



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Boise District Office

Bruneau Field Office

3948 Development Avenue

Boise, Idaho 83705

<http://www.blm.gov/id/st/en/fo/bruneau.html>



In Reply Refer To:

4160

March 27, 2012

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

John Anchustegui  
3054 E. Rivernest Drive  
Boise, ID 83706

### **Notice of Field Manager's Decision**

Dear Mr. Anchustegui:

I have received your application for a crossing permit to trail livestock across public lands in the Battle Creek and East Castle Creek allotments. Upon review, and in accordance with 43 CFR 4130.6-3 and Section 123 of the 2012 Appropriations Omnibus Act, your application for a temporary crossing permit is approved subject to terms and conditions.

### **Background**

On November 1, 2011, you submitted an application for a crossing permit shown in Table 1 below.

**Table 1. Application for Crossing Permit.**

Route <sup>A</sup>	Map <sup>A</sup>	Allotments Crossed	Total # of Cattle	Timeframe		# of Groups <sup>B</sup>	Days per Group <sup>C</sup>	Herding Method
				Begin	End			
216A	2A	Battle Creek	500	3-28	4-15	2	1 day	Horse
217A	3A	East Castle Creek Battle Creek	500	9-15	11-15	2	2 days	Horse

<sup>A</sup> Route and map numbers correspond to routes and maps depicted as Alternative A in EA No. DOI-BLM-ID-B020-2012-0003-EA.  
<sup>B</sup> Indicates the number of groups in which the total number of livestock would be split for trailing. For example, 500 total cattle being trailed in 2 groups would result in 2 groups averaging 250 cattle each.  
<sup>C</sup> Indicates how long it would take each group of livestock to travel the length of the trailing route.

In response to your application and several others, the Bureau of Land Management (BLM) prepared Environmental Assessment (EA) No. DOI-BLM-ID-B020-2012-0003-EA<sup>1</sup> to analyze the environmental consequences of trailing livestock throughout the Bruneau Field Office.

BLM analyzed three alternatives (Alternatives A-C) and considered one additional alternative that was not analyzed in detail (see Chapter 2 of EA No. DOI-BLM-ID-B020-2012-0003-EA). Alternative A included the proposed trailing activities as submitted in the crossing permit applications (Table 1). Alternative B was the No Action Alternative and would have denied all applications for crossing permits. Alternative C was developed in response to public comments and in consideration of potential environmental consequences of the trailing activities depicted in Alternative A (Table 2).

After reviewing EA No. DOI-BLM-ID-B020-2012-0003-EA, I determined that livestock trailing would not result in any significant impacts and issued a Finding of No Significant Impact on March 26, 2012.

### Decision and Rationale

I have decided to approve your application and issue you a crossing permit for one year with some adjustments as shown in Table 2 and the attached map. Specific dates will be shown and final authorization will be granted in a grazing bill.

**Table 2. Crossing Permit with Stipulations.**

Route <sup>A</sup>	Map <sup>A</sup>	Allotments Crossed	Total # of Cattle	Timeframe		# of Groups <sup>B</sup>	Days per Group <sup>C</sup>	Herding Method	Stipulations under Alternative <sup>C</sup> <sup>D</sup>
				Begin	End				
216C	2C	Battle Creek	500	3-28	4-15	2	1 day	Horse	Adjust route to location shown on map.  Check with Wildlife Biologist before trailing.  Keep on route where shown on map. <sup>E</sup>

<sup>1</sup> EA No. DOI-BLM-ID-B020-2012-0003-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-Bruneau FO**, Document Type = **EA**, Fiscal Year = **2012**, Program = **All**, then click **Search**. Once you arrive here, click on **DOI-BLM-ID-B020-2012-003-EA**. If you are unable to view the documents on the website, you may request that hard copies be sent to you.

Route <sup>A</sup>	Map <sup>A</sup>	Allotments Crossed	Total # of Cattle	Timeframe		# of Groups <sup>B</sup>	Days per Group <sup>C</sup>	Herding Method	Stipulations under Alternative C <sup>D</sup>
				Begin	End				
217C	3C	East Castle Creek Battle Creek	500	9-15	11-15	2	2 days	Horse	Adjust route to location shown on map.  Keep on route where shown on map. <sup>E</sup>

<sup>A</sup> Route and map numbers correspond to routes and maps depicted as Alternative C in EA No. DOI-BLM-ID-B020-2012-0003-EA.

