



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office

3948 Development Avenue

Boise, Idaho 83705

<http://www.blm.gov/id>



In Reply Refer To:  
4130 (ID110)  
1101175

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

Mr. Robert J. & Elsie V. Hanson  
4151 Hartley Road  
Eagle ID 83616

June 5, 2012

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

Dear Mr. and Mrs. Hanson:

This Proposed Decision is in response to your March 30, 2012 Application for Permit Renewal (Form 4130-1) for the grazing preference on the McPherson Individual Allotment #00196.

#### **Introduction**

This Proposed Decision addresses grazing management in the McPherson Individual Allotment (00196) and if finalized would serve as the Decision Record for Environmental Assessment (EA) #DOI-BLM-ID-B010-2010-0013-EA, which this Proposed Decision incorporates by reference. This Proposed Decision reflects analysis of the actual use data, monitoring, field assessments, and data collected during field visits in 2010, 2011 (post fire), and 2012.

#### **Background**

Livestock grazing in the McPherson Individual Allotment was authorized by the previous grazing permit issued February 20, 2003, which expired on February 28, 2012, and remains inactive /expired until the EA and associated decision are completed. On March 30, 2012, you submitted an application for renewal of the livestock grazing permit to our office. After scoping, alternative development, and issue/impact analysis, this Proposed Decision has been issued.

#### **Proposed Decision**

In accordance with 43 CFR 4110.1(b), upon my review of the record of performance for Robert and Elsie Hanson, I have determined that they have a satisfactory record of performance for the

McPherson Individual Allotment. Further, after consideration of the alternatives presented in #DOI-BLM-ID-B010-2010-0013-EA, along with the data and analyzed alternatives, it is my Proposed Decision as the authorized officer to:

- Renew the grazing permit for Robert and Elsie Hanson for the McPherson Individual Allotment. The permit would be for a term of 10 years (03/01/2013 to 02/28/2023).
- Authorize use of 34 Active Animal Unit Months (AUMs).
- Select Alternative D, as described in #DOI-BLM-ID-B010-2010-0013-EA.

From: Alternative B Current Use (EA Section 2.3.2).

To: Alternative D as described below:

A total of 34 AUMs would be permitted from April 1 to October 31 (**Table 1**). Two pastures would be created, and up to 34 animals could be grazing. The pasture with slickspot peppergrass (East Pasture) would be rested in alternate (even) years and terms and conditions from the 2003 CCA and 2009 CA would be incorporated. Because this would increase the potential stocking rate on the West Pasture to 3.5 Acres/AUM in even years, no more than 40% utilization of key perennial grasses would be allowed.

Table 1. Livestock grazing authorization for Alternative D, McPherson Individual Allotment, Ada County, Idaho.

Allotment Name	Year	Pasture	Livestock		Start	End	%PL	Preference AUMs		
			Number	Kind				Active	Suspended	Total
McPherson Individual	Odd	East	34	C	04-01	10-31	100	17	0	34
		West						17		
	Even	East	0	C	REST		100	0	0	34
		West	17	C	04-01	10-31		34		

The following terms and conditions would be applied to the permit:

**Allotment Specific Terms and Conditions**

1. When soils become saturated (standing water in slickspots) during the odd-year rotations, livestock would be moved to the West Pasture until soils are no longer saturated.
2. In even years, the West Pasture would be monitored for utilization at 22 days into the grazing period to ensure no more than 40% utilization of key perennial grasses is achieved. If 40% is reached prior to the off date, livestock must be removed from the allotment.
3. During odd years, livestock numbers may not exceed 34 head and during even years, numbers may not exceed 17 head. Also, AUMs would not exceed 34 in any year.
4. Permittee shall place water and salt/supplements to minimize trampling of slickspot peppergrass and of slickspots. Water/supplements would be placed at least 0.5 miles, preferably 0.75 miles, from known occurrences. Supplements that are attractants should be placed so that cattle would not trail through an element occurrence to access the supplement. Attractants should be placed so that cattle are drawn away from these areas.

5. Livestock turnout would not occur when slickspot soils are saturated.
6. Livestock would not be trailed through element occurrences in the management area when slickspot soils are saturated.
7. If soils become saturated, permittee would move cattle away from element occurrences to a point where the slickspots are not present.
8. Within the management area, permittee would use only existing roads for vehicle travel.

#### **Boise District Terms & Conditions**

1. Turn-out is subject to Boise District Range Readiness Criteria.
2. Salt/supplement shall not be placed within one-quarter (0.25) mile from any springs, streams, meadows, aspen stands, playas, special status plant populations, or water developments.
3. A trailing permit or similar authorization may be required prior to crossing public lands. Trailing activities must be coordinated with the BLM prior to initiation. Permittee would also notify any/all affected permittees in advance of trailing.
4. Livestock exclosures located within your grazing allotment are closed to all domestic grazing use.
5. All appropriate documentation regarding the control of base property/other lands (non-public)/livestock must be submitted to and approved by the authorized officer prior to initiation of grazing actions.
6. The permittee shall ensure bird ladders that meet BLM standards are installed and maintained on all water troughs and open tanks prior to annual turnout.

