



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT

Burley Field Office  
15 East 200 South  
Burley, Idaho 83318  
(208) 677-6600



In Reply Refer To:  
4130 (IDT020) (P)

April 10, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED – 7011 2000 0000 6792 9305

Robinson, Colt  
c/o Rick R. Robinson  
500 West 1560 South  
Oakley, ID 83346

**NOTICE OF FIELD MANAGER'S PROPOSED DECISION**

Dear Mr. Robinson:

**Introduction**

The Burley Field Office is processing the renewal of your livestock grazing permit for the Churchill Matthews Allotment. An Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) has been completed to determine if reissuance of your grazing permit will continue to provide a reasonable balance among competing resource values. A copy of the Oakley East Allotments Permit Renewal EA (DOI-BLM-ID-T020-2010-0001-EA) which analyzes grazing use in the Churchill Matthews is attached. After reviewing the Rangeland Health Assessment and Evaluation Report, as well as the analysis in the EA, I propose to issue you a new 10-year grazing permit for the Churchill Matthews Allotment.

**Background**

The Oakley East Area Allotments, which the Churchill Matthews Allotment is a part of, was evaluated to assess whether or not the allotment was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Management. An Evaluation Report analyzing allotment conditions in light of the Idaho Standards for Rangeland Health has been completed and is included with the EA. The report found that Standards 1, 4, 5 and 8 were being met on the Churchill Matthews Allotment. Standards 2, 3, 6 and 7 were not applicable to this allotment.

An interdisciplinary team prepared the Permit Renewal EA for the Oakley East Allotments to analyze the environmental impacts of livestock grazing in seven allotments including the Churchill Matthews Allotment.

**Proposed Decision**

After considering the current grazing practices, the current conditions of the resources as well as the alternatives and analysis in the EA, it is my proposed decision to renew your grazing permit for 10 years with terms and conditions consistent with the Proposed Action Alternative of the Oakley East Allotment Permit Renewal EA (DOI-BLM-ID-T020-2010-0001-EA). The potential impacts of this grazing permit were analyzed in the EA.

The permit may be modified at any time during the 10-year period if: 1) New information or changed conditions are presented that may be cause for permit modification, or 2) Information collected subsequent to the renewal indicates changes in management are needed to ensure that the allotment is meeting, or making significant progress towards meeting, livestock grazing standards and conforming to the guidelines found in the “Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management”.

This Proposed Decision authorizes the same livestock number, season of use and permitted AUMs as your previous permit.

**Mandatory Terms and Conditions:** Livestock grazing will occur in accordance with the following Table 1.

**Table 1**

Allotment	Number of Livestock	Kind of Livestock	Season of Use	Percent Public Land	Public Land Acres	AUMs
Churchill Matthews	103	Cattle	4/10-5/09	59	1,476	60

**Other Terms and Conditions:**

1. In accordance with 43 CFR 4130.3-2 (D), submission of an actual use report is required within 15 days after completion of annual grazing use. Actual use will be submitted by pasture. Livestock grazing management will be in accordance with the Field Manager’s Final Grazing Decision.
2. Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular, or liquid form. Such supplements will be placed at least 0.25 miles from livestock watering areas unless otherwise authorized in writing by the authorizing official.

3. Management Flexibility – Flexibility would be allowed for annual changes in management due to natural occurrences, such as drought, unusually wet years, wildfire, or other circumstances so long as it is approved in advance by the authorized officer. Flexibility would include making adjustments to the on and off dates (2 weeks on either side of the permitted dates) or numbers as long as permitted AUMs are not exceeded. Flexibility in livestock numbers would be limited to no more than 10 % greater than the number of livestock allowed on the permit and the number of days allowed would be adjusted to ensure AUMs utilized are not exceeded.
4. Crossing Permits: In accordance with 4130.6-3 crossing permits may be issued by the BLM Authorized Officer to any applicant showing a need to cross public land. Crossing permits would be in conformance with the Oakley East Allotment Permit Renewal EA (DOI-BLM-ID-T020-2010-0001-EA).
5. Pursuant to 43 CFR 10.4(b), BLM BFO Field Manager must be notified by telephone with written confirmation, immediately upon the 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), any ongoing activities connected with such discovery must be stopped immediately and a reasonable effort to protect the discovered remains or objects must be made.

