



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Twin Falls District Office  
Jarbidge Field Office  
2536 Kimberly Road  
Twin Falls, ID 83301



In Reply Refer To:  
4160

April 1, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Devil Creek Ranch, Inc.  
c/o Ronda K. Macaw  
5594 S. Basalt Avenue  
Boise, ID 83716

**Notice of Field Manager's Decision**

Dear Ms. Macaw:

I have received your request for a temporary crossing permit to trail livestock across public lands in the Little House Creek FFR (#01093) and Signal Butte (#01092) allotments. Upon review, and in accordance with 43 CFR 4130.6-3, 43 CFR 4160.1(a) and Section 123 of the 2012 Appropriations Omnibus Act, your application for a temporary crossing permit is approved, with conditions.

**Background**

Your crossing permit application requested authorization to trail 100 cattle across the Little House Creek FFR (#01093) and Signal Butte (#01092) allotments to the Turner Cedar Butte (#01000) allotment. Trailing activities are scheduled to occur for one day between April 10 and April 30, 2013, depending on weather conditions. The BLM prepared Environmental Assessment (EA) No. DOI-BLM-ID-T010-2012-0004-EA<sup>1</sup> to analyze the environmental consequences of trailing livestock throughout the Jarbidge Field Office. After reviewing EA No. DOI-BLM-ID-T010-2012-0004-EA, I determined that livestock trailing would not result in any significant impacts and issued a Finding of No Significant Impact on November 16, 2012.

**Decision**

I have decided to issue you a crossing permit to trail cattle across public lands. The authorized trailing route will cross through portions of the Little House Creek FFR (#01093) and Signal Butte (#01092)

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<sup>1</sup> EA No. DOI-BLM-ID-T010-2012-0004-EA and its associated Finding of No Significant Impact are available through [https://www.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do). Select State = **Idaho**, Office = **ID-Jarbidge FO**, Document Type = **EA**, Fiscal Year = **2012**, Program = **All**, then click **Search**. Once you arrive here, click on **DOI-BLM-ID- T010-2012-0004-EA**. If you are unable to view the documents on the website, you may request that hard copies be sent to you.

allotments along a trailing route (see attached map) analyzed under the Proposed Action of EA No. DOI-BLM-ID-T010-2012-0004-EA. As described in the Finding of No Significant Impact for the EA, I found none of the impacts associated with the trailing event to be significant either individually or cumulatively. Therefore, you are authorized to conduct crossing activities for up to 1 day between April 10 and April 30, 2013 in accordance with the terms and conditions listed in the attached permit. My reasons for approving your application with the additional terms and conditions are to minimize potential impacts to soils, wildlife habitat, cultural resources, and noxious weeds and invasive plants.

My decision is in conformance with the 1987 Jarbidge Resource Management Plan (RMP). The RMP authorizes livestock grazing within the grazing allotments of the Jarbidge Field Office. Livestock trailing is an action connected to livestock grazing management and, therefore, trailing is in conformance with the RMP. This action would not result in a change in the scope of resource use or a change in the terms, conditions, and decision of the approved RMP.

BLM analyzed four alternatives (Proposed Action and Alternatives 1-3) and considered one additional alternative that was not analyzed in detail (see Chapter 2 of EA No. DOI-BLM-ID-T010-2012-0004-EA). The Proposed Action included the proposed trailing activities as submitted in crossing permit applications. Alternative 1 was the no action alternative and would have denied all applications for crossing permits. Alternative 2 established 1-mile wide trailing corridors across the Jarbidge Field Office. Alternative 3 was developed in response to public comments and reduced the trailing corridor width and locations across the Jarbidge Field Office.

All terms and conditions described in the temporary crossing permit are incorporated by reference into this decision and must be followed. Terms and conditions that are specifically identified to reduce environmental effects are:

#### Terms and Conditions

- Trailing will occur along the route outlined on the attached map. Overnighting on BLM-administered lands will not be authorized.
- Trailing will not be authorized during times when soils are saturated. Environmental conditions will be monitored for trailing within high potential slickspot peppergrass habitat to ensure trailing does not occur during times of saturated soils.
- Trailing within 0.62 miles of the occupied sage-grouse leks in T14S; R13E; Section 19 and T14S; R12E; Sections 35 and 36 will be timed to occur between 9:00 am and 6:00 pm.
- Trailing near isolated junipers will be restricted to existing roads to minimize disturbing nesting ferruginous hawks.
- Areas used for staging vehicles, horse trailers, fence panels, etc. will avoid sagebrush areas.
- Use of motorized vehicles associated with trailing is restricted to existing roads.
- The use of certified noxious-weed-free forage is required for any horses used for the herding of livestock.

