



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)
1101884

May 27, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0762

Faulkner Land & Livestock
C/O John Faulkner
1989 South 1875 East
Gooding, Idaho 83330-5330

Notice of Field Manager's Proposed Decision

Dear Mr. Faulkner:

This Proposed Decision is in response to your Application for Permit Renewal (grazing management proposal) for the Hammett Livestock Company Allotment (01195) and your application for a new Grazing Authorization on public lands currently comprising the Joost Section 15 Allotment (01199).

Introduction

This Proposed Decision addresses grazing management in the Hammett Livestock Company Allotment and the public lands in the Joost 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 previous monitoring conducted between 2002 and 2011.

Background

The Hammett Livestock Company and Joost Section 15 allotments are located approximately 1 to 5 miles east and southeast of Pine, Idaho (Map 1). The current grazing permit authorizing active use for Faulkner Land & Livestock in the Hammett Livestock Company Allotment was issued on March 23, 2010 (Table 1). This authorization will continue until this Proposed Decision becomes final, and a new grazing permit is issued. At present, there is no active grazing authorization in effect for the Joost Section 15 Allotment. The previous active permit

Goodtime Grazing Association 1
Hammett Livestock Company Allotment (01195)

Proposed Decision

was canceled, by decision in 1992, for Failure to Use (43 CFR 4170.1-2). Hammett Livestock Company (grazing preference transferred to Faulkner Land & Livestock in 2010) applied for use in the Joost Allotment in 2007. Their application for sheep use of 40 AUMs in concurrence with the Hammett Livestock Company Allotment was analyzed in Alternative C of the Environmental Assessment (EA) DOI-BLM-ID-B010-2011-0021-EA. Goodtime Association applied for a grazing preference transfer in July 2009.

Current Grazing Authorization

Table 1. Current Mandatory Terms and Conditions for the Hammett Livestock Company Allotment, Elmore County, Idaho.

Operator Name (Number)	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
Faulkner Land & Livestock (1101884) ¹	Hammett Livestock Company	01195	800	S	05/24-07/07	100	237	0	361
			1,200	S	10/01-10/15	100	118		
No Authorization currently in effect	Joost	01199	20	C	05/01-06/30	100	40	0	40

¹ The allotment specific terms and conditions below only apply to this permit.

Allotment Specific Terms and Conditions

1. All grazing use including trailing north of the Snake River to Anderson Ranch and the Sec.15 Allotment must be applied for in advance and coordinated with the BLM prior to initiation with the Bruneau Resource area staff of Boise. This includes the Bennett Mountain areas.
2. Sheep camps must be moved every four days at least ½ mile. Bedding grounds must be changed daily. All litter from camp sites must be removed from the area.
3. Sheep bands may vary in number of sheep providing the total use in AUM’s does not exceed the permitted level.
4. Turn out is subject to Boise District Range Readiness Criteria.
5. Your certified Actual Use Report is due 15 days after authorized use.
6. Salt and/or Supplement shall not be placed within one-quarter (¼) mile of springs, streams, meadows, aspen stands, playa or water developments.
7. Changes to the scheduled use requires prior approval.
8. You are required to coordinate trailing activities with the BLM prior to initiation. A Trailing Permit or similar authorization may be required prior to crossing public lands. Livestock exclosures located within your grazing allotment(s) are closed to all domestic grazing use.
9. You are required to maintain rangeland improvements in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee. All maintenance of rangeland improvements within a Wilderness Study Area requires consultation with the Authorized Officer.
10. All Appropriate documentation regarding Base Property leases, lands offered for Exchange of Use, and livestock control agreements must be approved prior to turn-out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.

11. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4040.1(B) (1) and shall result in action by the Authorized Officer under 43 CFR 4140.1 and 4160.1-2.
12. The land use plan allowable use level for riparian and upland vegetation is 50% of the current year's growth. Livestock should be removed from the use area, pasture, or allotment when this utilization has been reached.
13. Payment may be made by cash, check or visa/mc.

Idaho Standards and Guidelines

Rangeland health assessment and monitoring data collected between 2002 and 2011 were used to assess allotment conditions. A 2014 Determination concluded that BLM-administered lands were meeting all applicable Idaho Standards for Rangeland Health (Standards), specifically Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel and Floodplains), Standard 4 (Native Plant Communities), and Standard 8 (Threatened and Endangered Plants and Animals), and Guidelines for Livestock Grazing Management. Standard 7 (Water Quality) was not met on Lime Creek because of upstream water temperature issues. Livestock grazing in the Hammett Livestock Company Allotment was not a factor.

