



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Four Rivers Field Office  
3948 Development Avenue  
Boise, Idaho 83705-5339



In Reply Refer To:  
4130 (ID110)  
1101643

May 27, 2014

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0724**

L.G. Davison & Sons, Inc.  
C/O R.E. Davison  
1969 Prairie Road  
Prairie, Idaho 83647-8435

**Notice of Field Manager's Proposed Decision**

Dear Mr. Davison:

This Proposed Decision is in response to your Application for Permit Renewal (grazing management proposal) for the Ballantyne Section 15 Allotment (01198).

**Introduction**

This Proposed Decision addresses grazing management in the Ballantyne Section 15 Allotment and, if finalized, will serve as the Decision Record for Environmental Assessment (EA) DOI-BLM-ID-B010-2011-0021-EA, which this Proposed Decision incorporates by reference. This Proposed Decision reflects completion of an evaluation and determination, based on 2004 field assessments and subsequent site visits, of the applicable Idaho Standards for Rangeland Health in 2014.

**Background**

The Ballantyne Section 15 Allotment (01198) is located two miles southwest of Pine, Idaho (Map 1). The current grazing permit authorizing active use for L.G. Davison & Sons, Inc. in the Ballantyne Section 15 Allotment was issued on January 1, 2010 (Table 1). This authorization will continue until this Proposed Decision becomes final, and a new grazing permit is issued.

Current Grazing Authorization

Table 1. Current Mandatory Terms and Conditions for the Ballantyne Section 15 Allotment, Elmore County, Idaho.

Operator Name (Number)	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
L.G. Davison & Sons, Inc. (1101643)	Ballantyne Sec. 15	01198	144	C	06/01-06/30	100	142	0	144

**Allotment Specific Terms and Conditions**

1. This permit or lease is issued under the authority of Section 416, Public Law 111-88 and contains the same mandatory terms and conditions as the expired or transferred permit or lease. The is permit or lease may be cancelled, suspended, or modified, in whole or in part to meet the requirements of applicable laws and regulations.
2. This Sec. 15 lease is for use in the Ballantyne Sec. 15 Allotment in the Anderson Ranch Unit. The term of this permit/lease coincides with the base lease from the Perkins Family which expires on 12-31-2007. Effective January 1, 2004 this base lease has been assigned to L G Davison & Sons, an Idaho Corporation from Dean Davison, lessee. The expiration date of this assignment of lease is also 12-31-2007.
3. Grazing use in this allotment is authorized for the above use period only.

**Idaho Standards and Guidelines**

Rangeland health assessment data collected in 2004 and subsequent site visits were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands in the allotment were meeting the following applicable Idaho Standards for Rangeland Health (Standards): Standard 1 (Watershed), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel and Floodplains), Standard 4 (Native Plant Communities), Standard 7 (Water Quality), and Standard 8 (Threatened and Endangered Plants and Animals), and Guidelines for Livestock Grazing Management.

**Proposed Decision**

In accordance with 43 CFR 4110.1(b), upon my review of the record of performance for L.G. Davison & Sons, Inc., I have determined that L.G. Davison & Sons, Inc. has a satisfactory record of performance for the Ballantyne Section 15 Allotment. Therefore, it is my Proposed Decision to issue a new 10-year grazing permit to L.G. Davison & Sons, Inc. for the Ballantyne Section 15 Allotment. Livestock grazing management would be as described in Alternative C in DOI-BLM-ID-B010-2011-0021-EA and as shown below in **Error! Reference source not found.** The permit would include Mandatory Terms and Conditions and maximum livestock numbers that match the U. S. Forest Service (USFS) permit. Additionally, the Proposed Decision would:

- Adjust the historic boundaries of the Ballantyne Section 15 Allotment to include all USFS lands located within the defined boundaries of the USFS Lester Creek Allotment (Map 1).

