



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
4100 (IDT030) P
80224
CERTIFIED-RETURN RECEIPT REQUESTED

September 29, 2015

Denis Kowitz
171 N. Highway 77
Declo, ID 83323

**Proposed Decision for the Elkhorn Allotment
Livestock Grazing Permit Renewal
Environmental Assessment No. DOI-BLM-ID-T030-2011-0025-EA**

Dear Mr. Kowitz:

Introduction

The Elkhorn Allotment had field assessments conducted for meeting Idaho Standards for Rangeland Health in 2008 and supplemental data was gathered in 2012. The allotment field assessment was sent to the permit holder, State Agencies having responsibility for managing land or resources, and the interested public on June 4, 2009 requesting comments and any additional information. No public comments were received for the Elkhorn Allotment in regards to the Rangeland Health Assessment.

Along with the Rangeland Health Field Assessment, the public was notified of the upcoming livestock grazing permit renewal in the Elkhorn Allotment through a scoping package that was sent to permittees and interested publics on August 24, 2012. No public comments were received from this scoping package.

The Shoshone Field Manager made a formal determination that the Elkhorn Allotment is meeting all applicable Rangeland Health Standards and livestock grazing is in conformance with Guidelines for Livestock Grazing Management. Standard 1 (Watersheds), Standard 2 (Riparian Areas and wetlands), Standard 3 (Stream Channel/Floodplain), Standard 4 (Native Plant Communities), Standard 7 (Water Quality) and Standard 8 (Threatened and Endangered Plants and Animals) are all meeting Rangeland Health. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities) do not apply to the Elkhorn Allotment. A Determination Document is not required to be completed if all applicable land health standards are being met.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with the 1981 Sun Valley Environmental Impact Statement (EIS).

Proposed Decision

This decision represents my selection of the Proposed Action as described in the Environmental Assessment No. BLM-ID-T030-2011-0025-EA in accordance with the National Environmental Policy Act of 1969 and issuance of a grazing decision as outlined in 43 CFR 4160.1. This decision, described below is hereby incorporated into your grazing permit for the Elkhorn Allotment.

Under this alternative, the BLM Field Manager would continue to authorize livestock grazing in the Elkhorn Allotment following the Fundamentals of Rangeland Health [43 CFR 4180.1(2005)] to continue meeting Rangeland Health Standards in the future. This permit would be issued for a term of ten years in accordance with present management.

The Elkhorn Allotment grazing permit would authorize livestock use as specified in Table 1. The grazing permit would be issued for the current active AUMs of 332 AUMs as well as the current season of use. The number of livestock allowed in this allotment would be increased to 2,500 head of sheep. When this higher numbers of livestock (two bands of sheep) is used, the total number of days would be reduced to 20 days between May 15th and November 20th so that the active 332 AUMs are not exceeded. Under this alternative, the total number of days that sheep can be present in the allotment will be capped at 50 days.

Historically, the Elkhorn Allotment has been grazed by sheep bands that were larger than 1,000 sheep and under these numbers; the allotment is meeting all standards. This alternative does include an increase in the sheep numbers to 2,500 sheep in order to allow one band to graze and another band to trail through on its way to or from the National Forest lands. The permittee has done this in the past and would like to continue to do so in the future. The permittee does not typically have two bands present at one time but would like the flexibility to do this in the future; especially in the case when wildfires are actively burning in neighboring allotments and he needs a way to trail out to of the way.

Annual flexibility in the sheep numbers would be authorized as long as grazing does not occur outside of the season of use, grazing does not exceed 50 total days, and the active 332 AUMs are not exceeded. This flexibility will allow the permittee to graze up to 2,500 head of sheep, in two bands, one large band, or any other combination as long as the number of sheep does not exceed 2,500 head. Since the permittee acquired the grazing permit in the Elkhorn Allotment, his sheep bands have typically consisted of 1,100 to 1,300 head of sheep. Denis Kowitz would be required to apply for a livestock trailing permit if livestock need to be taken through the allotment before or after the permitted season of use (May 15th to November 20th).

