



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)
1101879

May 27, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0755

Tree Top Ranches, LP
PO Box 8126
Boise, Idaho 83707-8126

Notice of Field Manager's Proposed Decision

Dear Mr. Williams:

This Proposed Decision is in response to your Application for Permit Renewal (grazing management proposal) for the North Slope (01044) Allotment.

Introduction

This Proposed Decision addresses grazing management in the North Slope 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 trend monitoring (conducted between 1988 and 2011), 2004 field assessments, and subsequent site visits, of the applicable Idaho Standards for Rangeland Health in 2014.

Background

The North Slope Allotment is located south of State Highway 20, approximately 13.5 miles northeast of Mountain Home, Idaho. The current grazing permit (1101979) authorizing active use for Tree Top Ranches, LP in the allotment, was issued on March 1, 2007 (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 North Slope Allotment, Elmore County, Idaho.

Operator Name (Number)	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
Tree Top Ranches, LP (1101879)	North Slope	01044	29	C	04/01-11/30	100	233	0	233

Allotment Specific Terms and Conditions

1. This allotment is licensed at 100% federal although the federal land is only 16% of the total use area and is essentially an FFR Allotment. Livestock numbers may vary on the public land providing the AUM and use period have not been exceeded and the use is not detrimental to the public lands.
2. Permittees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.
3. Turn-out is subject to Boise District Range Readiness Criteria.
4. Your certified Actual Use Report is due 15 days after authorized use. Salt and/or Supplement shall not be placed within one-quarter (¼) mile of any springs, streams, meadows, aspen stands, playas or water developments.
5. Changes to the scheduled use requires prior approval.
6. 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.
7. Livestock exclosures located within your grazing allotments are closed to all domestic grazing use.
8. You are required to maintain rangeland improvements in accordance with the cooperative agreements and and improvement permits in which you are a signator or assignee. All maintenance or rangeland improvements within a Wilderness Study Area requires consultation with the Authorized Officer.
9. 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.
10. 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 is utilization has been reached.

Idaho Standards and Guidelines

Rangeland health assessment and monitoring data collected between 1988 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), 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 Tree Top Ranches, LP, I have determined that Tree Top Ranches, LP has a satisfactory record of performance for the North Slope Allotment. Therefore, it is my Proposed Decision as the authorized officer to issue a new 10-year grazing permit to Tree Top Ranches, LP for the North Slope Allotment (Map 1) as described in Alternative C, in DOI-BLM-ID-B010-2011-0021-EA and as shown below in Table 2. Additionally, the Proposed Decision would:

- Authorize 233 AUMs of Active Use.
- Set maximum livestock numbers for the allotment.
- Issue an Exchange of Use (EOU) agreement for non-BLM lands and adjust the percentage of public land accordingly in the North Slope Allotment 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 North Slope Allotment, Elmore County, Idaho.

Operator Name	Allotment		Livestock		Season of Use	% Public Land	AUMs		
	Name	No.	No.	Kind			Active	Suspended	Permitted
Tree Top Ranches LP	North Slope	01044	29	C	04/01-11/30	100	233	0	233

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 North Slope Allotment may vary, providing season of use and AUMs are not exceeded; however, the maximum number of livestock present at any one time would not exceed 360 head.

Rationale

BLM analyzed three alternatives for grazing permit renewal in the North Slope Allotment in DOI-BLM-ID-B010-2011-0021-EA.

Spring grazing and a relatively high stocking level (<5 acres/AUM) could increase sediment production, reduce infiltration rates, cause soil compaction. However, watersheds would generally exhibit only negligible to minor impacts due to the resiliency and productivity of plant communities (i.e., in higher elevation/precipitation zones). Plant community structure, function, and distribution would be capable of maintaining soil stability and biotic processes over the subsequent ten years. Maximum numbers that account for other ownerships would not cause additional trampling or vegetation impacts over current levels. Mechanical impacts would persist in concentrated use areas, but these areas are few and small in scale; therefore, Standard 1 would continue to be maintained over the long term (EA Section 3.1.2.4).

Although the allotment has a relatively high stocking rate, the BLM-administered lands do not appear to receive much use and current livestock management is maintaining functioning native plant communities. Perennial herbaceous species diversity and frequency were being maintained and would be expected to continue to be maintained over the long term. Minor impacts to perennial herbaceous vegetation would occur where use overlaps the growing period. Minor grazing impacts to woody vegetation would occur with fall use. The current permit allows flexibility in livestock numbers; therefore, the proposed maximum livestock numbers represents use that typically occurs when all ownerships are considered. Concentrations of animals on public lands would not be different from current use patterns. Standard 4 would continue to be met over the long term (EA Section 3.2.2.5).

Bennett and Dive creeks are in proper functioning condition. The proposed grazing would maintain those conditions and Standards 2, 3, and 7 would continue to be met over the long term (EA Section 3.5.2.1).

Livestock grazing that overlaps nesting and brood-rearing periods could cause adverse trampling and cover impacts; however, those impacts were not observed. Tall- and mid-stature grasses, perennial forbs, and shrubs provide suitable cover and forage and would continue to do so over the long term. Standards 4 and 8 would continue to be met for wildlife and special status species (EA Section 3.6.2.5).