- Authorize 94 AUMs of Active Use. The remaining 50 AUMs of the adjudicated preference would be placed in suspension for the term of this permit.
- Issue an Exchange of Use (EOU) agreement for non-BLM lands and adjust the percentage of public land accordingly wherein the permittee can provide proof of control through a lease, deed, or other legal instrument.

Proposed Grazing Authorization

Table 2. New Mandatory Terms and Conditions for the Ballantyne Section 15 Allotment, Elmore County, Idaho.

Operator Name	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
L.G. Davison & Sons, Inc.	Ballantyne Sec. 15	01198	164	C	07/01-10/31	14	94	50	144

**Other Terms and Conditions**

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated \_\_\_\_\_.
2. Livestock turn-out would be subject to District Range Readiness Criteria.
3. Changes to the scheduled use would require prior approval by the authorized officer.
4. You are required to submit a signed and dated Actual Grazing Use Report form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, eligible historic properties, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
6. A crossing permit may be required prior to trailing livestock across public lands. Crossing activities must be coordinated with the BLM prior to initiation. Permittee would also notify any/all affected permittees in advance of crossing.
7. Livestock exclosures located within your grazing allotment(s) would be closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance activities which may result in ground disturbance require prior approval from the authorized officer.
9. Bird ladders that meet BLM standards must be installed and functioning on water troughs located on public lands. The permittee would inform BLM if bird ladders are needed on permanent troughs, and BLM would supply bird ladders. The permittee would be responsible for providing bird ladders for temporary troughs. It would be the permittee’s responsibility to maintain and install all bird ladders.
10. Pursuant to 43 CFR 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands. Pursuant to 43 CFR 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.

11. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands.

### **Allotment Specific Terms and Conditions**

1. Livestock numbers in the Ballantyne Section 15 Allotment would be coordinated between BLM, USFS, and the permittee/lessee and may vary, provided the season of use and AUMs are not exceeded. The maximum number of livestock present at any one time would not exceed 164 head.

### **Rationale**

BLM analyzed three alternatives for livestock grazing in the Ballantyne Section 15 (01198) Allotment in DOI-BLM-ID-B010-2011-0021-EA.

The modification from spring use to summer through fall use would shift some of the grazing pressure from perennial grasses to bitterbrush and other mountain shrubs (e.g., mountain mahogany), which total 406 acres (56% of the allotment). Therefore, bitterbrush and mountain shrub biomass could be reduced and display minor hedging, but overall plant community health would be maintained because use would occur primarily outside the growth period of grasses and forbs. Standards 1 and 4 would continue to be met over the long term (EA sections 3.1.2.4 and 3.2.2.5).

Three intermittent streams (2.1 miles) would remain in proper functioning condition (PFC) over the long term (EA Section 3.5.2.1). Mixed conifers and deciduous mountain shrubs would not be susceptible to livestock browsing and trampling and would provide suitable cover and streambank stability. Standards 2 and 3 would continue to be met over the long term. Later turnout would reduce trampling and disturbance during nesting and early brood rearing. Late summer and fall use could reduce available browse; however, the allotment is not in winter range. Standards 4 and 8 would continue to be met for wildlife and special status species.

Maximum numbers that concur with the USFS permit would have no additional grazing or trampling impacts beyond what are currently occurring because these would be administrative changes.

Under the current USFS grazing permit for the Lester Creek Allotment, L.G. Davison and Sons is authorized to annually graze 164 cow/calf pairs from July 1 through October 31 (663 AUMs). Davison and Son's current adjudicated preference for the Ballantyne Section 15 Allotment is 144 AUMs. Amending of the boundaries of the Ballantyne Section 15 Allotment to include all USFS lands within the Lester Creek Allotment would result in the combining of all authorized AUMs allocated under each permit (USFS: 663 AUMs plus BLM 144 AUMs = 807 AUMs of annual use). The respective stocking rates for USFS and BLM lands are 7.7 acres/AUM (5,092 acres of USFS lands / 663 AUMs) and 5.0 acres/AUM (723 acres of BLM lands/ 144 AUMs). While there is a 2.7 acre/AUM difference in stocking rates, the lands are similar in terms of topography, aspect, vegetative diversity, and forage production capability. Reducing the BLM active use to 94 AUMs would result in a 7.7 acre/AUM stocking rate, commensurate with the USFS stocking rate, would ensure BLM-administered lands continue to meet Standards.

