be fully informed of the agency’s decision-making process under NEPA. *See, e.g., Save Our Ecosystems v. Clark*, 747 F.2d 1240, 1250 (9th Cir. 1984); *California v. Block*, 690 F.2d 753 (9th Cir. 1982)

The Ninth Circuit has repeatedly recognized that injunctive relief is appropriate for noncompliance with environmental laws, including NEPA violations. *See Blue Mtns. Biodiversity Project v. Blackwood*, 161 F.3d 1207, 1208, 1211 (9th Cir. 1998); *Muckleshoot Indian Tribe v. USFS*, 177 F.3d 800 (9th Cir. 1999); *National Parks Conservation Assoc. v. Babbitt*, 241 F.3d 722, 736 (9th Cir. 2001); *Earth Island Institute v. USFS*, 351 F.3d 1291 (9<sup>th</sup> Cir. 2003); *Sierra Club v. Bosworth*, 510 F.3d 1016, 1033-34 (9th Cir. 2007). Indeed, courts have underscored that injunctive relief is particularly appropriate to protect sensitive and declining wildlife species from irreparable harm – including Greater sage-grouse. *See ONRC v. Goodman*, 505 F.3d 884, 897-99 (9th Cir. 2007) (granting injunction to protect Forest Service-designated sensitive species); *Western Watersheds Project v. Bennett*, 392 F.Supp.2d 1217 (D. Idaho 2005) (enjoining livestock grazing on nearly 1 million acres of Jarbidge Resource Area to protect sage-grouse).

### The Relative Harm to the Parties Favors Issuance of a Stay

Appellant and its members and supporters who actively recreate on the public lands in the highly significant regional wildlife corridor, Blackfoot River watershed and SE Idaho, will be harmed if this final decision is permitted to proceed. Implementation of this decision will result in a violation of federal laws and regulations as documented in the Statement of Reasons and degrade the ability of Appellant and its members and supporters to experience the land in question without viewing and experiencing ongoing degradation of important public resources and values, such as loss of sage grouse and other wildlife species, polluted and damaged streams, and water quality in excess of requirements of the Clean Water Act.

If this flawed decision is implemented, the losses to the public will be significant and may be long-term and/or irreversible. This runs directly counter to FLPMA's requirement that BLM manage the public lands in a manner "that will best meet the present and future needs of the American people" and "*without permanent impairment* of the productivity of the land and the quality of the environment." 43 U.S.C. § 1702(c). Paragraph 5 above delineates the FLMPA requirements to prevent erosion, pollution and environmental degradation in association with mining operations, yet these provisions are ignored. Appellant has documented this degradation in the appeal, the water pollution, dust and airborne contamination, and the loss of habitat. If BLM is permitted to proceed with its unlawful Final Decision, this would allow the agency to avoid its duty to "prevent unnecessary or undue degradation of the lands," *id.* §1732(b), as well as its procedural duties under NEPA. *Davis v. Mineta*, 302 F.3d 1104, 1115 (10th Cir. 2002) ("harm to the environment may be presumed when an agency fails to comply with the required NEPA procedure").

Losses of soil, native vegetation and native wildlife habitat are irreparable and ongoing, water quality exceeds standards, native fish spawning is impaired by sediment and selenium, stream flow in Angus Creek will be reduced, creating further harm to the native fish and aquatic life. By failing to consider reasonable alternatives to solve the problems at issue, such as habitat loss and fragmentation by mining, excessive road density, off-road vehicles, livestock grazing, loss of sage grouse that historically occupied the CEA, water pollution, the BLM's decision also harms Appellant, its members and supporters because the agency has summarily refused to consider viable options such as reduced grazing (numbers and/or periods of time, requiring sufficient residual herbaceous vegetation to protect sage grouse, reducing road density, identifying and correcting current sources of sediment, nutrients and selenium, limiting or reducing OHV activity, noise and disturbance.

These types of options would resolve many of the resource degradation problems currently occurring in the CEA, while BLM with its decision, would continue and expand the degradation and ultimate loss of important species such as sage grouse and Yellowstone cutthroat trout. BLM simply refused to consider these options. As a result, Appellants' interests are directly harmed. A Stay will prevent direct harm to Appellant, its members and interests because of the violation of federal statutory and regulatory provisions on which we rely. Conversely, the relative harm to BLM, should a Stay be issued, is minimal to nonexistent. Withdrawal of the EIS for additional analysis and incorporation of site specific mitigations would delay the project, but ultimately mining could continue.

