



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)

May 27, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0700

Dennis J. & Debra J. Joost
1316 S. Pine Featherville Road
Mountain Home, Idaho 83647-8719

Notice of Field Manager's Proposed Decision

Dear Mr. and Mrs. Joost:

This Proposed Decision is in response to your Application for a Livestock Grazing Permit for the Joost Section 15 Allotment (01199) submitted on November 9, 2004.

Introduction

This Proposed Decision addresses grazing management in the Joost Section 15 Allotment and, if finalized, would 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 Joost Section 15 Allotment represents a contiguous parcel comprising approximately 400 acres of unfenced public land located approximately two miles southeast of Pine, Idaho (Map 1). At present, there is no active grazing authorization in effect for the Joost Section 15 Allotment. The previous active permit was canceled, by decision in 1992, for Failure to Use (43 CFR 4170.1-2). Dennis J. and Debra J. Joost applied for use in the Joost Allotment in November 2004. Their application for 20 head of cattle to graze June 15 through August 14 for 40 AUMs was analyzed in Alternative D of the Environmental Assessment (EA) DOI-BLM-ID-B010-2011-0021-EA.

Current Grazing Authorization

Table 1. Current mandatory terms and conditions for the Joost Section 15 Allotment, Elmore County Idaho.

Operator Name	Allotment		Livestock		Season of Use ¹	% Public Land	AUMs		
	Name	No.	No. ¹	Kind ¹			Active	Suspended	Permitted
No Active Permit	Joost Section 15	01199	20	C	05/01-06/30	100	0	0	40

¹The allotment is currently vacant. The number and kind of livestock and season of use represent the permit that was cancelled in 1992.

Idaho Standards and Guidelines

Rangeland health assessment and monitoring data collected between 2004 and 2009 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), 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) and 4130.1-2(b) and upon my review of the applicable portions of DOI-BLM-ID-B010-2011-0021-EA, I have determined that the public lands within the boundaries of the Joost Section 15 Allotment are better suited for sheep grazing than for cattle grazing. Therefore, it is my Proposed Decision to:

- Deny the Grazing Application submitted by Dennis J. & Debra J. Joost (Table 1).
- Select Alternative C, as described in DOI-BLM-ID-B010-2011-0021-EA and as shown below in Table 2.
- Add the historically associated public lands on the Joost Section 15 Allotment to the Hammett Livestock Company Allotment (01195) (Map 1).
- Change the kind of livestock that may be grazed in the Joost Section 15 Allotment from cattle to sheep.
- Issue a new grazing permit to Goodtime Association for the Hammett Livestock Company Allotment. The permit would be issued for a term of 10 years from the date this decision becomes final.
- Authorize the addition of 40 AUMs to the current 361 AUMs of Active Use for the grazing of sheep in the Hammett Livestock Company Allotment. The new total would be 400 AUMs of Active Use in the Hammett Livestock Company Allotment.
- Retain a sheep management term and condition from Alternative B.

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	06/15-10/31	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

The BLM analyzed four alternatives for issuance of a new grazing permit on the public lands in the Joost Section 15 Allotment in DOI-BLM-ID-B010-2011-0021-EA.

For Alternative D, cattle use would be authorized in the Joost Section 15 Allotment. Because of steep slopes, the majority of livestock use would be concentrated in about 15-20% of the allotment resulting in trampling impacts that would adversely affect watershed function. Consistent moderate to heavy use that occurred during the growth period would cause deep-rooted perennial species to decrease and invasive species to increase. Standards 1 and 4 would not be met over the long term (EA sections 3.1.2.5 and 3.2.2.6).

For riparian areas under Alternative D, stream and spring wetlands would not meet Standards 2 and 3 (EA Section 3.5.2.5). Streams and springs would be subjected to substantial trampling damage and heavy to severe hot season use annually. Streams and springs are currently in proper functioning condition (PFC) would degrade to functioning at risk condition. Standard 8 would not be met (EA Section 3.6.2.6) where upland, stream, and spring conditions degrade over the long term.

For Alternative C, grazing management 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, 8.4 acres/AUM overall in the allotment), short duration, 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).

For riparian areas under Alternative C, 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 Joost Section 15 Allotment. 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 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 Joost Section 15 and Hammett Livestock Company 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.