**Resource Management Objectives:**

Resource Management Objectives for the Oakley East Allotments including the Churchill Matthews Allotment is addressed on pages 25-26 of the Cassia Resource Management Plan (CRMP), specifically Management Area 7 – Albion.

Applicable Cassia RMP objectives:

- A. Maintain or improve 1,787 acres of crucial deer winter range, 954 acres of sage grouse winter habitat, and 222 acres of sage grouse brood rearing habitat. *The Churchill Matthews Allotment was not identified as crucial mule deer winter range however the livestock use on this allotment is not affecting its potential to support wintering mule deer. Similarly, the allotment provides suitable winter habitat for sage-grouse and has improved since the CRMP. There is no sage grouse brood rearing habitat on the allotment so sage-grouse brood rearing habitat would not be affected.*
- B. Provide forage for the following mule deer by season of use: 444 spring; 444 summer; 444 fall; and 839 winter. *The allotment has abundant sagebrush cover and provides optimal forage for mule deer.*
- C. Improve 15,246 acres of poor and fair condition rangeland to good. *The Churchill Matthews Allotment has appropriate native species and structural diversity. The crested wheatgrass seeding was noted as being in good condition. The allotment is meeting the standards for rangeland health.*
- D. Provide 3,646 AUMs of forage for livestock (See Appendix C.). *The CRMP prescribed land treatments and an increase of 123 AUMs on the Churchill Matthews Allotment.*

*Some land treatments occurred since the CRMP. However, AUMs have not been increased.*

The Idaho Standards for Rangeland Health also provide resource objectives, i.e. standards, for both Allotments.

The applicable objectives (i.e. standards) are as follows:

- Standard 1 – Watersheds provide for the proper infiltration, retention, and release of water appropriate to soil type, vegetation, climate, and landform to provide for proper nutrient cycling, hydrologic cycling, and energy flow. This standard is applicable to all seven allotments.
- Standard 4 – Healthy, productive, and diverse native animal habitat and populations of native plants are maintained or promoted as appropriate to soil type, climate, and landform to provide for proper nutrient cycling, hydrologic cycling, and energy flow. This standard is applicable to all seven allotments.
- Standard 5 – Rangeland seeded with mixtures, including predominately non-native plants, are functioning to maintain life form diversity, production, native animal habitat, nutrient cycling, energy flow, and the hydrologic cycle.
- Standard 8 – Habitats are suitable to maintain viable populations of threatened and endangered, sensitive, and other special status species. This standard is applicable to all seven allotments.

### **Monitoring:**

Resource objectives will be monitored using the following protocols:

- *Implementation Monitoring*
  - Implementation monitoring determines whether the agency's decisions are being implemented in a timely manner and as prescribed. Implementation monitoring includes compliance checks and utilization studies. Utilization data will be collected at key areas using approved methodology described in the *Interagency Technical Reference 1734-03 Utilization Studies and Residual Measurements* and subsequent updates. Selected key areas will be representative of the effects of grazing management within the pasture/use area. The Churchill Matthews Allotment contains both native and seeded vegetation. Native vegetation will be managed for light utilization (up to 40%) on key forage species and seeded vegetation will be managed for (up to 60%) on key forage species.

It is recognized that attainment of specific use levels on a year to year basis is difficult due to unpredictable climate variables (Holechek et al. 2004 pg. 235). The use level described above is applicable across a 5-10 year time period. In other words, it would not be improper for grazing to exceed 40% (native vegetation) or 60% (seeded vegetation) in any given year. BLM is not

making the utilization objective a term and condition of the permit. Based upon analysis in the EA, use levels are expected to be below 40% for native vegetation and 60% for seeded vegetation during most years.