## **Conclusion**

In conclusion, it is my decision to select Alternative C for the Ballantyne Section 15 Allotment. I have determined the renewal of this grazing permit would be in conformance with the Jarbidge Resource Management Plan (RMP) dated March 23, 1987, and the proposed livestock grazing would continue to meet applicable Standards and Guidelines.

## **Authority**

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska. My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The Jarbidge RMP designates the Ballantyne Section 15 available for livestock grazing;
- 4110.3 Changes in permitted use;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions;
- 4130.6-1(a) Exchange of Use grazing agreements; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. Implementation of the Proposed Decision would result in the continuation of the subject public lands meeting Idaho Standards for Rangeland Health.

## **Right of Protest and/or Appeal**

Any applicant, permittee, lessee or other interested publics may protest the Proposed Decision under 43 CFR §§ 4160.1 and 4160.2, in person or in writing within 15 days after receipt of such decision to:

Tate Fischer  
Four Rivers Field Manager  
3948 S. Development Avenue  
Boise, Idaho 83705-5339

The protest, if filed, should clearly and concisely state the reason(s) why the Proposed Decision is in error.

In accordance with 43 CFR § 4160.3(a), in the absence of a protest, the Proposed Decision will become the Final Decision of the authorized officer without further notice unless otherwise provided in the Proposed Decision.

In accordance with 43 CFR § 4160.3(b), upon a timely filing of a protest, after a review of protest 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 writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the Final Decision or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other persons named in the *copies sent to* section of this decision in accordance with 43 CFR § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

Boise Field Solicitor's Office  
University Plaza  
960 S. Broadway Avenue Suite 400  
Boise, Idaho 83706-6240

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

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

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

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

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

If you have any questions, please contact either Matt McCoy Four Rivers Assistant Field Manager at (208) 384-3343, or myself at 208-384-3430.

Sincerely,

*/s/ Tate Fischer*

Tate Fischer  
Four Rivers Field Manager

1 Enclosure:

1. Map 1

Copies sent to:

ADVOCATES FOR THE WEST  
PO BOX 1612  
BOISE, ID 83701-1612

J.D. ALDECOA & SONS, INC.  
4312 W. EDMONT STREET  
BOISE, ID 83706-2304

KATHRYN ALDER  
6522 BASE LINE ROAD  
MELBA, ID 83641-5120

AMERICAN WILDLANDS  
PO BOX 6669  
BOZEMAN, MT 59771-6669

STACEY BACZKOWSKI  
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BOISE, IDAHO 83702-5627

BARBER CAVEN RANCHES  
911 E. WINDING CREEK DRIVE STE 150  
EAGLE, IDAHO 83616-6973

SAMUEL BLACKWELL  
5486 W. WINTERCAMP LANE  
GLENN'S FERRY, ID 83623-5061

ALAYNE BLICKLE  
7235 SOUTHSIDE BOULEVARD  
NAMPA, IDAHO 83686-9431

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2180 AMERICAN LEGION BLVD.  
MOUNTAIN HOME, ID 83647-3140

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1150 NORTH CURTIS ROAD, SUITE 100  
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TRIBAL CHAIRMAN  
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11204 N BAR 21 DRIVE  
GLENN'S FERRY, ID 83623-5028

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928 E. RUMSEY LANE  
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1969 PRAIRIE ROAD  
PRAIRIE, ID 83647-8435

DOUBLE ANCHOR RANCH  
5714 W. DOUBLE ANCHOR DRIVE  
GLENN'S FERRY, ID 83623-5022

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MOUNTAIN HOME, ID 83647-3060

FAULKNER LAND & LIVESTOCK  
C/O JOHN FAULKNER  
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GOODING, ID 83330-5330