Furthermore, if a stay is not granted, the BLM would be allowed to proceed with a decision that has been developed and approved in contravention of Federal law. This will cause potentially irreparable harm to the public lands involved, as described above. As the Tenth

Circuit Court of Appeals recently observed, “harm to the environment may be presumed when an agency fails to comply with the required NEPA procedure.” *Davis v. Mineta*, 302 F.3d 1104, 1115 (10th Cir. 2002); *see also Amoco Prod. Co. v. Village of Gambrel*, 480 U.S. 531, 545 (1987) (“[e]nvironmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, i.e., irreparable . . . therefore, the balance of harms will usually favor the issuance of an injunction to protect the environment”). At most, a stay will require the agency a delay until the agency prepares a fully-informed analysis and decision as required by NEPA—and one that will avoid causing “unnecessary or undue degradation,” as required by FLPMA.

There would be little to no harm to BLM from a stay. BLM may claim that a stay would result in economic harm to the project proponents. That is not, however, harm to BLM or the public. Further, economic harm is not irreparable, especially in the context of a preliminary injunction where such alleged harms are temporary. *See S. Fork Band Council*, 588 F.3d at 728 (economic injuries to mining operations temporary); *S.E. Alaska Conservation Council v. U.S. Army Corps of Eng’rs*, 472 F.3d 1097, 1101 (9th Cir. 2006) (“there is no reason to believe that the delay in construction activities caused by the court’s injunction will reduce significantly any future economic benefit that may result from the mine’s operation”); *Nat’l Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 738 (9th Cir. 2001) (“loss of anticipated revenues . . . does not outweigh the potential irreparable damage to the environment”). Where there is a threat of irreparable environmental harm, “more than pecuniary harm must be demonstrated” to avoid a preliminary injunction. *N. Alaska Envtl. Ctr. v. Hodel*, 803 F.2d 466, 471 (9th Cir. 1986) (irreparable environmental harm outweighed competing harm to miners despite potential for “real financial hardship”); *Save Our Sonoran*, 408 F.3d at 1124-1125 (affirming preliminary

injunction because, while developer “may suffer financial harm,” without injunction “unlawful disruption to the desert is likely irreparable”).

For these reasons, any potential economic harm fails to outweigh the concrete harm that would occur to the environment from construction.

#### Appellant’s Likelihood of Success on the Merits Favors Issuance of a Stay

Appellants have established that they are likely to succeed on the merits of this appeal based on the BLM’s numerous violations of FLPMA and NEPA as described in detail, above. By failing to satisfy these essential NEPA and FLPMA requirements, the BLM has made a decision very likely to result in “unnecessary or undue degradation” and “permanent impairment” of the public lands, and one that fails to demonstrate the agency undertook a balanced and informed multiple-use analysis.

#### The Likelihood of Irreparable Harm Favors Issuance of a Stay

The harm that will result from implementation of the BLM’s final decision is irreparable in that it will allow continued and purposeful degradation of public resources including sage grouse and other wildlife habitat, Yellowstone cutthroat trout habitat, continued exceedance of water quality standards for both surface and groundwater. These losses of native vegetation, and native wildlife habitat are irreparable.

This decision merely codifies, without adequate monitoring and enforcement, the trajectory of degradation already noted in this appeal. As a result, the BLM intends to continue to authorize expanded mining without engaging in a fully informed analysis as to the direct, indirect and cumulative impacts of this decision. It is well-established that “[a]bsent unusual circumstances, injunctive relief is the appropriate remedy for a violation of NEPA.” *EPIC*, slip

op. at 26–27 (granting injunction and citing *Forest Cons. Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1496 (9th Cir. 1995)).

Finally, Appellants, their members and supporters as well as the public at large will be deprived of the opportunity to enjoy thriving wildlife populations in intact natural habitats, including healthy and thriving populations of special status species such sage grouse, Yellowstone cutthroat trout, native elk and deer. If permitted to occur, these impacts will never be fully recoverable and therefore represent, through the loss of existing soils, native vegetation, wildlife habitat, and special status species an irreparable harm.

