



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 18, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Brackett Limited Partnership
48331 Three Creek Highway
Flat Creek Ranch
Rogerson, ID 83302

Notice of Field Manager's Decision

Dear Mr. Brackett:

I have received your request for a crossing permit to trail livestock across public lands in the Poison Butte (#1050) Allotment. 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 crossing permit is approved, with conditions.

Background

Your crossing permit application requested authorization to trail two groups of up to 500 cattle from the Inside Desert (#1051) Allotment through the Poison Butte Allotment (#1050) to the Wilkins Island (#1087) Allotment between May 1 and June 15 and to trail two groups of up to 500 cattle from Wilkins Island Allotment through Poison Butte to the Inside Desert Allotment between September 15 and October 31. Trailing activities are scheduled to occur for up to one day for each group of cattle depending on weather conditions. The BLM prepared Environmental Assessment (EA) No. DOI-BLM-ID-T010-2012-0004-EA¹ 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

¹ 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. 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**. You may request that a hard copy be sent to you.

I have decided to issue you a multi-year livestock crossing permit until April 30, 2020 to trail two groups of up to 500 cattle across public lands. The authorized trailing route will cross through the Poison Butte Allotment along a trailing route (see attached map) analyzed under Alternative 2 of EA No. DOI-BLM-ID-T010-2012-0004-EA. In the spring, cattle will trail to Wilkins Island Allotment and in the fall they will trail back to the Inside Desert Allotment. As described in the Finding of No Significant Impact, I found none of the impacts associated with these trailing events to be significant either individually or cumulatively. Therefore, you are authorized to conduct crossing activities for up to one day for each group of up to 500 cattle between May 1 and June 15 in the spring and September 15 and October 31 in the fall in accordance with the terms and conditions listed in the attached permit. You must notify the BLM annually prior to trailing livestock. My reasons for approving your application with the additional terms and conditions are to minimize potential environmental impacts to soils, bull trout and their designated critical habitat, riparian areas, wildlife habitat, cultural resources, and noxious weeds and invasive plants.

The BLM completed section 7 Endangered Species Act consultation with the U.S. Fish and Wildlife Service (FWS) due to the presence of bull trout and their designated critical habitat. All trailing activities will be in full compliance with the FWS Biological Opinion (# 01EIFW00-2012-F-0092), additional terms and conditions are included to minimize potential impacts.

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 decisions 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 crossing permit are incorporated by reference into this decision and must be followed. Terms and conditions that are specifically identified to reduce environmental impacts are:

Terms and Conditions

- Trailing will occur along the route outlined on the attached map. No overnighting on BLM administered lands within the Poison Butte Allotment is authorized.
- Livestock trailing across the East Fork Jarbidge River will be restricted to the pre-determined location (see attached map).
- Active herding/trailing will be required within the East Fork Jarbidge River and all livestock will be removed from the Riparian Conservation Area (RCA) following the trailing event.

- Livestock trailing within 0.62 mile of the occupied sage-grouse lek will be timed to occur between 9:00 am and 6:00 pm until May 15.
- Trailing will not be authorized during times when soils are saturated.
- Livestock trailing routes will avoid areas recently burned by wildfire where possible (if wildfire occurs route may be adjusted).
- Livestock trailing routes will avoid recent vegetation treatments (Emergency Stabilization and Burned Area Rehabilitation, fuels reduction, or restoration treatments) to the extent possible (if wildfire occurs and areas are treated the route may be adjusted).
- Livestock trailing routes will be located, or timed, to minimize the potential spread of noxious weeds (e.g., avoid areas of known noxious weeds; avoid times when seeds from noxious weeds are mature).
- The use of certified noxious-weed-free forage will be required for any horses used for the herding of livestock.
- Livestock trailing routes will occur on roadways/designated routes of travel when practical.
- Use of motorized vehicles associated with trailing is restricted to existing roads.

The crossing permit will be signed by the applicant and the Jarbidge Field Manager, or his authorized representative, prior to any 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 crossing permits 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 pygmy rabbit habitat, occupied golden eagle nests, ferruginous hawk nests, and occupied and potential slickspot peppergrass habitat.