The temporary crossing permit will be signed by the applicant and the Jarbidge Field Manager, or his authorized representative, prior to the trailing event.

### **Rationale**

Authorizing the trailing of livestock across BLM-administered lands would facilitate proper grazing management of BLM grazing allotments; as well as facilitate movements of livestock to and from private, state, or other federally administered lands. Issuance of the crossing permit authorizing the trailing of livestock across BLM-administered lands is in accordance with 43 CFR 4130 and 4160, and is consistent with the provisions of the Taylor Grazing Act and the Federal Land Policy and Management Act.

The authorized trailing route avoids occupied slickspot peppergrass Element Occurrences, California bighorn sheep year-round habitat, occupied golden eagle nests, pygmy rabbits, riparian areas, canyon rims and live streams, Wilderness areas, Historic Roads and Trails, areas recently burned by wildfires, and recent vegetation treatments.

Sage-grouse could be disturbed by livestock trailing activities during the breeding and nesting seasons. However, restricting the timing of livestock trailing near occupied sage-grouse leks to only occur between 9:00 am and 6:00 pm will minimize potential disturbance of breeding sage-grouse. Very little key sage-grouse habitat is located along the trail route and trailing in these areas will occur on existing roads.

Ferruginous hawks could be disturbed by livestock trailing if it occurs near their nest during the nesting period. However, the trail route is greater than 0.25 mile from all active ferruginous hawk nests. Restricting trailing to existing roads near isolated junipers will minimize disturbing nesting ferruginous hawks. Furthermore, the isolated juniper and associated nest in T15S; R12E; Section 2 burned in the Murphy Fire of 2007 and is no longer an active nest site.

Livestock trailing activities could affect potential slickspot peppergrass habitat through trampling or introduction of nonnative invasive species to slickspots. However, by not authorizing livestock trailing within occupied slickspot peppergrass Element Occurrences, avoiding livestock trailing in potential habitat when soils are saturated, and restricting the majority of trailing activities to existing roads, potential effects to slickspot peppergrass would be reduced.

Cultural resource inventories have been conducted along these routes.

The authorized trail route utilizes existing roads and trails to the maximum extent possible.

### **Authority**

My decision is issued under the authority found in:

Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration, specifically sections 4100.0-3, 4130.6-3, 4130.3, 4160.3(a), 4130.8-1(b), and 4130.8-1(c);

the 2012 Appropriations Omnibus Act Sec. 123; and

the 1987 Jarbidge Resource Management Plan which allocates livestock uses in the affected allotments.

**Protest and/or Appeal**

My decision is not subject to protest or appeal in accordance with Section 123 of the 2012 Appropriations Omnibus Act.

If you have any questions, please contact me at (208) 736-2380 or Dan Strickler at (208) 736-2356.

Sincerely,

/s/ Brian W. Davis

Brian W. Davis  
Field Manager  
Jarbidge Field Office

Enclosures:

Crossing Permit (2 pp.)

Map of trailing route (1 p.)

Copies sent to:

Guerry, Inc.

Jerome Hansen, Idaho Department of Fish and Game

Timothy C. Duffner, Idaho Department of Lands

Jon Marvel, Western Watersheds Project

Katie Fite, Western Watersheds Project, Idaho Office

Stan T. Boyd, Boise District Grazing Board

Scott Jensen, Owyhee Cattlemen's Association

Michael Stanford

Robert and Sabrina Amidon

DJ Schubert, Animal Welfare Institute

Kyle Prior, Tribal Chairman Shoshone-Paiute Tribes

John Robison, Idaho Conservation League

Brett Stevenson, Idaho Conservation League (Courtney Washburn)

Marty Marzinelli, Sierra Club (Mid Snake)