#### The Public Interest Favors Issuance of a Stay

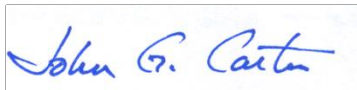
Finally, the public interest favors granting the requested stay. The significant sage-steppe habitat and this Regionally Significant Wildlife Corridor, special status species and other important resources will be degraded irreparably if the BLM is allowed to implement its final decision. This is not in the public interest. Rather, recovering the health of these public lands and resources, and ensuring fully-informed, balanced multiple-use decision-making in compliance with NEPA, FLPMA and other federal laws, is in the best interest of the public. In addition, the public interest as expressed by Congress in NEPA and FLPMA will be harmed if the BLM is permitted to act in contravention of federal laws and regulations intended to protect public resources. See, e.g., *Seattle Audubon Soc’y v. Evans*, 771 F. Supp. 1081, 1096 (W.D. Wash. 1991) (agency violation of statute “invokes a public interest of the highest order: the interest in having government officials act in accordance with the law”); *Sierra Club v. Lujan*, 716 F. Supp. 1289, 1293. (D. Ariz., 1989) (where environmental laws have been violated and harm to environment is imminent, “[t]he public interest is obvious” and an injunction should issue);

*Patriot v. U.S. Dep't of Housing and Urban Dev.*, 963 F.Supp. 1, 6 (D.D.C. 1997) (“the public interest is best served by having federal agencies comply with the requirements of federal law”).

### **Relief Requested**

Appellant believes the granting of a Stay in this matter clearly serves the interest of the health of ecosystems, native biota and the public on Idaho’s public wildlands. Therefore, Appellants respectfully request that IBLA issue an order granting this Petition for Stay. Appellant further requests that the EIS and ROD be withdrawn and a remedy for interim management be imposed during the time required for BLM to address the deficiencies identified herein in a revised NEPA process.

Dated this 1st day of March, 2017.



Yellowstone to Uintas Connection  
John Carter  
PO Box 363  
Paris, ID 83261

### **Certificate of Service**

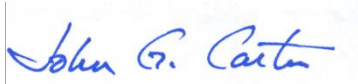
In accordance with 43 CFR 4.401(c)(5), I have caused the replacement Statement of Reasons to be sent Certified Mail Return Receipt requested on March 1, 2017, to:

Bureau of Land Management  
Idaho Falls District Office  
1405 Hollipark Drive  
Idaho Falls Idaho 83401

U.S. Dept. of the Interior  
Office of the Solicitor  
University Plaza  
960 Broadway Ave., Suite 400  
Boise Idaho, 83706

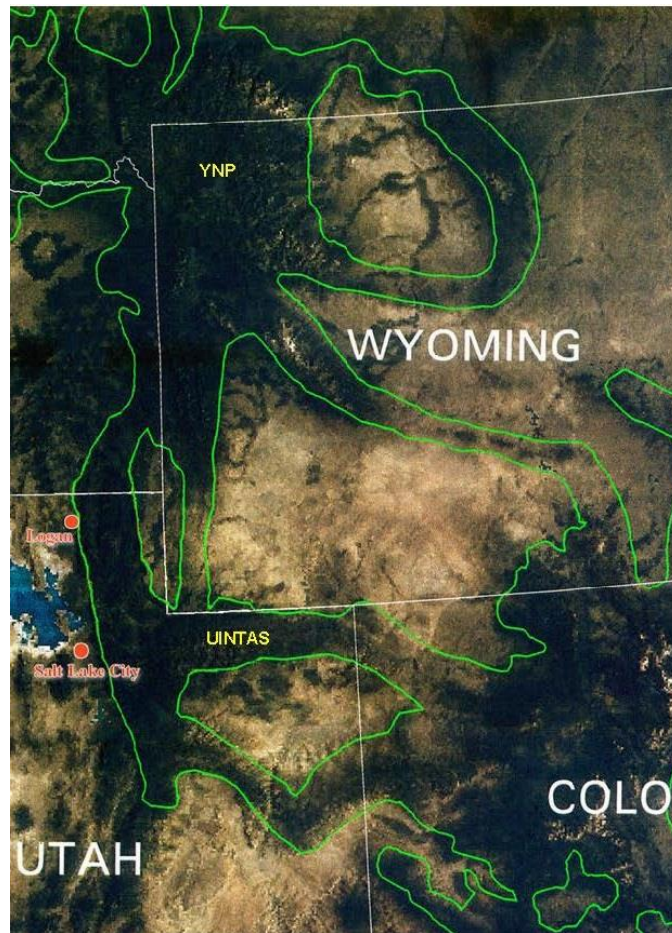
U.S. Dept. of the Interior  
Office of the Secretary  
Office of Hearings & Appeals  
Board of Land Appeals  
801 North Quincy St., MS 300-QC  
Arlington VA 22203

Dated this 1st day of March, 2017.