Bull trout or their designated critical habitat could be impacted when cattle are trailed through the East Fork Jarbidge River. The trailing will occur in full compliance with the FWS Biological Opinion (# 01EIFW00-2012-F-0092), which states that the livestock crossing will only occur at the designated crossing area, less than 0.1 mile wide, with the use of herders to ensure all livestock cross at the approved area and are then removed from the Riparian Conservation Area (RCA) after the crossing is completed.

Sage-grouse could be disturbed by livestock trailing activities during the breeding and nesting seasons. However, the authorized trail route is more than 0.62 miles away from all occupied sage-grouse leks except for the lek in T16S; R9E; Section 25. Restricting the timing of trailing near this lek to only occur between 9:00 am and 6:00 pm until May 15 will minimize potential disturbance of breeding sage-grouse. The East Fork Jarbidge River Canyon separates the trailing route from the lek, which will reduce or eliminate potential disturbance of breeding and nesting sage-grouse.

BLM recognizes that areas recently burned by wildfires could be more susceptible to erosion and disturbance caused by livestock trampling. In the event that a future wildfire occurs along the trailing route, potential effects would be minimized by trailing on existing roads when and where practical.

Cultural resource inventories have been conducted along the route.

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 Krystle Pehrson at (208) 736-2363.

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:

CE Brackett Cattle Co.

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 Idaho Department 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

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

Brackett Limited Partnership
48331 Three Creek Highway
Flat Creek Ranch
Rogerson, ID 83302

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 Number	Allotment Name	Livestock Number	Livestock Kind	Crossing Begin	Crossing End	% PL	Number of Days	AUMs
01050	Poison Butte	500	Cattle	05/01	06/15	100	1	16
01050	Poison Butte	500	Cattle	05/01	06/15	100	1	16
01050	Poison Butte	500	Cattle	09/15	10/31	100	1	16
01050	Poison Butte	500	Cattle	09/15	10/31	100	1	16

OTHER TERMS AND CONDITIONS:

- Livestock trailing will be in accordance with the Notice of Field Manager's Decision dated April 17, 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. No overnighting on BLM administered lands within the Poison Butte Allotment is authorized.
- Livestock trailing across the East Fork Jarbidge River will be restricted to the pre-determined location (see attached map).
- Active herding/trailing will be required within the East Fork Jarbidge River and all livestock will be removed from the Riparian Conservation Area (RCA) following the trailing event.
- Livestock trailing within 0.62 mile of the occupied sage-grouse lek will be timed to occur between 9:00 am and 6:00 pm until May 15.
- Trailing will not be authorized during times when soils are saturated.
- Livestock trailing routes will avoid areas recently burned by wildfire where possible (if wildfire occurs route may be adjusted).

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.

- Livestock trailing routes will avoid recent vegetation treatments (Emergency Stabilization and Burned Area Rehabilitation, fuels reduction, or restoration treatments) to the extent possible (if wildfire occurs and areas are treated the route may be adjusted).
- Livestock trailing routes will be located, or timed, to minimize the potential spread of noxious weeds (e.g., avoid areas of known noxious weeds; avoid times when seeds from noxious weeds are mature).
- The use of certified noxious-weed-free forage will be required for any horses used for the herding of livestock.
- Livestock trailing routes will occur on roadways/designated routes of travel when practical.
- Use of motorized vehicles associated with trailing is restricted to existing roads.

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 listed on this crossing permit is subject to requirements at 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.