Grazing use criterion combined with other monitoring data e.g. actual use, climate, trend, photo points etc., would be periodically assessed as needed to determine achievement of resource goals and objectives described below. Assessment of criterion may also be used to adjust grazing use the following year.

- *Effectiveness Monitoring*

- Effectiveness monitoring helps measure the achievement of, or progress toward achieving management goals and objectives. Effectiveness monitoring includes vegetative trend studies and the standards and guidelines process. Upland trend monitoring would be conducted utilizing methodology contained in *Interagency Technical Reference 1734-04 Sampling Vegetative Attributes*.

## **Rationale**

This Proposed Decision is based on the findings of the interdisciplinary team on the Churchill Matthews Allotment Rangeland Health Assessment and associated Oakley East Area Evaluation Report as well as the analyses contained in the Oakley East Allotment Permit Renewal EA (DOI-BLM-ID-T020-2010-0001-EA).

The Oakley East Evaluation Report concluded that all applicable standards for rangeland health were being met on this allotment. This finding was based on the assessment of indicators for rangeland health, trend studies, and photo points and as well as on the ground observations. Analysis contained in the Proposed Action Alternative of the EA concluded that current management for this allotment was appropriate to maintain healthy rangelands and the growth and persistence of native shrubs, grasses and forbs needed by sage grouse (and other sagebrush obligate species) for seasonal food and concealment, especially during the nesting period. The Proposed Action Alternative was selected since it authorizes the same livestock management that has resulted in meeting the Standards for Rangeland Health.

This Proposed Decision is in conformance with the Greater Sage-Grouse Interim Management Policies and Procedures Instruction Memorandum (IM-2012-043). The BLM considered that this allotment coupled with several other smaller or isolated allotments may collectively be important to sage grouse. Therefore, evaluating this allotment with the other allotments follows the IM guidance. The Burley BLM has considered coordinating with the Natural Resource Conservation Service's National Sage-Grouse Initiative; however no potential collaborative projects were identified. The BLM considered opportunities to incorporate multiple allotments under a single management plan/strategy where incorporation would result in enhanced Greater Sage-Grouse populations. Due to the many different operators who do not run livestock in common and allotments which are widely different in size (many of which are too small to provide enough forage for all the operators to run in common) there was no realistic opportunity to integrate ranch planning (such as deferment or rotation) for the benefit of sage-grouse.

Nevertheless, these allotments are meeting Standard 8 as determined through the application of the Sage-Grouse Habitat Assessment Framework. The potential risk to Greater Sage-Grouse and its habitats from existing structural range improvements was also considered. As a result of this, the BLM will place fence markers on all BLM fences in the allotment to reduce sage-grouse fence collision risk.

The grazing permit terms and conditions, the Cassia RMP Allocations, and the applicable Idaho Standards for Rangeland Health and monitoring studies will provide the needed guidance to ensure that the allotments' resources are not being adversely impacted by livestock grazing.

### **Finding of No significant Impact (FONSI)**

A finding of no significant impact (FONSI) was signed on April 10, 2013, and concluded that the proposed decision to implement the Proposed Action alternative of the Oakley East Allotments Permit Renewal EA is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR 1508.27. Therefore, an environmental impact statement is not required. A copy of the FONSI for EA (DOI-BLM-ID-T020-2010-0001-EA) is attached to the enclosed EA.

### **Authority**

The authority under which this Decision is made is the following 43 CFR 4100 citations:

4100.0-8	Land use plans
4110.2-2	Specifying permitted use
4130.2	Grazing permits or leases
4130.3	Terms and conditions
4130.3-1	Mandatory terms and conditions
4130.3-2	Other terms and conditions
4160.1	Proposed decisions
4180	Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration

### **Protest and/or Appeal Procedures**

Any applicant, permittee, lessee or other interested publics may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Michael Courtney, Field Manager, 15 East 200 South, Burley, Idaho 83318 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 and 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 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 and 4.479, 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 by certified mail on the Office of the Solicitor as follows:

Office of the Solicitor  
U.S. Department of Interior  
University Plaza  
960 Broadway Avenue, Suite 400  
Boise, Idaho 83706

The appellant must also serve a copy of the appeal by certified mail for each person named in the Copies sent to: section of this Decision as per 43 CFR 4.421(h).