Conclusion

In conclusion, it is my decision to select Alternative C for the North Slope 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 North Slope allotment 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 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 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/ 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

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BOISE, ID 83706-2304

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GOODING, ID 83330-5330

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IDAHO CONSERVATION LEAGUE
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MOUNTAIN HOME, ID 83647-5316

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

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THE WILDERNESS SOCIETY
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BOISE, ID 83702-6106

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TRIBAL CHAIRMAN
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LAPWAI, ID 83540-0365

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1959 SE ROSS ROAD
GLENN'S FERRY, ID 83623-5032

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5230 N BLACK CAT ROAD
MERIDIAN, ID 83646-5012

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FORT HALL, ID 83203-0306

SHOSHONE-PAIUTE TRIBES
TRIBAL CHAIRMAN
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OWYHEE, NV 89832-0219

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MURPHY, ID 83650-5006

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BOISE, ID 83707-8126

US FISH AND WILDLIFE SERVICE
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BOISE, ID 83709-1657

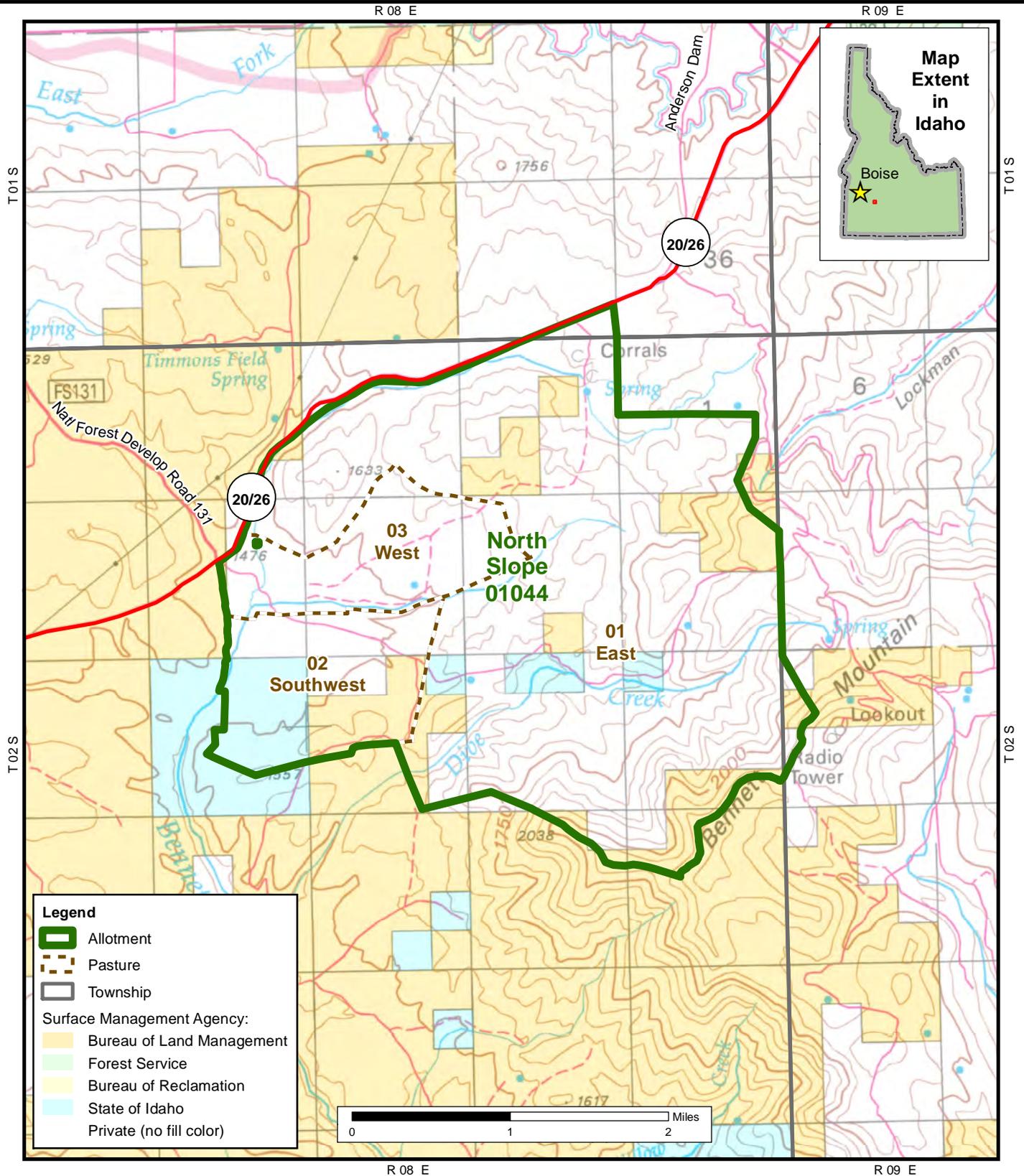
BILL WALSH
205 SOUTH 20TH AVENUE
CALDWELL, ID 83605-4320

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

WESTERN WATERSHEDS PROJECT
ATTN: KATIE FITE
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. North Slope Allotment (01044)



Legend

- Allotment
- Pasture
- Township

Surface Management Agency:

- Bureau of Land Management
- Forest Service
- Bureau of Reclamation
- State of Idaho
- Private (no fill color)



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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