Yellowstone to Uintas Connection  
John Carter  
PO Box 363  
Paris, ID 83261

## **EXHIBITS (FIGURES) TO FOLLOW**



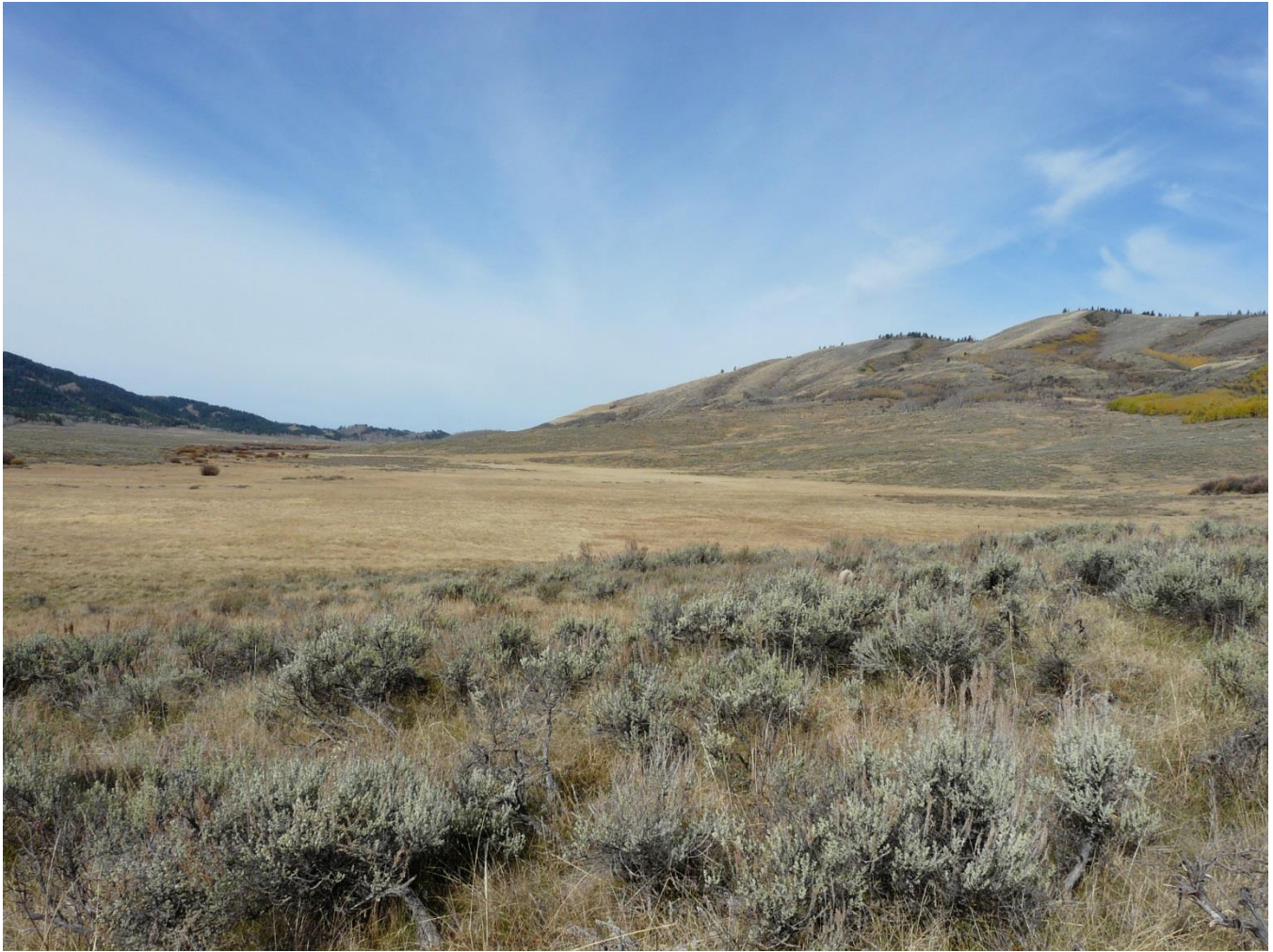
**Figure 1. Regionally Significant Wildlife Corridor**



