



## **Bureau of Land Management**

Boise District Office  
Owyhee Field Office  
20 First Avenue West  
Marsing, ID 83639  
<http://www.id.blm.gov>

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### **Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)** U.S. Department of the Interior - Bureau of Land Management

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#### **A. BLM Office:** Owyhee Field Office

**NEPA Log Number:** ID-130-2009-DNA-3891

**Lease/Serial Case File No.:** NA

**Proposed Action Title/Type:** Poison Creek Grazing Assoc LLC Grazing Permit

**Location/Legal of Proposed Action:** Owyhee County. Allotments: Upper Deer Creek (0630), Lower Deer Creek (0631), Flint Creek (0503) and Rockville (0565). The Upper Deer Creek, Lower Deer Creek, and Flint Creek allotments are adjacent to each other and are located approximately 20 miles southeast of Jordan Valley, Oregon in Owyhee County, Idaho. The Rockville Allotment is located approximately 10 miles southwest of Marsing, Idaho in Owyhee County, Idaho.

**Applicant (if any):** Poison Creek Grazing Association LLC (authorized representative – Tim Mackenzie)

**Description of the Proposed Action and any applicable mitigation measures:** Issue a grazing permit to the Poison Creek Grazing Association LLC for a term of seven years (09/03/2009-12/31/2016) for the following allotments: Upper Deer Creek (0630), Lower Deer Creek (0631), Flint Creek (0503) and Rockville (0565). A seven year permit is being offered in accordance with 43 CFR 4130.2(d)(3) to coincide with the current base property lease. A new permit is needed because of a change in organization/incorporation of the Poison Creek Grazing Association LLC. No change in grazing management is proposed.

The existing grazing permit is being split into two permits in order to separate the Poison Creek Allotment. The Poison Creek Allotment is the only allotment from this group that lacks current NEPA and would be addressed in separate NEPA documentation.

All remaining allotments would be included in the permit being offered under this proposed action, (see Appendix A for the full permit). EA #ID096-03-034 includes the Upper Deer Creek (0630), Lower Deer Creek (0631) and Flint Creek (0503) allotments. EA #ID130-05-006 addresses the Rockville (0565) allotment.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

<b>LUP/Document<sup>1</sup></b>	<b>Sections/Pages</b>	<b>Date Approved</b>
Owyhee LUP	Owyhee RMP – LVST-1 (pages 23-25)	December 30, 1999

<sup>1</sup>Applicable LUPs (e.g., Resource Management Plans, Management Framework Plans, or applicable amendments) and activity, project, management, water quality restoration, or program plans.

**C. Identify applicable NEPA documents and other related documents that cover the Proposed Action.**

<b>NEPA/Other Related Documents<sup>1</sup></b>	<b>Sections/Pages</b>	<b>Date Approved</b>
-Renew Term Grazing Permits Associated with the Rockville Allotment: EA #ID130-05-006	-Alternative C (pages 18-22)	June 26, 2008
- Flint Creek Assessment Area Grazing Permit Issuance: EA #ID-096-03-034	-Alternative A (pages 7-15)	August 25, 2003

<sup>1</sup>Applicable NEPA documents that cover the proposed action or documentation relevant to the proposed action (i.e., source drinking water assessment, biological assessment, biological opinion, watershed assessment, rangeland health standard assessment and determination, or monitoring report).

**D. NEPA Adequacy Criteria**

**1. Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed? Is the current Proposed Action located at a site specifically analyzed in an existing document?**

Documentation of answer and explanation: YES.

Grazing management would continue as described in EA#ID130-05-006 (Alternative C – pages 18-22) and EA#ID096-03-034 (Alternative A – pages 7-15). No changes to the actions described for the affected allotments would be made.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, resource values, and circumstances?**

Documentation of answer and explanation: YES.

EA#ID130-05-006 (pages 10-46) included three alternative which were fully analyzed: 1) No modifications, 2) Current situation and 3) Deferred/rest rotation system and a reduction in active AUMs. EA#ID-096-03-034 (pages 7-45) also contained three analyzed alternatives: 1) Proposed action, 2) Current situation and 3) No grazing.

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (i.e., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

Documentation of answer and explanation: YES.

No new species known to exist in these allotments have been identified as threatened or endangered in association with the Endangered Species Act or BLM listed sensitive since the last NEPA analyses (EA #ID-096-03-034 pages 25-30 and EA #ID130-05-006 pages 30-34). It is reasonably concluded that all new information and all new circumstances are insignificant with regard to the analysis of the proposed action.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action?**

Documentation of answer and explanation: Yes.

Grazing management of the chosen alternatives analyzed in EA #ID130-05-006 (pages 18-22) and EA #ID096-03-034 (pages 15-18) would remain unchanged. The methodology and analytical approaches used in the existing NEPA documents are in accordance with existing BLM policy. They are adequate to continue supporting grazing management that would make significant progress towards meeting standards and guidelines.