Craig Gehrke, The Wilderness Society

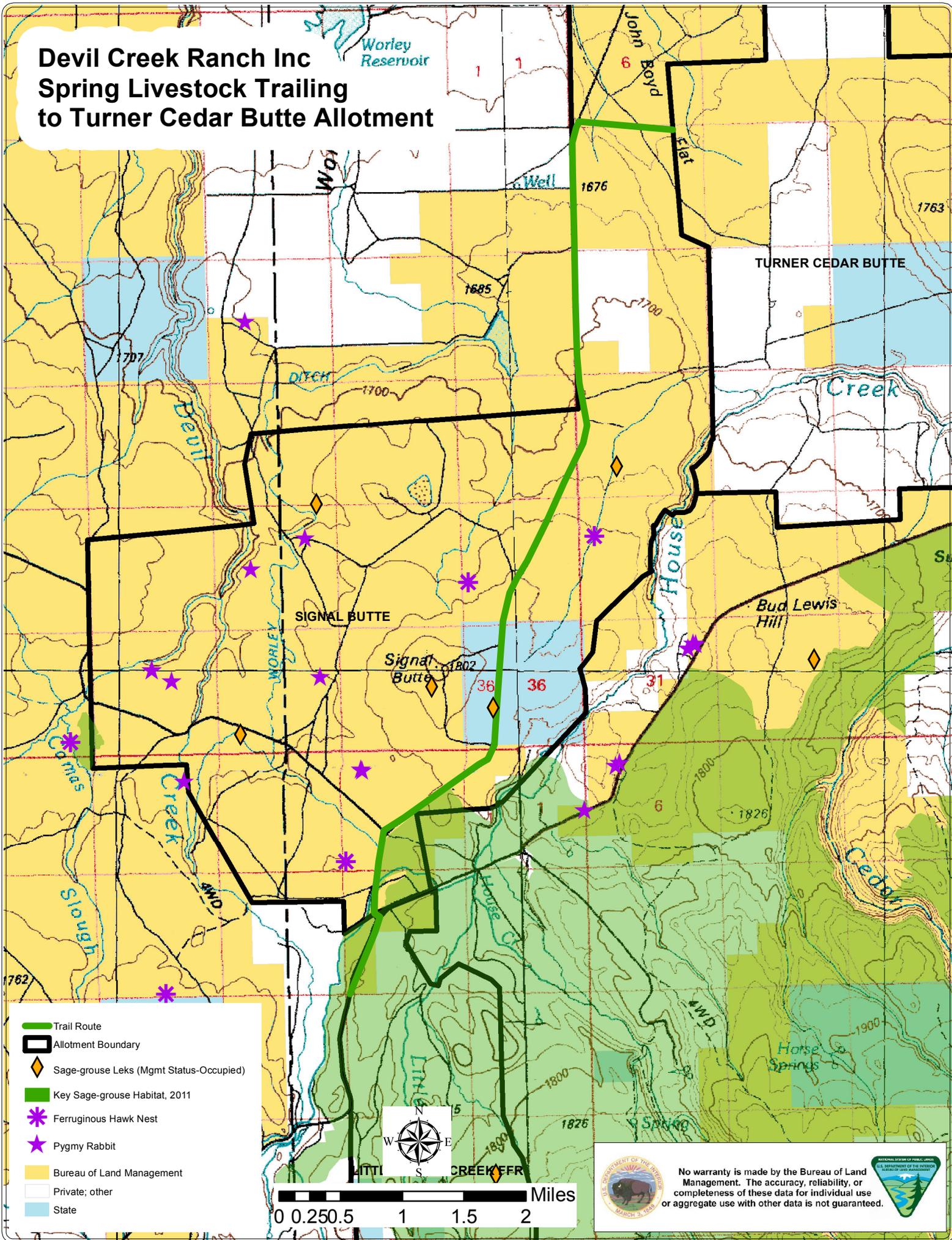
Sean Woodhead, Idaho Department of Environmental Quality