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/ Jate Fischer

Tate Fischer
Four Rivers Field Manager

1 Enclosure:

1. Map 1

Copies sent to:

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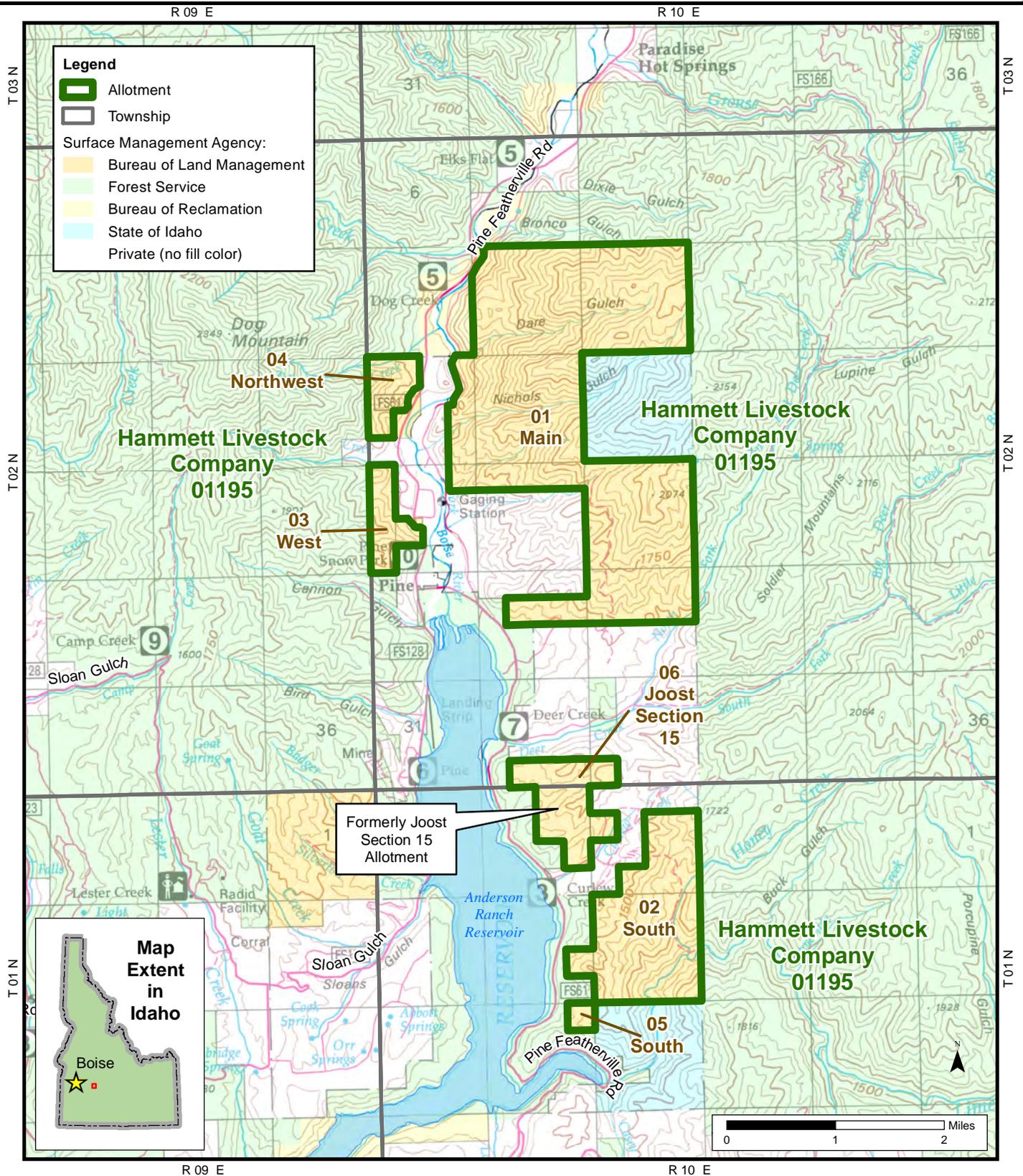
BILL WALSH
205 SOUTH 20TH AVENUE
CALDWELL, ID 83605-4320

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

WESTERN WATERSHEDS PROJECT
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BOISE, ID 83701-2863

WOOL GROWERS ASSOCIATION
ATTN: STAN BOYD
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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