**5. Are the direct and indirect impacts of the current Proposed Action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current Proposed Action?**

Documentation of answer and explanation: Yes.

Direct, indirect and cumulative impacts specific to the grazing management are identified in EA #ID130-05-006 (Section III; Affected Environment and Environmental Impacts) and EA #ID096-03-034 (Section III; Affected Environment and Environmental Impacts).

No special status plants were located in any of the few surveys conducted to locate such plants in the Flint Creek area (EA #ID-096-03-034 pages 25-28). By stressing early season grazing in the Flint Creek area, the management would result in steady improvement of habitat for riparian dependant wildlife. However, annual spring use of uplands would reduce cover for ground nesting species. These impacts would be mitigated by setting utilization guidelines for key forage grasses to 40% of current year's growth.

Resting pastures, as outlined in the chosen alternative for the Rockville area, is expected to result in improving overall ecological habitat conditions associated with the eight special

status plants recorded within the allotment (EA #ID130-05-006 pages 30-32). In addition, the rest rotation combined with an AUM reduction would work toward improving habitat for the variety of sensitive animal species known within the area (EA #ID130-05-006 pages 32-34).

**6. Are the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?**

Documentation of answer and explanation: Yes.  
 The cumulative impacts analysis found on pages 42-46 of EA #ID130-05-006 and pages 45-47 of EA #ID-096-03-034 would remain substantially unchanged. The implemented grazing management is expected to have cumulatively beneficial effects for upland vegetation.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?**

Documentation of answer and explanation: Yes.  
 Interested publics and grazing permittees participated throughout the Standards and Guidelines assessments and determinations, and grazing permit issuance processes. Participation is summarized on pages 47-48 of EA#ID130-05-006 and pages 48-49 of EA#ID096-03-034.

**E. Interdisciplinary Analysis:**

Name	Title	Resource Represented
Melissa Richert	RMS	Range/Livestock Mgt.
Ryan Homan	Recreation Planner	Recreation/Wilderness
Brian McCabe	Archaeologist	Cultural Resources
Mike McGee	Wildlife Biologist	Wildlife/Sensitive Species
Beth Corbin	NRS	Botany/Sensitive Species
Richard Jackson	Hydrologist	Riparian Area Mgt.
Matt McCoy	NEPA Specialist	Document Review

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

Mitigation measures for range projects located on public lands are located in EA #ID130-05-006 (pages 46-47) and EA #ID-096-03-034 (pages 47-48).

**G. Conclusion**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

/s/ Buddy Green

11/12/09

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Owyhee Field Manager

\_\_\_\_\_  
Date

# H. Appendix A

## CASE FILE COPY

AUTH NUMBER: 1103445  
DATE PRINTED: 11/13/2009

Form 4130-2a  
(February 1999)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

STATE ID  
OFFICE LLIDB03000  
AUTH NUMBER 1103445  
PREFERENCE CODE 03  
DATE PRINTED 11/13/2009  
TERM 09/03/2009 TO 12/31/2016

GRAZING PERMIT

BUREAU OF LAND MANAGEMENT  
OWYHEE FIELD OFFICE  
20 FIRST AVE WEST  
MARSING ID 83639

POISON CREEK GRAZING ASSOCIATION LLC  
C/O TIM MACKENZIE  
PO BOX 443  
HOMEDALE ID 83628

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS GRAZING PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 208-896-5912 IF YOU HAVE QUESTIONS.

### MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK		GRAZING PERIOD		% PL	TYPE USE	AUMS
		NUMBER	KIND	BEGIN	END			
00630	UPPER DEER CREEK	37	SHEEP	04/15	10/15	100	ACTIVE	45
00631	LOWER DEER CREEK	147	SHEEP	05/20	06/10	100	ACTIVE	21
00503	FLINT CREEK	1718	SHEEP	06/01	10/31	57	ACTIVE	985
		6	HORSE	06/01	10/31	57	ACTIVE	17
00565	ROCKVILLE	172	SHEEP	10/01	10/31	100	ACTIVE	35
00631	LOWER DEER CREEK	147	SHEEP	10/01	10/15	100	ACTIVE	14
00565	ROCKVILLE	351	SHEEP	04/01	05/31	100	ACTIVE	141

### OTHER TERMS AND CONDITIONS:

GRAZING IN THE FLINT CREEK AREA ALLOTMENTS WILL BE IN ACCORDANCE WITH WITH FINAL DECISION DATED NOVEMBER 4, 2003.