Balthasar (Sonny) Buhidar, Supervisor Ida Dept of Environmental Quality

Steve Jakubowics, Committee for the High Desert

Allen Jenne, Nevada Department of Wildlife  
Steve Russell, Bruneau Dunes State Park  
Jerry Hoagland, Owyhee County Board of Commissioners  
Jim Desmond, NRC Owyhee County Board of Commissioners  
Ron Kay, Idaho Department of Agriculture  
Ray Mitchell, R&S Enterprises  
Jeff Cook, Idaho Department of Parks and Recreation  
Randy Stowell  
Meghan Brown, Nevada Cattlemen's Association  
Gus Brackett, 71 Livestock Association  
Jared Brackett  
Idaho Chapter Wild Sheep Foundation  
Friends of the Jarbidge

# Devil Creek Ranch Inc Spring Livestock Trailing to Turner Cedar Butte Allotment



- Trail Route
- Allotment Boundary
- Sage-grouse Leks (Mgmt Status-Occupied)
- Key Sage-grouse Habitat, 2011
- Ferruginous Hawk Nest
- Pygmy Rabbit
- Bureau of Land Management
- Private; other
- State



 No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**CROSSING PERMIT**

Bureau of Land Management  
Jarbidge Field Office  
2536 Kimberly Road  
Twin Falls, ID 83301

Devil Creek Ranch, Inc.  
c/o Ronda K. Macaw  
5594 S. Basalt Avenue  
Boise, ID 83716

This crossing permit is offered to you under 43 CFR Part 4100. You are authorized to cross lands that are under the jurisdiction of the Bureau of Land Management and covered by this permit, upon acceptance of ALL terms and conditions of this permit and payment of fees when due. Contact your local BLM office at 736-2350 if you have any questions.

**MANDATORY TERMS AND CONDITIONS:**

| Allotment Name and Number                          | Livestock Number | Livestock Kind | Crossing Begin | Crossing End | % PL | Number of Days | AUMs |
|--|------------------|----------------|----------------|--------------|------|----------------|------|
| Little House Creek FFR (1093), Signal Butte (1092) | 100              | Cattle         | 04/10/2013     | 04/30/2013   | 100  | 1              | 3    |

**OTHER TERMS AND CONDITIONS:**

- Livestock trailing will be in accordance with the Notice of Field Manager's Decision dated April 1, 2013.
- Dates may vary based on weather and soil conditions. The Field Manager or his authorized representative shall be notified prior to any changes in the schedule.
- Trailing will occur along the route outlined on the attached map. Overnighting on BLM-administered lands will not be authorized.
- Trailing will not be authorized during times when soils are saturated. Environmental conditions will be monitored for trailing within high potential slickspot peppergrass habitat to ensure trailing does not occur during times of saturated soils.
- Trailing within 0.62 miles of the occupied sage-grouse leks in T14S; R13E; Section 19 and T14S; R12E; Sections 35 and 36 will be timed to occur between 9:00 am and 6:00 pm.
- Trailing near isolated junipers will be restricted to existing roads to minimize disturbing nesting ferruginous hawks.
- Areas used for staging vehicles, horse trailers, fence panels, etc. will avoid sagebrush areas.
- Use of motorized vehicles associated with trailing is restricted to existing roads.

This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension or cancellation as provided by land plans and applicable law; (B) review and modification of terms and conditions as appropriate; and (C) the Taylor Grazing Act, as amended, the Federal Land Policy and Management Act, as amended, the Public Rangelands Improvement Act, and the rules and regulations now or hereafter promulgated thereunder by the Secretary of the Interior.

- The use of certified noxious-weed-free forage is required for any horses used for the herding of livestock.

**STANDARD TERMS AND CONDITIONS:**

- Billing notices are issued which specify fees due. Billing notices, when paid, become part of the crossing permit. Fee payments are due on the date specified on the billing notice and **MUST** be paid in full prior to livestock crossing activities.
- This permit is issued solely for the purpose of moving livestock across public lands for proper and lawful purposes, as needed for the orderly administration of rangelands. This permit confers no priority for renewal, and cannot be transferred or assigned.
- The allotment(s) listed on this crossing permit is subject to requirements 43 CFR 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This permit shall be modified, if necessary, to meet these requirements upon completion of a Standards and Guidelines Assessment and Determination.

Accepted Signature of Permittee: \_\_\_\_\_

Date: \_\_\_\_\_

Approved BLM Authorized Officer: \_\_\_\_\_

Date: \_\_\_\_\_