The actual season of use, in any year, may be shorter than the permitted season of use when any of the following conditions apply: 1) The vegetation in the allotment is not ready for grazing in the first of the season due to range readiness criteria described in 2.2.1; 2) The allotment has reached its active use of 332 AUMs, 3) removal of livestock is necessary to protect vegetative

resources or 4) bighorn sheep are observed where contact with domestic sheep could occur.

The permit may be modified at any time should information collected subsequent to the permit renewal indicate changes in management are needed in order to be in compliance with Fundamentals of Rangeland Health, but only if NEPA is completed and a proposed and final decision are issued. The Elkhorn Allotment grazing permit would be issued for a term of ten years and would authorize livestock use up to 332 AUMs, the active AUM figure specified in Table 1. This table is also referred to as the Mandatory Terms and Conditions. Sheep numbers could fluctuate up to 2,500 head.

The permittee would also be required to rotate his grazing use between the east side and west side if they decide to graze in both the spring and the fall. What this means is that if Triumph Gulch is grazed in the spring of the year, it cannot be grazed again in the fall for any length of time. Watering in the gulch is permissible as long as the sheep resume grazing activities on the west side of the allotment. The same is true if the permittee decides to graze Decker Gulch in the spring; he cannot return to the west side of the allotment in the fall as well.

TABLE 1: Proposed Grazing Permit Authorization

Current Permittee	Allotment # and Name	Livestock #	Grazing Begin End	%PL	Active AUMs	Suspended AUMs	Total AUMs
Denis Kowitz	80224 Elkhorn	2,500 Sheep	05/15 to 11/20	100%	332	83	415

OTHER TERMS AND CONDITIONS:

- Grazing use shall be made in accordance with the Field Manager’s Decision dated September 29, 2015.
- Deviation from livestock number and begin/end date will be documented in the annual billing(s) and will not exceed 2500 sheep, 50 days or 332 AUMs annually.
- Range readiness guidelines will be adhered to by the permittee and the BLM Shoshone Field Office will inform the permittee when he can begin using the allotment. Range readiness is defined as when the soil is firm and the key species have four to six inches of growth, except for Sandberg’s bluegrass which needs to be in the three- to-four-leaf stage.
- No bedding of sheep will be permitted within 500 feet of Triumph Spring and associated drainage in order for the riparian area to maintain Proper Functioning Condition and continue meeting Idaho Standards for Rangeland Health.
- Hot season use (7/1 to 8/31) would only be authorized one year out of three in order to reduce use to riparian areas and enable the allotment to continue meeting land health standards. In the case of emergency, such as wildfires in neighboring allotments, this term and condition may be modified by the Authorized Officer.
- Sheep are also required to move to a different bed ground at a minimum of every 5 days or sooner if resource conditions dictate. Conditions that would warrant moving the bed ground sooner would be if use of key species is close to or exceeds the recommended 40% utilization levels on upland vegetation.
- Trailing of livestock outside the grazing begin/end date (05/15 to 11/20) would be permitted if applied for by the permit holder and authorized by the BLM authorized officer.

Grazing Management under the Proposed Action

Sheep are generally herded in bands, utilize steeper terrain, have more continuous movement and different forage requirements compared to cattle. They commonly graze in a “pass-through” fashion on their way to other allotments. Because of the herded management of sheep bands, topographic or infrastructure boundaries rather than fence lines may be more useful for determining grazing routes and sequences than the pasture boundaries that were established to control cattle.

The grazing permit would be issued with most of the same “Mandatory Terms and Conditions” and revise “Other Terms and Conditions” as described in Table 1 above. The only change to the “Mandatory Terms and Conditions” would be an increase to the number of livestock permitted to graze in the Elkhorn Allotment.

Rangeland Monitoring under the Proposed Action

Monitoring, as defined in 43 CFR 4100.0-5 (2005), means the periodic observation and orderly collection of data to evaluate: 1) effects of management actions; and 2) effectiveness of actions in meeting management objectives.