Proposed Decision

In accordance with 43 CFR 4110.1(b) and 43 CFR 4110.2 and upon my review of the record of performance for Faulkner Land & Livestock, I have determined that they have a satisfactory record of performance for the Hammett Livestock Company Allotment. Upon my review of the applicable portions of DOI-BLM-ID-B010-2011-0021-EA, I have determined that BLM-administered lands in the Joost Section 15 Allotment are suitable for sheep grazing. Therefore, it is my Proposed Decision to issue a new 10-year grazing permit to Goodtime Association for the Hammett Livestock Company and Joost Section 15 allotments. This would reflect the preference transfer from Faulkner Land & Livestock to Goodtime Association that is currently in progress. Livestock grazing management would be as described in Alternatives Band C in DOI-BLM-ID-B010-2011-0021-EA and as shown below in Table 2. Additionally, the Proposed Decision would:

- Incorporate the public lands associated with the Joost Section 15 Allotment as a pasture in the Hammett Livestock Company Allotment (Map 1) and designate the kind of livestock as sheep.
- Authorize 400 AUMs of Active Use (360 AUMs associated with the current Hammett Livestock Company Allotment and 40 AUMs associated with the current Joost Section 15 Allotment).
- Retain a sheep management term and condition from Alternative B.
- Set maximum livestock numbers for the allotment.

Proposed Grazing Authorization

Table 2. New Mandatory Terms and Conditions for the Hammett Livestock Company Allotment, Elmore County, Idaho.

Operator Name	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
Goodtime Association	Hammett Livestock Company	01195	436	S	06/15-11/01	100	400	0	401

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 Hammett Livestock Company Allotment may vary, provided season of use and AUMs are not exceeded; however, the maximum number of livestock present at any one time would not exceed 2,000 head of sheep.
2. Bedding grounds must be changed daily. Sheep camps must be moved at least 0.5 miles every four days. All litter from sheep camp sites must be removed.

Rationale

BLM analyzed four alternatives in DOI-BLM-ID-B010-2011-0021-EA for grazing permit renewal in the Hammett Livestock Company Allotment and for the issuance of a new permit which incorporates the Joost Section 15 Allotment into the Hammett Livestock Company Allotment.

For Alternative C, grazing management in the Joost Section 15 Allotment would change to sheep use (from non-use) and operate in conjunction with the Hammett Livestock Company Allotment. Perennial herbaceous species would exhibit minor grazing impacts over the long-term. Minor to moderate grazing impacts could occur because approximately half the use would coincide with the growing season for perennial herbaceous species. Up to 2,000 sheep could be present at one time, so moderate to major localized short-term trampling impacts could occur, especially at bedding grounds. However, sheep would typically travel in bands of 1,000 animals, so the magnitude of trampling would likely be less and/or more diffuse. The conservative stocking rate (10 acres/AUM in the Joost Section 15 Pasture, 12.6 acres/AUM overall in the new Hammett Livestock Company Allotment), short duration of use, and community resiliency would allow plant communities to maintain condition, diversity, and vigor, overall; and Standards 1 and 4 would continue to be met over the long term (EA sections 3.1.2.4 and 3.2.2.5).

Streams and spring wetlands could continue to meet Standards 2 and 3 (EA Section 3.5.2.4). Streams and springs would be used as water sources in the spring and fall and would be subjected to trampling damage. Streams and springs are currently in proper functioning condition (PFC) because sheep are herded out of these areas after watering. Where this practice continues, streams and springs would be expected to remain in PFC over the long term. Standard 8 would continue to be met (EA Section 3.6.2.5) where upland, stream, and spring conditions are maintained.

Conclusion

In conclusion, it is my decision to select Alternative C for the Hammett Livestock Company and Joost Section 15 allotments. I have determined the issuance 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 Hammett Livestock Company and Joost Section 15 allotments 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; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. Implementation of the proposed actions would result in the continuation of the subject public lands to meet the Idaho Standards for Rangeland Health.

Right of Protest and/or Appeal

Any applicant, permittee, lessee or other interested public 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. In accordance with 43 CFR 4.401, 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.