#### **BLM Standard and Other Terms and Conditions**

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with all 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.
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 BLM 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 BLM.
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 BLM 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. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. 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) would be assessed.
12. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.
13. Member of, or Delegate to, Congress or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his 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.) would be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provisions of Section 3741 Revised Statutes (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.

### **Rationale**

Permit renewal is needed at this time to ensure compliance with 43 CFR 4180 and to provide resource protection while continuing multiple use management of public lands.

Field assessments and evaluations indicated that Rangeland Health Standards 1 and 6 are being met, standards 2, 3, 5 and 7 are not applicable and standards 4 and 8 were not being met due to factors other than current livestock management practices.

This proposed decision would ensure that Alternative D would meet the following objectives:

- maintain resource conditions where they are meeting Standards;
- make progress toward meeting Standards where resource conditions are not meeting Standards and livestock use is a contributing factor;
- meet Guidelines and BLM policy; and

- implement appropriate conservation measures identified in the 2003 Candidate Conservation Agreement for Slickspot Peppergrass (2003 CCA) and 2009 Conservation Agreement for Slickspot Peppergrass (2009 CA).

#### Standard 4 (Native Plants)

Implementation of the proposed grazing schedule, monitoring, and terms and conditions, would make progress toward meeting this standard. Removing grazing and trampling impacts in the East Pasture during even years and moving animals out of the East Pasture in odd years when soils are saturated would reduce grazing and trampling impacts on 120 acres. This would result in a static or upward trend of perennial forbs and grasses. Reducing livestock numbers to 17 animals in the West Pasture during even years and limiting utilization to <40% would help limit grazing and trampling impacts to perennial plant species.

#### Standard 8 (Special Status Plants)

Alternate year rest would result in a minor short-term (< one year) improvement in slickspot peppergrass element occurrences, occupied habitat, and proposed critical habitat (120 acres in the East Pasture acres). Moving the east boundary fence would reduce trampling impacts in an occupied slickspot. Implementation of the slickspot peppergrass (2003 CCA and 2009 CA) and Boise District terms and conditions would help minimize trampling damage to slickspots in the spring when soils tend to be most saturated and would reduce short and long term livestock impacts. Removal of livestock from the East Pasture when soils are saturated would help limit potential for mechanical damage to slickspots and increase long-term seed availability. Reduced livestock numbers (17) in the West Pasture and a <40% utilization level would benefit pollinator habitat by reducing livestock trampling damage and utilization in even years. Minor improvements in slickspot peppergrass habitat would occur over the 10-year period where perennial forb and biological soil crust cover increases and invasive cover decreases.

#### Cultural Resources

Only one potentially eligible National Register of Historic Places NRHP site (Basye Freight Road) occurs in the vicinity of the allotment and a proposed fence realignment would have a minor effect on soil erosion near the trail and aesthetics (EA Section 3.6.2.5).

#### **Authority**

The authority under which this decision is being issued is found in Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska.

Per 43 CFR 4130.3, grazing permits shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource objectives for the public lands to ensure conformance with the provisions of subpart 4180 of this part.

Renewal of this grazing permit is in conformance with the Cascade Resource Management Plan dated July 1, 1988. In addition, Section 3 of the Taylor Grazing Act states in part, "The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on grazing districts. Such permits shall be for a period of not more than ten years... renewal is at the

discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and season of use.”

The grazing permittee has met all qualifications of 43 CFR 4110.1, 4110.2, 4110.2-1, and 4110.2-2. Authorization of the grazing permit is consistent with 43 CFR 4100.0-8, 4130.2, 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4160 and all of subpart 4180.

### **Right of Protest and/or Appeal**

Any applicant, permittee, lessee or other interested public may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Terry Humphrey, Field Manager, Four Rivers Field Office 3948 Development Avenue, Boise, Idaho 83705, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the Proposed Decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the Proposed Decision will become the final decision of the authorized officer without further notice unless otherwise provided in the Proposed Decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the Proposed Decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Ave., Suite 400, Boise Idaho, 83706 and person(s) named [43 CFR 4.421(h)] in the *copies sent to:* section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact either the Four Rivers Assistant Field Manager Matt McCoy at (208) 384-3343, or myself at (208) 384-3430.