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GENE GRAY  
2393 WATTS LANE  
PAYETTE, ID 83661-5326

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BOISE, ID 83702-7705

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BOISE, ID 83702-7312

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MERIDIAN, IDAHO 83642-2619

HONORABLE C.L. "BUTCH" OTTER  
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SHOSHONE-PAIUTE TRIBES  
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BOISE, ID 83705-5004

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IDAHO CONSERVATION LEAGUE  
PO BOX 844  
BOISE, ID 83701-0844

IDAHO DEPARTMENT OF AGRICULTURE  
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BOISE, ID 83701-0790

IDAHO DEPARTMENT OF FISH & GAME  
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NAMPA, ID 83686-8520

IDAHO DEPARTMENT OF LANDS  
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BOISE, ID 83714-6071

IDAHO DEPARTMENT OF PARKS & RECREATION  
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BOISE, ID 83720-0003

IDAHO FARM BUREAU FEDERATION  
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BOISE, ID 83702-5965

IDAHO GRAZING BOARD  
ATTN: STAN BOYD  
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BOISE, ID 83701-2596

IDAHO STATE HISTORIC PRESERVATION  
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BOISE, ID 83702-7264

IDAHO WILDLIFE FEDERATION  
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BOISE, ID 83707-6426

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1316 S. PINE FEATHERVILLE ROAD  
MOUNTAIN HOME, ID 83647-8719

CHARLES LYONS  
11408 E. HIGHWAY 20  
MOUNTAIN HOME, ID 83647-5316

MOUNTAIN HOME AIR FORCE BASE  
BASE COMMANDER COLONEL DAVID R. IVERSON  
336TH GUNFIGHTER AVENUE  
MOUNTAIN HOME AFB, ID 83648

THE NATURE CONSERVANCY  
950 WEST BANNOCK, SUITE 210  
BOISE, ID 83702-6093

THE WILDERNESS SOCIETY  
950 W. BANNOCK STREET STE 605  
BOISE, ID 83702-6106

NEZ PERCE TRIBES  
TRIBAL CHAIRMAN  
PO BOX 365  
LAPWAI, ID 83540-0365

DAVID E. OWEN JR.  
1959 SE ROSS ROAD  
GLENN'S FERRY, ID 83623-5032

GAYLE POORMAN  
5230 N BLACK CAT ROAD  
MERIDIAN, ID 83646-5012

RICHARD RAYMONDI  
5670 N. COLLISTER DRIVE  
BOISE, ID 83703-3826

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78 STONE LANE  
HORSESHOE BEND, ID 83629-9006

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MOUNTAIN HOME, ID 83647-0010

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TRIBAL CHAIRMAN  
PO BOX 306  
FORT HALL, ID 83203-0306