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:

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SHOSHONE-PAIUTE TRIBES
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IDAHO CONSERVATION LEAGUE
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IDAHO DEPARTMENT OF AGRICULTURE
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MOUNTAIN HOME, ID 83647-5316

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BASE COMMANDER COLONEL DAVID R. IVERSON
336TH GUNFIGHTER AVENUE
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THE WILDERNESS SOCIETY
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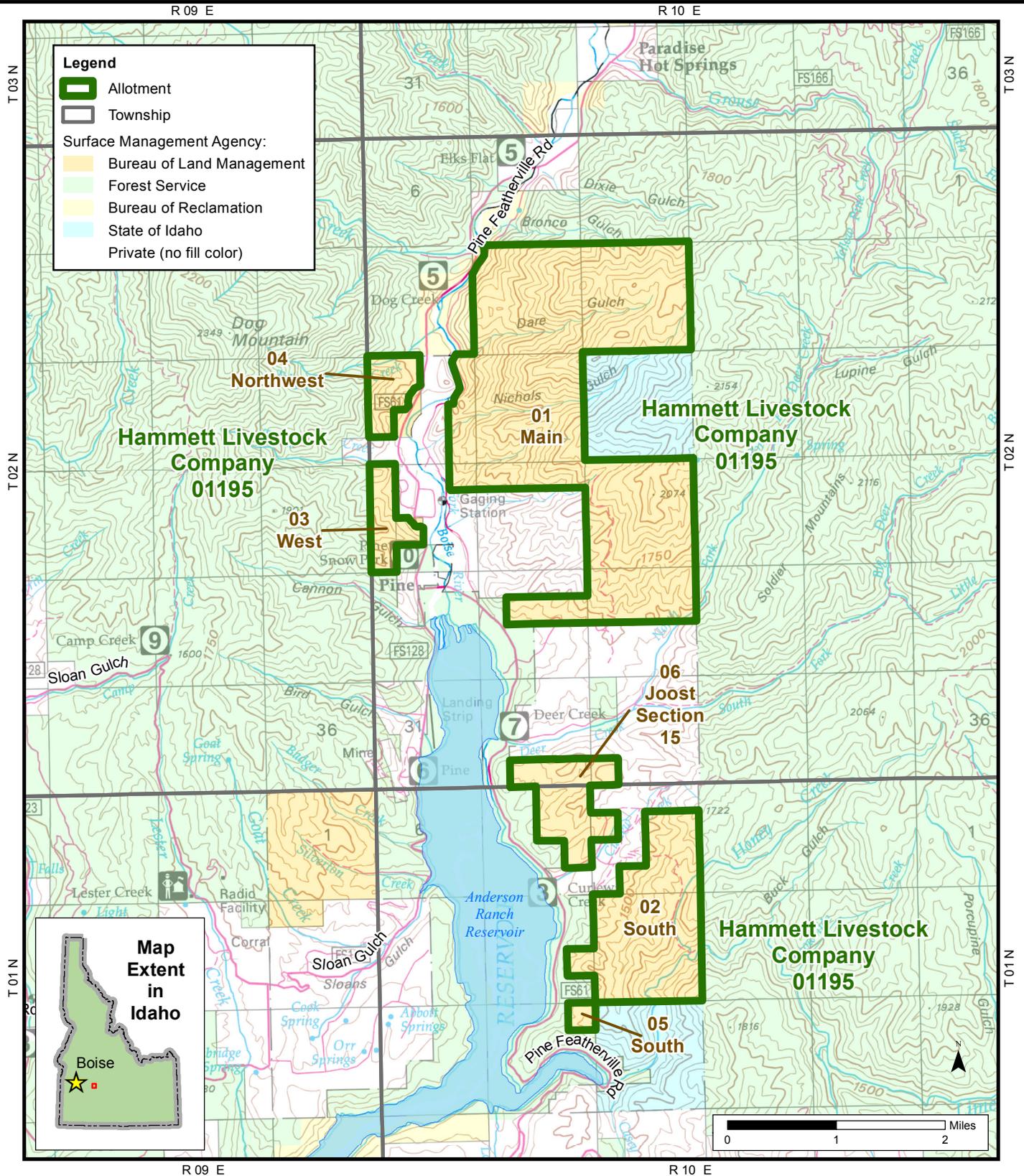
BILL WALSH
205 SOUTH 20TH AVENUE
CALDWELL, ID 83605-4320

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

WESTERN WATERSHEDS PROJECT
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BOISE, ID 83701-2863

WOOL GROWERS ASSOCIATION
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802 W. BANNOCK STREET STE 205
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Map 1. Hammett Livestock Company Allotment (01195)



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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