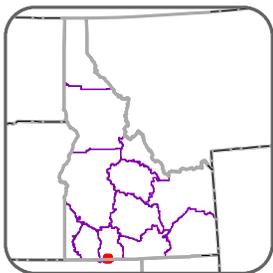
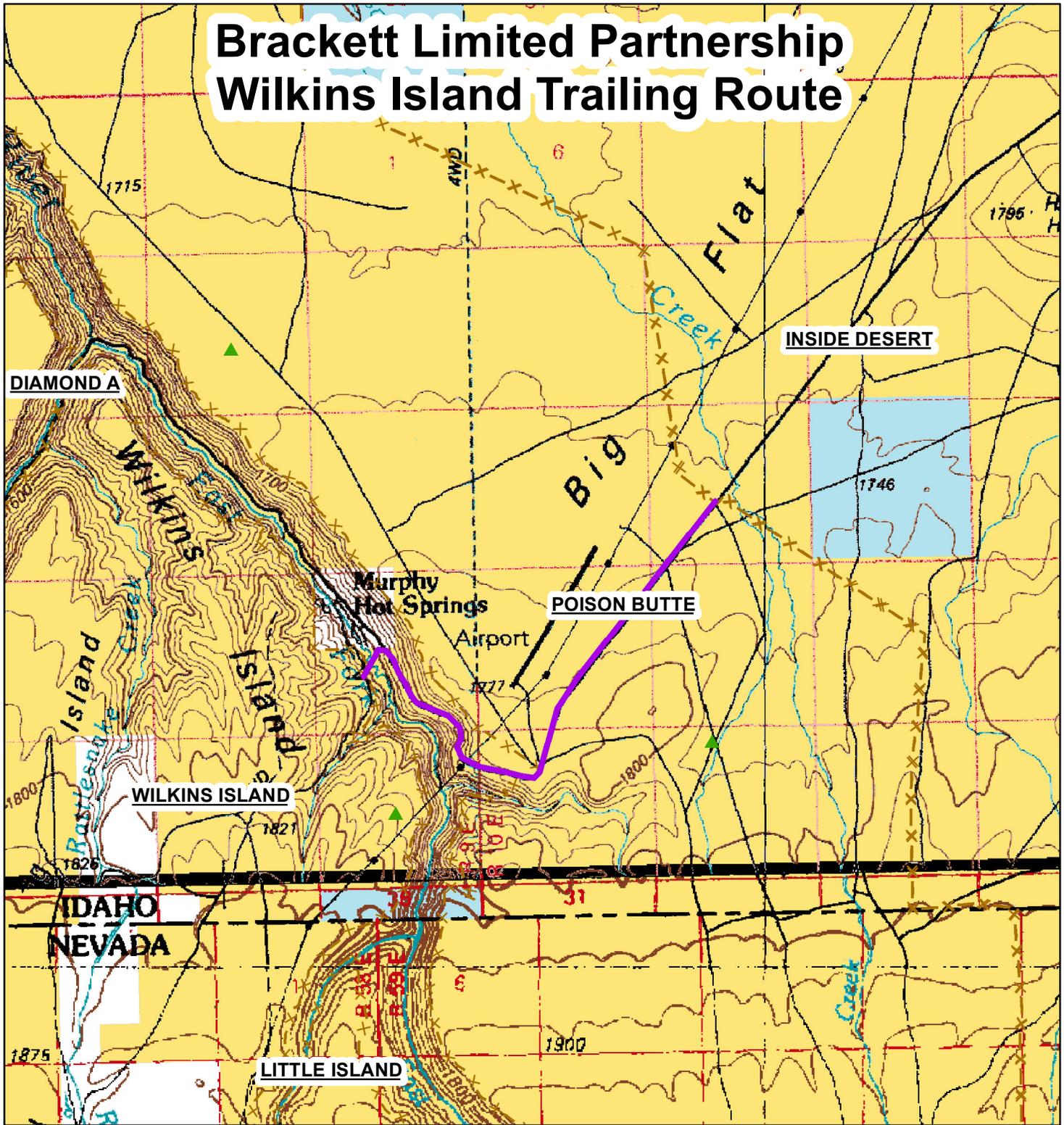
Accepted Signature of Permittee: _____

Date: _____

Approved BLM Authorized Officer: _____

Date: _____

Brackett Limited Partnership Wilkins Island Trailing Route



Legend

- ▲ Sage-grouse Leks- Occupied
- Brackett_Limited_Partnership_Spring_Trail
- x-x- Allotment Boundary
- Bureau of Land Management
- Bureau of Reclamation
- Military, Department of Defense
- Forest Service
- National Park Service
- 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.