SHOSHONE-PAIUTE TRIBES  
TRIBAL CHAIRMAN  
PO BOX 219  
OWYHEE, NV 89832-0219

SIERRA CLUB  
MIDDLE SNAKE GROUP  
PO BOX 552  
BOISE, ID 83701-0552

KAREN STEENHOF  
18109 BRIAR CREEK ROAD  
MURPHY, ID 83650-5006

TREE TOP RANCHES LP  
PO BOX 8126  
BOISE, ID 83707-8126

US FISH AND WILDLIFE SERVICE  
1387 S. VINNELL WAY  
BOISE, ID 83709-1657

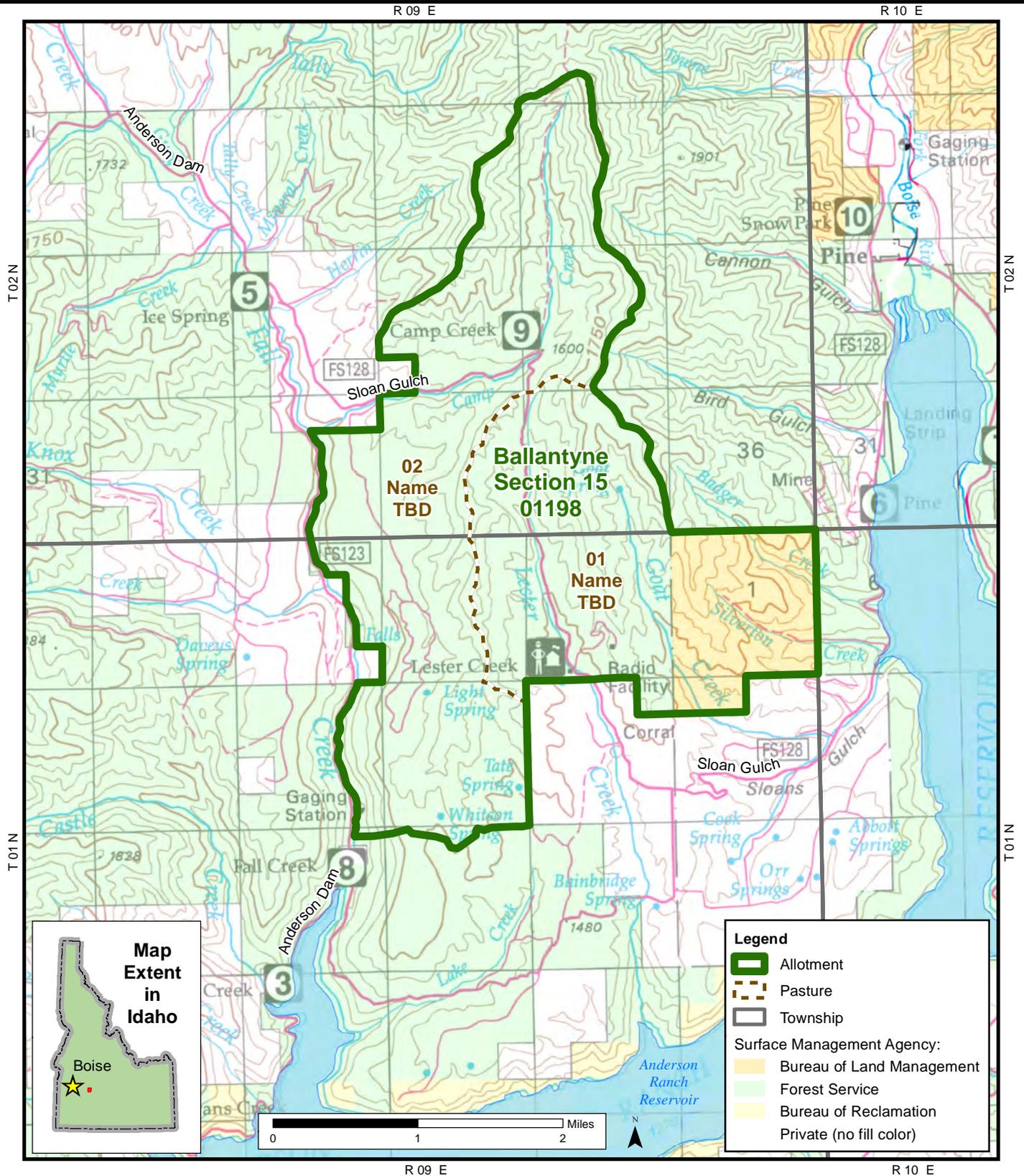
BILL WALSH  
205 SOUTH 20TH AVENUE  
CALDWELL, ID 83605-4320

WESTERN WATERSHEDS PROJECT  
PO BOX 1770  
HAILEY, ID 83333-1770

WESTERN WATERSHEDS PROJECT  
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PO BOX 2863  
BOISE, ID 83701-2863

WOOL GROWERS ASSOCIATION  
ATTN: STAN BOYD  
802 W. BANNOCK STREET STE 205  
BOISE, ID 83702-5839

# Map 1. Ballantyne Section 15 Allotment (01198)



U.S. Department of the Interior  
 Bureau of Land Management, Idaho  
 Boise District, Four Rivers Field Office  
 Map date: May 26, 2014



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