Sincerely,

*/s/ Terry A. Humphrey*

Terry A. Humphrey  
Four Rivers Field Office Manager

4- Enclosures:

- 1-Finding Of No Significant Impact (FONSI) (1p)
- 2-Determination Document (2pp)
- 3-Map #1-McPherson Individual Permit Renewal (1p)
- 4-Map #2-McPherson Individual Permit Renewal Alternative C and Alternative D

Copies sent to:

Robert J & Elsie Hanson, 4151 Hartley Road, Eagle ID 83616  
Frank Shirts Jr. PO Box 393, Wilder ID 83676  
Little Cattle Company, PO Box 488, Emmett Id 83617  
Ada County Commissioners, 200 West Front Street 3<sup>rd</sup> Floor, Boise ID 837022-5960  
Advocates for the West, PO Box 1612, Boise ID 83702  
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns OR 97720  
City of Eagle, Attn: Nichoel Baird, 660 East Civic Lane, Eagle ID 83616  
Committee for Idaho's High Desert, C/O Pam Marcum, PO Box 2863, Boise ID 83701  
Confederate Tribes of the Umatilla, Tribal Chairman, 46411 Timine Way Pendelton OR 97801  
Congressman Honorable Raul Labrador, 33 East Broadway Avenue, Suite 251, Meridian ID 83642  
Gary Robbins, 533 East Riverside Drive, Suite 100, Eagle ID 83616  
Gerald H Quick, 1819 Danmore Drive, Boise ID 83712  
Golden Eagle Audobon, PO Box 8261, Boise ID 83707  
Governor State of Idaho, Honorable C L "Butch" Otter, PO Box 83720, Boise ID 83720  
Grazing Board Resource Area Representative, Weldon Branch, Vice Chairman, 3621 North Crane Road Midvale ID 83645  
Grazing Board Resource Area Representative, Stan Boyd, PO Box 2596, Boise ID 83701+  
Grazing Board Resource Area Representative, Phil Soulen, C/O Soulen Livestock, 1760 Fairmont Drive, Weiser ID 83672  
High Desert Coalition Incorporated, C/O Ted Hoffman, President, 220 Elmcrest Street, Mountain Home ID 83647

Idaho Bird Hunters Incorporated, C/O Game Bird Conservation Committee, PO Box 6412, Boise ID 83703  
Idaho Conservation League, C/O John Robinson, PO Box 844, Boise ID 83701  
Idaho Department of Agriculture, PO Box 790, Boise ID 83701  
Idaho Department of Fish & Game, C/O Bob Martin, 3101 South Powerline Road, Nampa ID 83686  
Idaho Department of Lands, C/O Dean Johnson, 8355 West State Street, Boise ID 83714  
Idaho Department of Parks & Recreation, Attn: Jeff Cook, Po Box 83720, Boise ID 83702  
Idaho Farm Bureau Federation, C/O Judy Bartlett, 500 West Washington, Boise ID 83701  
Idaho Lieutenant Governor, Honorable Brad Little, PO Box 83720, Boise ID 83720-0057  
Idaho State Historic Preservation, 210 Main Street, Boise ID 83702  
Idaho Wildlife Federation, Attn Kent J Laverty, PO Box 6426, Boise ID 83707  
Joan Langdon, 4690 Hartley Road, Eagle ID 83616  
Land & Water Fund, C/O Laird Lucas, PO Box 1612, Boise ID 83701  
Land Trust of Treasure Valley, PO Box 106, Boise ID 83701  
Larry Hellhake, 3837 North Holl Drive, Eagle ID 83616  
Linda and Ken Hamiliton, 4210 North Double S Lane, Eagle ID 83616  
Nature Conservancy, 950 West Bannock Suite 210, Boise ID 83702  
Nez Perce Tribes, Tribal Chairman, PO Box 365, Lapwai ID 83540  
Resolution Advocates, C/O Doug McConnaughey, 405 Creekside Place, Nampa ID  
Senator Honorable Jim Risch, 350 North 9<sup>th</sup> Street, Suite 302, Boise ID 83702  
Senator Honorable Mike Crapo, 251 East Front Street, Suite 205, Boise ID 83702  
Shoshone-Bannock Tribe, Nathan Small, PO Box 306, Fort Hall ID 83203  
Sierra Club, Middle Snake Group, PO Box 552, Boise Id 83701  
US Fish and Wildlife Service, 1387 South Vinnell Way, Boise ID 83709  
US House of Representatives, Honorable Mike Simpson, 802 West Bannock Street, Suite 600, Boise ID 83702  
Western Watersheds Project, C/O Katie Fite, PO Box 2863, Boise ID 83701  
Western Watersheds Project, PO Box 1770, Hailey ID 83333  
Wilderness Society, 950 West Bannock, Suite 605, Boise ID 83702

Emails:

Doris Schirmer, [schurm98@aol.com](mailto:schurm98@aol.com)  
John and Paula Gavin, [johnandpaula@digis.net](mailto:johnandpaula@digis.net)  
Mary Lou Ordoroff, [mlorndorff36@gmail.com](mailto:mlorndorff36@gmail.com)  
Jim Flack, [jflack2011@gmail.com](mailto:jflack2011@gmail.com)