LIVESTOCK USE WILL BE ANNUALLY SCHEDULED TO CONFORM TO THE ROCKVILLE ALLOTMENT GRAZING MANAGEMENT PLAN FOUND IN THE OWYHEE FIELD MANAGER'S FINAL DECISION, WHICH IS SUBJECT TO APPROVAL BY THE BLM'S AUTHORIZED OFFICER PRIOR TO TURNOUT. FURTHERMORE, UP TO 1600 SHEEP COULD BE AUTHORIZED IN THE ROCKVILLE ALLOTMENT AS LONG AS THE SEASON OF USE AND THE TOTAL ACTIVE USE (176 AUMS) ARE NOT EXCEEDED ANNUALLY.

THE FOLLOWING PERTAINS TO THE FLINT CREEK (0503), UPPER DEER CREEK (0630), AND LOWER DEER CREEK (0631) ALLOTMENTS: "THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 416, PUBLIC LAW 111-88 AND CONTAINS THE SAME MANDATORY TERMS AND CONDITIONS AS THE EXPIRED OR TRANSFERRED PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS".

PURSUANT TO 43 CFR 10.4(B), YOU MUST NOTIFY THE BLM FIELD MANAGER, BY TELEPHONE WITH WRITTEN CONFIRMATION, IMMEDIATELY UPON DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED IN 43 CFR 10.2) 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.

LIVESTOCK GRAZING IS NOT AUTHORIZED IN ENCLOSURES WITHIN THE FLINT CREEK (#503), UPPER DEER CREEK (#630), AND LOWER DEER CREEK (#631)



ALLOTMENTS INCLUDING SPRING AND/OR RIPARIAN ENCLOSURES.

LIVESTOCK USE WILL BE ANNUALLY SCHEDULED TO CONFORM TO THE ROCKVILLE ALLOTMENT GRAZING MANAGEMENT PLAN FOUND IN THE OWYHEE FIELD MANAGER'S FINAL DECISION, WHICH IS SUBJECT TO APPROVAL BY THE BLM'S AUTHORIZED OFFICER PRIOR TO TURNOUT.

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.

YOU ARE REQUIRED TO PROPERLY COMPLETE, SIGN, AND DATE AN ACTUAL GRAZING USE REPORT FORM (4130-5) FOR EACH ALLOTMENT. THE COMPLETED FORM(S) MUST BE SUBMITTED TO THIS OFFICE WITHIN 15 DAYS FROM THE LAST DAY OF YOUR AUTHORIZED ANNUAL GRAZING USE.

SUPPLEMENTAL FEEDING IS LIMITED TO SALT, MINERAL, AND/OR PROTEIN IN BLOCK, GRANULAR, OR LIQUID FORM. IF USED, THESE SUPPLEMENTS MUST BE PLACED AT LEAST ONE-QUARTER 1/4 MILE AWAY FROM ANY RIPARIAN AREA, SPRING, STREAM, MEADOW, ASPEN STAND, PLAYA, SPECIAL STATUS PLANT POPULATION, OR WATER DEVELOPMENT.

LIVESTOCK TURNOUT DATES ARE SUBJECT TO BOISE DISTRICT RANGE READINESS CRITERIA.

ALLOT NO    CONDITIONS

ID 00565  
 ID 00630

GRAZING IN THE FLINT CREEK AREA ALLOTMENTS WILL BE IN ACCORDANCE WITH THE FINAL DECISION DATED NOVEMBER 4, 2003.  
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 THE GRAZING ROTATION FOR THE UPPER DEER CREEK ALLOTMENT (#630) WILL BE AS FOLLOWS FOR THE TERM OF THE GRAZING PERMIT:  

PASTURE #	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
1	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31
2	5/26-6/15	5/11-5/31	4/15-5/15	REST	REPEAT
3	5/01-5/25	4/15-5/10	REST	5/26-6/15	CYCLE
4A	4/15-4/30	REST	6/01-6/15	5/01-5/25	WITH YEAR
4B	REST	6/01-6/15	5/16-5/31	4/15-4/30	ONE

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ALLOTMENT SUMMARY (AUMS)

<u>ALLOTMENT</u>	<u>ACTIVE AUMS</u>	<u>SUSPENDED AUMS</u>	<u>TEMP. SUSPENDED AUMS</u>	<u>GRAZING PREFERENCE</u>
00503 FLINT CREEK	1001	0	0	1,001
00528 TRAILING ALLOTMENT	1	0	0	1
00565 ROCKVILLE	176	10	0	186
00630 UPPER DEER CREEK	45	0	0	45
00631 LOWER DEER CREEK	35	0	0	35

CASE FILE COPY

AUTH NUMBER: 1103445  
DATE PRINTED: 9/9/2009

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
  - a. Noncompliance by the permittee/lessee with rules and regulations.
  - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
  - c. A transfer of grazing preference by the permittee/lessee to another party.
  - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
  - e. Repeated willful unauthorized grazing use.
  - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
11. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT:

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL 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.

ACCEPTED:  
SIGNATURE OF PERMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED  
BLM AUTHORIZED OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_