The appeal shall state the reason(s), clearly and concisely, why the appellant thinks the Final Decision is in error. The appeal must comply 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 from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Office of Hearings and Appeals a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. The address for the Office of Hearings and Appeals is:

Office of Hearings and Appeals  
Interior Board of Land Appeals  
139 East South Temple, Suite 600  
Salt Lake City, Utah 84111

Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor, and any other person named in the Decision (43 CFR 4.472(b)).

Sincerely,

/s/Michael Courtney

Michael Courtney  
Field Manager

3 Enclosures:

- 1 - Oakley East Allotment Permit Renewal EA (DOI-BLM-ID-T020-2010-0001-EA) (49 pp)
- 2 – Evaluation Report (12 pp)
- 3 – Rangeland Assessment (6 pp)

cc:

Idaho Department of Fish and Game --- Certified Mail - 7011 2000 0000 6792 9107  
c/o Jerome Hanson  
319 South 417 East  
Jerome, Idaho 83338

Idaho Department of Agriculture --- Certified Mail - 7011 2000 0000 6792 9114  
c/o Ron Kay  
P.O. Box 7249  
Boise, Idaho 83707

Idaho Department of Lands --- Certified Mail – 7011 2000 0000 6792 9121  
c/o Tim Duffner, Area Manager  
324 South 417 East; Ste. 2  
Jerome, Idaho 83338-6206

Western Watersheds Project --- Certified Mail – 7011 2000 0000 6792 9138  
Jon Marvel  
P.O. Box 1770  
Hailey, Idaho 83333

Western Watersheds Project --- Certified Mail – 7011 2000 0000 6792 9145  
Ken Cole  
P.O. Box 2863  
Boise, Idaho 83701

Chad Coulter --- Certified Mail – 7011 2000 0000 6792 9152  
Fish & Wildlife Department  
The Shoshone-Bannock Tribes  
P.O. Box 306  
Fort Hall, Idaho 83203

Chairman, Land Use Policy Commission – 7011 2000 0000 6792 9169  
The Shoshone-Bannock Tribes  
P.O. Box 306  
Fort Hall, Idaho 83203

Federal Land Advisory Group --- Certified Mail – 7011 2000 0000 6792 9176  
c/o Michael Poulton, Chairman  
P.O. Box 279  
Oakley, Idaho 83346

Alliance for the Wild Rockies --- Certified Mail – 7011 2000 0000 6792 9183  
Ecosystem Defense  
P.O. Box 505  
Helena, Montana 59624

Idaho Department of Parks and Recreation --- Certified Mail – 7011 2000 0000 6792 9190  
P.O. Box 83720  
Boise, Idaho 83720

Katie Fite --- Certified Mail – 7011 2000 0000 6792 9206  
P.O. Box 2863  
Boise, Idaho 83701

Prairie Falcon Audubon Society --- Certified Mail – 7011 2000 0000 6792 9213  
c/o Julie Randell  
780 Falls Avenue #315  
Twin Falls, Idaho 83301

Jake Vawser--- Certified Mail – 7011 2000 0000 6792 9220  
711 Birch  
Kimberly, Idaho 83341

Twin Falls District Resource Advisory Council--- Certified Mail – 7011 2000 0000 6792 9237  
c/o Mike Henslee  
95-A Bell Rapids Road  
Hagerman, ID 83332

Idaho Conservation League – Certified Mail - 7011 2000 0000 6792 9244  
P.O. Box 844  
Boise, Idaho 83701

Committee for Idaho's High Desert – Certified Mail – 7011 2000 0000 6792 9251  
C/O Steve Jacobowicz  
908 North 21<sup>st</sup> Street  
Boise, Idaho 83702