Nested frequency would continue to be collected at the key study site along with photos at the standard 3 foot by 3 foot photo plot. Proper Functioning Condition (PFC) would also continue to be collected at the riparian photo point presently located on Triumph Gulch. These sites would be read at a minimum of once per ten-year permit renewal cycle. This data will be combined with trend monitoring data collected in past years so that long-term rangeland trend can be determined.

There is one long term trend plot in the Elkhorn Allotment located in Peters Gulch on the north end of the allotment. This trend plot is located in an area of the allotment that can no longer be accessed by road due to the expansion of housing in Ketchum but numerous attempts over the past couple years to locate it by foot have not been successful. The baseline was established in 1976 and trend was read at this site in 1982, 1985, 1988 and 1991. Since this trend plot cannot be located, another plot was established in the summer of 2015 in Triumph Gulch. Data will be collected in 2016 that will establish another baseline for long-term trend in the Elkhorn Allotment.

Rationale

Based upon the review of the context and intensity factors and the environmental analyses conducted, I have determined that the actions analyzed for the Elkhorn Allotment Grazing Permit Renewal Environmental Assessment No. DOI-BLM-ID-T030-2011-0025-EA is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

An Environmental Assessment for the Elkhorn Allotment Livestock Grazing Permit Renewal was prepared describing a proposed action and three alternatives to modify grazing management in the allotment. The decision modifies the existing grazing permit in the Elkhorn Allotment in order to incorporate the Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration (43 CFR 4180) as well as to modify the total number of livestock that could be authorized use on the allotment on any one given day.

Due Process

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to the Shoshone Field Manager, Twin Falls District, 400 West F Street, Shoshone, ID 83352 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

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

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

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 through 4.480. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final as provided in 43CFR 4160.3(a). The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal by certified mail to the Office of the Solicitor, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and any persons named [43 CFR 4.421(h)] in the *Copies sent to:* section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470. Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

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

If you have any questions, please contact either Joanna Tjaden, Rangeland Management Specialist, at (208) 732-7292 or myself at (208)732-7200.

Sincerely,

/s/ Codie Martin

Codie Martin
Shoshone Field Manager

Enclosures:

Environmental Assessment No. BLM-ID-T030-2011-0025-EA

Certified Return Receipt Copies sent to:

Denis Kowitz, 171 N. Highway 77, Declo, ID 83323

Audubon Society, Prairie Falcon Chapter, Attn: Julie Randall, 3952 North
3600 East, Kimberly, ID 83341

Blaine County Commissioners, 206 1st Ave S Ste 300, Hailey, ID 83333

Committee for the High Desert, P.O. Box 2863, Boise, ID 83701

ICL Public Lands Office, P.O. Box 844, Boise, ID 83701

Idaho Chapter Wild Sheep Foundation, c/o Jim Jeffress, P.O. Box 8224, Boise,
ID 83707-2224

Idaho State Department of Fish and Game, 319 S 417 E, Suite 1, Hwy 93
Business Park, Jerome, ID 83338

Idaho State Department of Lands, South Central Supervisory Area, 324 S 417
E, Suite 2, Jerome, ID 83338

Idaho State Department of Agriculture, Division of Animal Industries,
Attn: John Biar, 2270 Penitentiary Road, PO Box 790, Boise, ID 83701-
0790

Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, ID 83203

Western Watersheds Project, c/o Ken Cole, P.O. Box 2863, Boise, ID 83701

Wildlands Defense, c/o Katie Fite, P.O. Box 125, Boise, ID 83701

Paul McClain, 619 Elm Circle, Gooding, ID 83330-1863

Jim Prunty, Natural Resource Specialist, 1241 Starfire, Twin Falls, ID 83301

David Skinner, P.O. Box 664, Fairfield, ID, 83327

Mel Quale, Quale Electronics, 1730 Kimberly Rd, Twin Falls, ID 83301

Dr. Balthasar Buhidar, Idaho Department of Environmental Quality, 650
Addison Avenue West, Suite 110, Twin Falls, ID 83301

USDA Forest Service, Ketchum Ranger District, Sawtooth National Forest, c/o
Robert Garcia, PO Box 2356, Ketchum, ID 83340