United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
Owyhee Field Office
20 first Ave. West
Marsing, ID 83639

In Reply Refer To:
4130.6-3 & 4160 (ID-130)

April 17, 2012

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**
Cert# 7008 1140 0004 6331 8372

Vernon Kershner
PO Box 38
Jordan Valley, OR 97910

**Notice of Field Manager's Decision**

Dear Mr. Kershner:

I have received your request for a temporary crossing permit to trail livestock across public lands. 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.

**Background**

January 2012, you filed an application for a crossing permit. You requested authorization to trail cattle through the West Antelope, Miller FFR, Josephine FFR and Lone Tree allotments. In response to your application and several others, the BLM prepared Environmental Assessment (EA) No. DOI-BLM-ID-B030-2012-0011-EA[1] to analyze the environmental consequences of trailing livestock throughout the Owyhee 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-B030 -2012-0011-EA). Alternative A included the proposed trailing activities as submitted in the crossing permit applications. Alternative B was developed in response to public comments and potential environmental consequences. Alternative C was the no action alternative and would have denied all applications for crossing permits.

After reviewing EA No. DOI-BLM-ID-B030-2012-0011-EA, I determined that livestock trailing as identified in Alternative B with no fall sheep trailing through Sands Basin, Poison Creek and Graveyard Point allotments would not result in any significant impacts and issued a Finding of No Significant Impact on April 12, 2012.

[1]EA No DOI-BLM-ID-B030-2012-0011-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-Owyhee FO**, Document Type= **EA**, Fiscal Year=**2012**, Program=All then click **Search**. Once you arrive here, click on DOI BLM-ID-B030-2012-0011-EA. If you are unable to view the documents on the website, you may request that hard copies be sent to you.

## Decision and Rationale

I have decided to issue you a crossing permit to trail livestock across public lands in the West Antelope, Miller FFR, Josephine FFR and Lone Tree allotments as described in Table 1 and the attached Map(s). Specific dates will be shown and final authorization will be granted in a grazing bill.

**Table 1. Crossing Permit**

| Allotment Number | Allotment Name | Livestock Number | Livestock Kind | Crossing Begin | Crossing End | Duration | % PL | AUMs | Comments |
|---|---|---|---|---|---|---|---|---|---|
| | **Trailing Route 1** | | | | | | | | |
| 574 | West Antelope | 200 | Cattle | 4-29 | 5-5 | 1 day | 100 | 7 | NW |
| 575 | Miller FFR | | | | | | | | SW |
| 587 | Lone Tree | 200 | Cattle | 10-1 | 10-18 | 1 day | 100 | 7 | TL |
| 458 | Josephine FFR | | | | | | | | |
| 613 | Steiner FFR | | | | | | | | |

NW=Narrow Width (240 foot corridor)
SW=Standard Width (.25 mile corridor)
TL=Timing Limitation (10:00 am-6:00 pm)

Terms and Conditions identified to reduce environmental effects are:

- Livestock Grazing - Terms and Conditions
  - Trailing will be active with livestock moving toward their final destination, except at night.
  - 90% of the livestock (sheep and cattle) will complete their move within the duration as described in the crossing permit. Sick, weak or injured livestock that are not able to finish trailing may be left behind but must be moved to the final destination or private land within 3 days after the end date on the final authorization/grazing bill.
  - 90% of the livestock will stay within the required 0.25-mile and or 240-foot corridor.
  - The permittee will contact the Owyhee Field Office if natural events such as heavy rain or fire would not allow the permittee to complete the trailing event during the permitted time. The BLM would work with the permittee in these instances to mitigate resource impacts using all the applicable terms and conditions and design criteria.
  - 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, will use certified noxious-weed-free forage to prevent the spread of noxious weeds on BLM-administered public lands in Idaho.
  - Areas used for staging vehicles, horse trailers, fence panels, etc. will avoid sagebrush areas. If this is not feasible, previously disturbed sites will be used, such as areas around stock ponds or troughs, or in past seedings, or other grassland sites.

- Soils - Terms and Conditions
  - Trailing will only be authorized during times when soils are firm enough to support trailing livestock with little to no pugging/hummocking to minimize impacts to soils, as per Boise District Range Readiness soil criteria.

- Wildlife - Terms and Conditions
    - From March 1 to May 15, livestock trailing will be routed at least 0.62 miles (1 km) from occupied and undetermined sage-grouse leks; if this is not possible, trailing events would be timed to occur between 10:00 am and 6:00 pm. If applicable, these routes are identified on attached trailing map(s) by Trailing Hour Limitation.
    - From March 1 to July 15, trailing routes will avoid areas known to be occupied by pygmy rabbits in order to avoid impacts to natal burrows; if this is not possible, then livestock are to be kept within 120 feet of trailing routes in those areas. If applicable, these areas are included in the Narrow Width buffer as shown on attached map(s).
    - From March 1 to June 30, temporary water sites and over-night areas will not be located in sagebrush habitat within 4.0 miles of occupied or undetermined sage-grouse leks in order to avoid impacts to lekking or nesting sage-grouse (and/or hens with early broods); if this is not possible, 90% of watering and overnighting livestock are to be kept within a 35-acre area or in previously disturbed sites, such as areas around stock ponds or troughs, corrals, past seedings, or other grassland sites.

- Special Status Plants - Terms and Conditions
    - Livestock trailing will be narrowed to within 120 feet on either side (240 feet total width) of the identified trailing route within pastures containing special status plants within the otherwise 0.25-mile corridor. If applicable, these areas are included in the Narrow Width buffer as shown on attached map(s).

- Riparian - Terms and Conditions
    - Livestock trailing adjacent to perennial streams or springs will require 90% of the livestock to be kept out of riparian areas for resource protection.