<sup>B</sup> Indicates the number of groups in which the total number of livestock would be split for trailing. For example, 500 total cattle being trailed in 2 groups would result in 2 groups averaging 250 cattle each.

<sup>C</sup> Indicates how long it would take each group of livestock to travel the length of the trailing route.

<sup>D</sup> Stipulations indicate changes relative to your application analyzed under Alternative A.

<sup>E</sup> “Keep on route” indicates livestock should be actively herded to stay on the route; any strays should be kept to within 50 feet of the route.

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 effects are:

### **Terms and Conditions**

- Trailing will occur off paved roads (except when crossing a paved road) and will not congest roadways or cause a hazard to motorized vehicles. Cross-country travel by livestock will be authorized as shown on Maps 2C and 3C.
- Trailing will be active, with livestock moving toward their final destination, except at night.
- Overnighting will occur at locations displayed on Maps 2C and 3C.
- Motorized vehicles will remain on existing vehicle routes. Cross-country use of motorized vehicles will not be authorized.
- Livestock trailing on routes in or adjacent to burned areas that have been temporarily closed to grazing will be kept on the route until the criteria for reopening the burned area to grazing are met. If the burned area has also had Emergency Stabilization and Rehabilitation (ESR) treatments, livestock will be kept on the route until ESR objectives were met.
- Livestock trailing on routes in or adjacent to vegetation treatments (e.g., fuels projects or restoration treatments) will be kept on the route until the treatment objectives are met, unless the specific trailing event would not conflict with treatment objectives.
- From April 1 to June 30, temporary water troughs will not be placed in sagebrush habitat to avoid impacts to nesting sage-grouse (and/or hens with early broods); if this is not possible, previously disturbed sites will be used, such as areas around stock ponds or troughs, past seedings, or other grassland sites. Summer through fall (June 1 through November 30), sage-grouse leks may be used for temporary water sites to maintain shorter vegetation for the lek.

- Areas used for staging vehicles, horse trailers, fence panels, etc. will avoid sagebrush habitats; if this is not possible, previously disturbed sites will be used, such as areas around stock ponds or troughs, past seedings, or other grassland sites.
- Per the Final Supplementary Rules published in the *Federal Register* on July 21, 2011 (76 FR 43706), all supplemental feeding of livestock during trailing, including feeding of horses used for the purposes of herding, must use certified noxious-weed-free forage to prevent the spread of noxious weeds on BLM-administered public lands in Idaho.

Furthermore, per Section 3.19 of EA No. DOI-BLM-ID-B020-2012-0003-EA, the BLM will conduct Class III cultural resource inventories at all stream crossings, spring areas, and overnight areas to further consider effects to cultural resources resulting from the issuance of the crossing permit. Based on current information, no impacts to National Register of Historic Places (NRHP)-eligible sites are known to occur. However, if monitoring and additional inventories find that impacts from trailing livestock are occurring to NRHP-eligible sites, additional mitigation measures will be identified and implemented.

### **Rationale**

My decision is in conformance with the Bruneau Management Framework Plan (MFP)(1983).

My reasons for approving your application with additional terms and conditions are to:

- Provide for the orderly movement of livestock to and from the allotments where you hold an active grazing preference;
- Reduce the potential effect of trailing on vegetation by avoiding burned areas and recent vegetation treatments;
- Reduce the potential risk of introducing or spreading noxious weeds; and
- Reduce the potential effect to sage-grouse and sage-grouse habitat.

Relative to the specific trailing events in your application, Route 216C was designed to reduce impacts to the biological soil crust area, nesting ferruginous hawks, special status plants, and cultural resources relative to the spring trailing route in your application, depicted in Table 1 as Route 216A. Similarly, Route 217C was designed to reduce impacts to the biological soil crust area, riparian areas, water quality, special status plants, and cultural resources relative to the fall trailing route in your application, depicted in Table 1 as Route 217A.

As described in the Finding of No Significant Impact for EA No. DOI-BLM-ID-B020-2012-0003-EA, I found none of the impacts associated with these trailing events to be significant either individually or cumulatively.

### **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, 4160.1, 4160.3, and 4130.8-1b.
- The 2012 Appropriations Omnibus Act Sec. 123.
- The Bruneau MFP (1983), 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 Mike Boltz at (208) 384-3346 or me at (208) 384-3331.

Sincerely,

/s/ Arnold L Pike

Arnold L. Pike  
Field Manager  
Bruneau Field Office

Enclosures:

Maps of trailing events

Copies sent by mail to:

Allotment permittees

Other Interested Publics