**Figure 2. Grazed sagebrush habitat in National Forest in Rasmussen Valley**



**Figure 3. Ungrazed sagebrush habitat in Idaho HMA in Rasmussen Valley**



**Figure 4. Rasmussen Valley showing sage grouse habitat, upland ungrazed sagebrush for nesting and early brood-rearing, meadow and riparian habitat for late brood rearing in a diverse landscape. Photo from the HMA.**

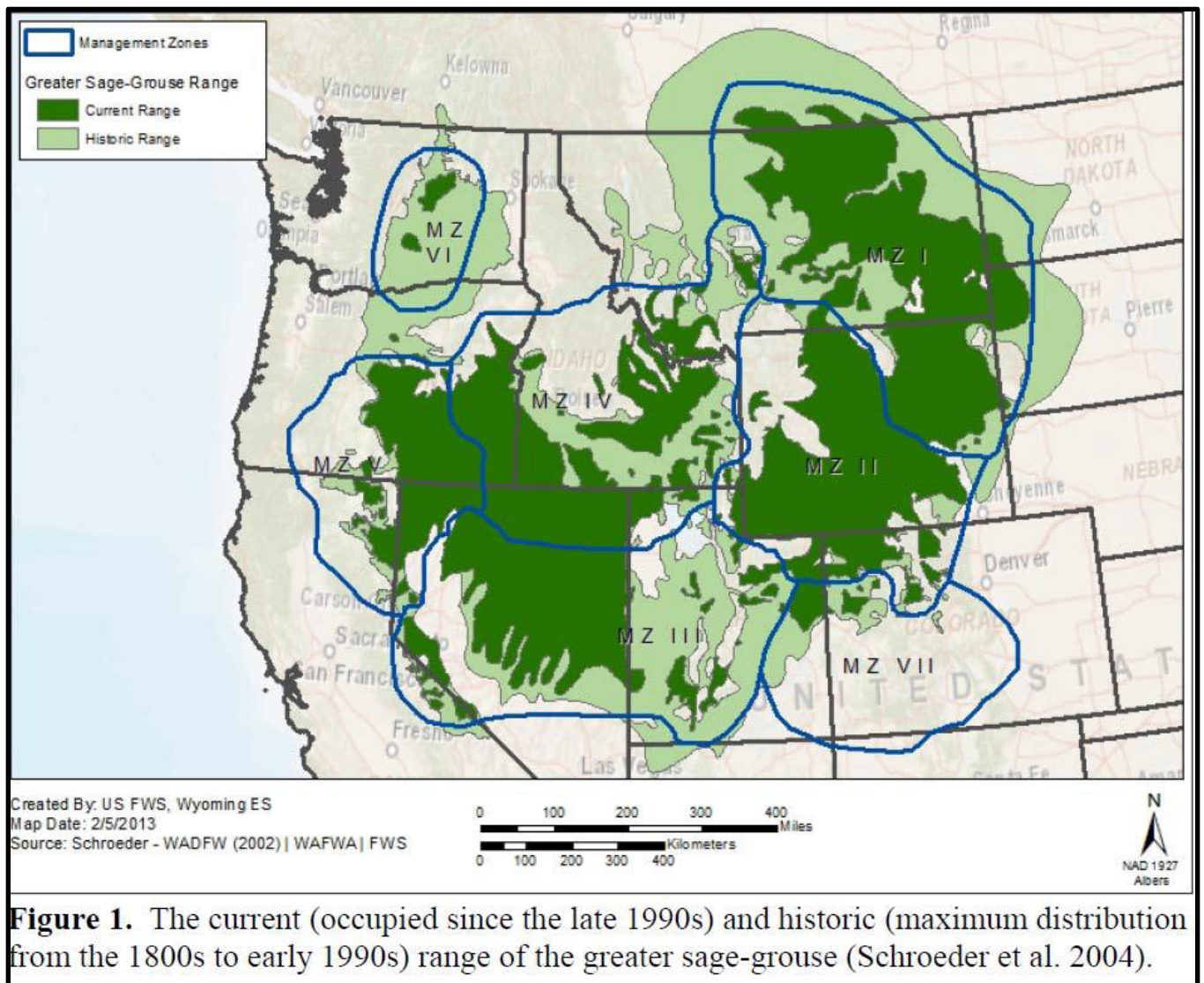
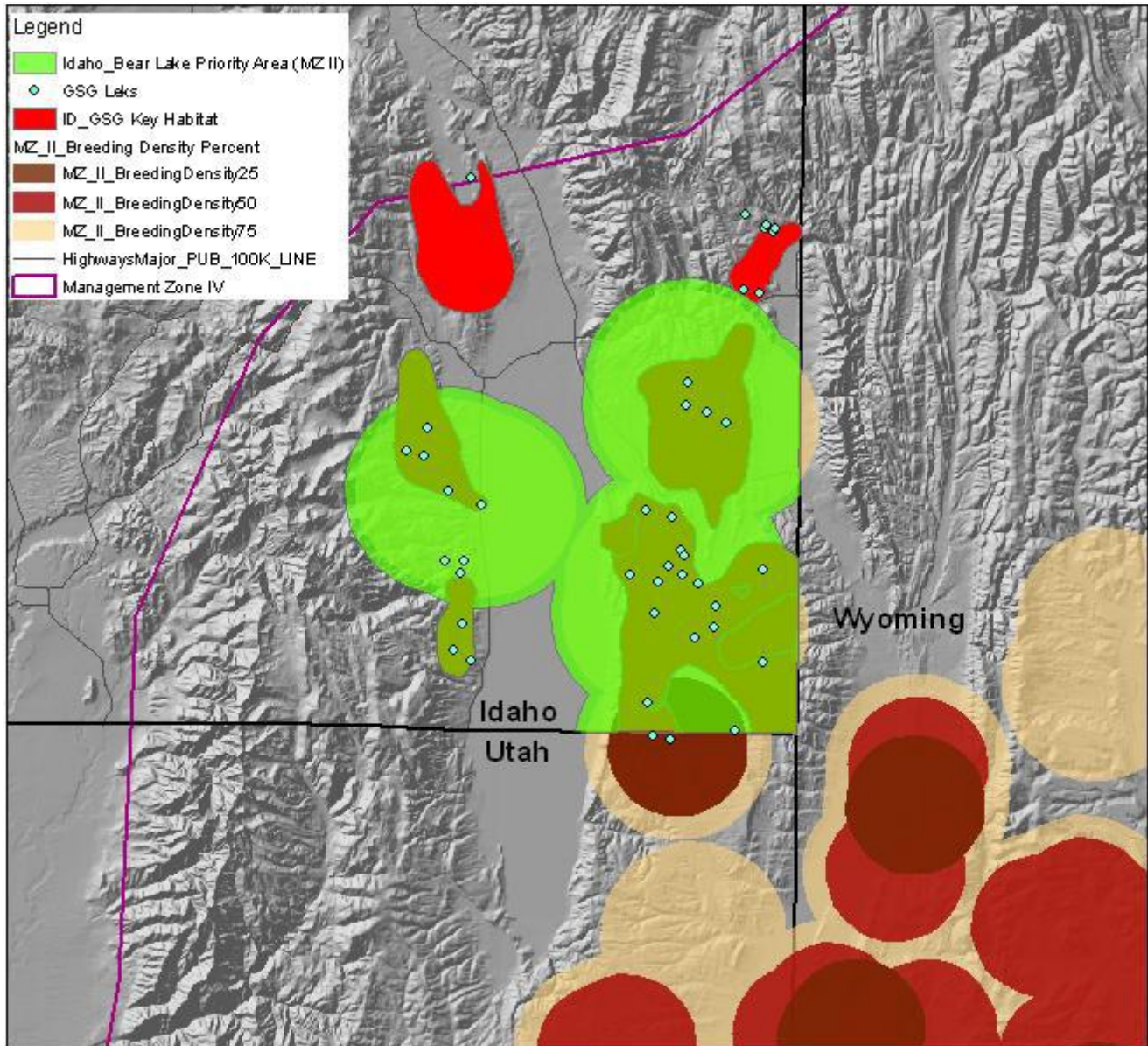