- Cultural - Terms and Conditions
    - Bedding or other congregation areas will not be allowed within at least 0.25 miles of known National Register of Historic Places eligible sites.
    - Trailing will not occur over wet soils to avoid mixing of undisturbed stratified cultural deposits, as per Boise District Range Readiness soil criteria.

- Travel Management and Off Highway Vehicles - Terms and Conditions
    - Motorized vehicles incorporated with trailing activities will remain on existing vehicle routes. Cross country use of motorized vehicles will not be authorized.

Furthermore, additional Class III inventories would be conducted at select locations in the project area and some site monitoring would also be done. 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 1999 Owyhee Resource Management Plan.

My reason for approving your application with additional Terms and Conditions are to:

- Provide for the orderly movement of livestock to and from the allotments or private land.
- Reducing the potential effect to sage-grouse habitat
- Reducing the potential effect to special status plants
- Reducing the potential effect to riparian areas

As described in the Finding of No Significant Impact for EA No. DOI-BLM-ID-B030-2012-0011-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 4130.8-1 (3) b;
The 2012 Appropriations Omnibus Act Sec. 123; and
The 1999 Owyhee Resource Management Plan which allocates livestock uses in the affected allotments.

**Protest and/or Appeal**

Pursuant to Section 123 of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74), this BLM final decision is not subject to protest and/or administrative appeal under subpart E of Part 4 of Title 43, Code of Federal Regulations and subpart 4160 of part 4100 of such title.

If you have any questions, please contact me at (208) 896-5913 or Peter Torma at (208) 896-5916.

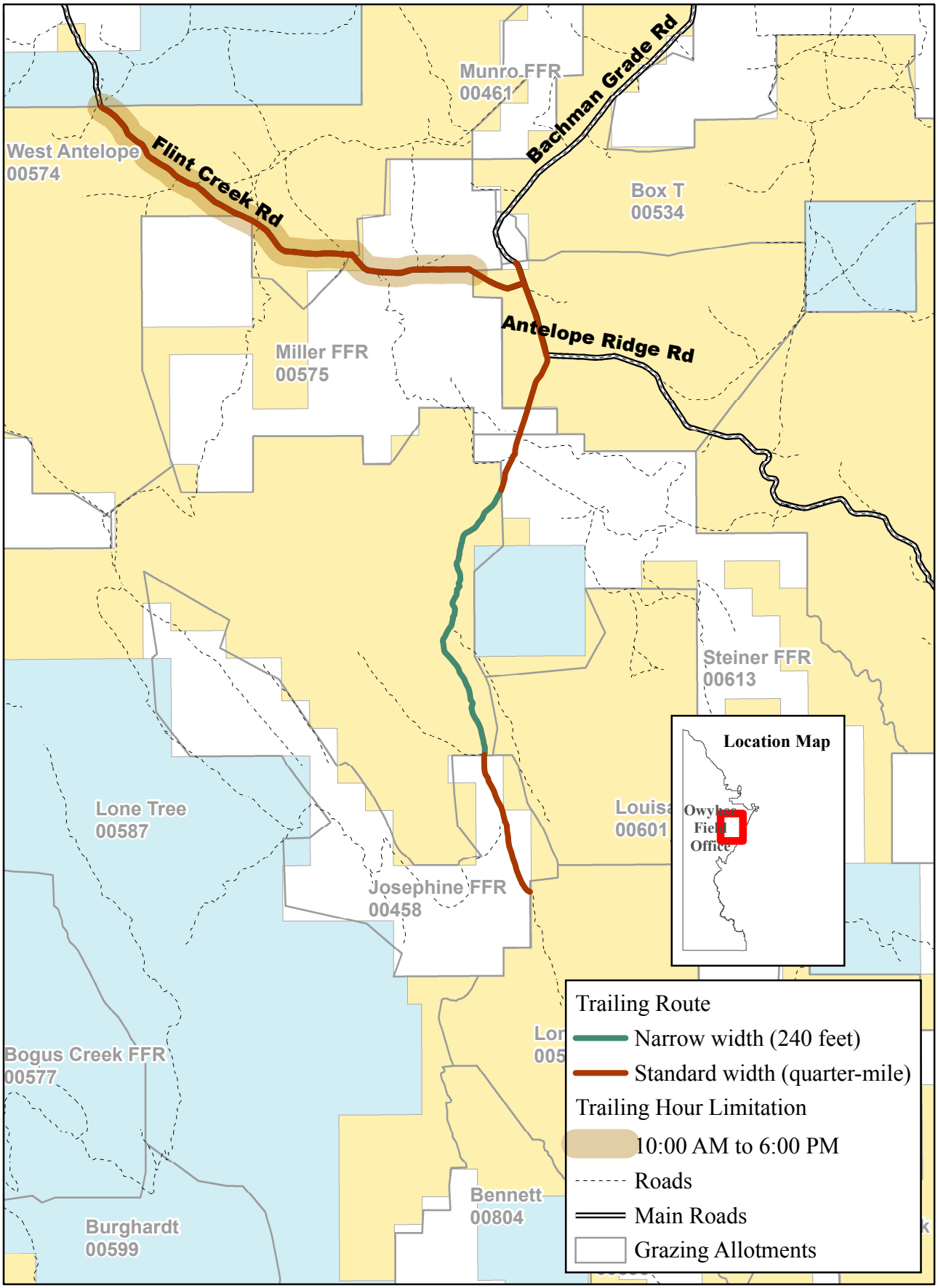
Sincerely,

/s/ Peter Torma for

Loretta V. Chandler
Field Manager

Enclosures:
Map of trailing event
Mailing List

# Vernon Kershner
# Trail Route

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