Figure 5. Map of Greater Sage Grouse range





**Figure 6. Shows connection from SE Idaho in Bear Lake Plateau to Utah.** [Figure 11. Bear Lake Plateau area (MZ II). Sage-grouse Priority Area (PA) for Idaho is represented by the bright green polygon. Note the 2010 Idaho Key Habitat polygons (shaded red) that are encompassed within the green PA polygon. The colored circles represent Breeding Bird Density results (Doherty et al. 2010: for Management Zone II: 25% BBD (dark red), 50% (red), and 75% (light brown).]



**Figure 7. Lane Creek Mine haul road fugitive dust blowing into the valley bypassing sediment**



**Figure 8. Fugitive dust from haul traffic on Blackfoot River Road and Rasmussen Valley roads easily observed**



**Figure 9. Eroding soil from Rasmussen Valley Road at Angus Creek. No sediment basins here.**



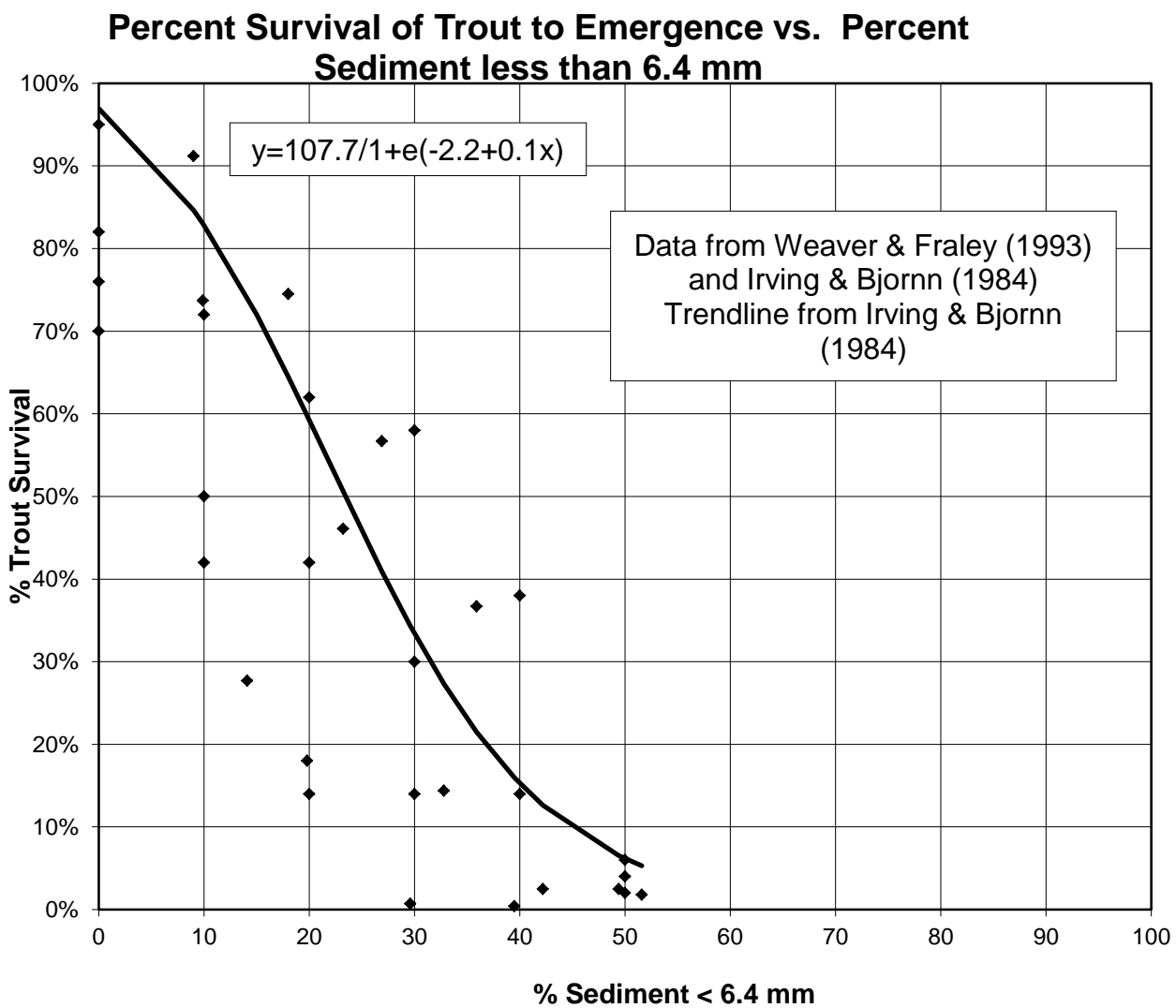
**Figure 10. Wattle catches some sediment, but other sediment flowing into Angus Creek**



**Figure 11. Recovering Angus Creek in the HMA**



**Figure 12. Polluted Blackfoot River, substrate buried in algae and sediment**



**Figure 13**