United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

In Reply Refer To:
4100

November 13, 2012

Bob or Leeann Harrop
4229 E 550 N
Rigby, ID 83442-5233

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. & Mrs. Harrop:

Introduction

You were previously notified that we would be initiating an analysis process on an allotment basis to determine the environmental impacts of livestock grazing. An environmental assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if reissuance of your grazing permit constitutes a major federal action significantly impacting the human environment. The review of the Council on Environmental Quality (CEQ) Regulations has been completed (see attachment). Your allotment was analyzed in DOI-BLM-ID-I010-2012-0083-EA (copy attached). The EA describes a range of alternative actions, the affected environment, and environmental consequences.

Background

Waddoups Canyon Allotment was evaluated in 2011 to assess whether the allotment was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Management (ISRH). In December of 2011, you were sent a copy of the Field Manager's Evaluation of Achieving Standards for Rangeland Health for Waddoups Canyon Allotment. The Waddoups Canyon Allotment Evaluation identified that Standards 1and 4 are being met. Standards 2, 3, 7 and 8 are not being met, but are each making significant progress toward meeting the standards. Standards 5 and 6 are not applicable to the allotment.

Proposed Decision

After careful consideration, it is my Proposed Decision to implement Alternative C of the attached environmental assessment DOI-BLM-ID-I010-2012-0083-EA.

Authorized Use Changes

1) Change the season of use to allow livestock use in the Waddoups Canyon Allotment between 05/01 – 07/10. Actual number of days used will be limited to 47 days (approximately 23 days/pasture) within the season of use, which is the same number of days currently authorized. This will provide for adaptive management and coordination of use on the adjacent U.S. Forest Service allotment.
2) Implement a reduction of 483 Active AUMs within the Waddoups Canyon Allotment (from 1,385 to 902 AUMs).
3) Authorize livestock trailing across the Waddoups Canyon Allotment for the duration of the permit. Authorized trailing would require active movement of livestock. Livestock would be trailed along the Cherry Creek road (maintained by Custer County). A description of anticipated authorization specifics is listed in Appendix C of EA, with anticipated trailing routes illustrated in Figure 6 of EA. As illustrated in Figure 6 of EA, trailing routes would follow existing roads.
4) Under this alternative the following livestock use will be authorized:

161 Cattle from *05/01 to 07/10 at 100%PL for 249 AUMs
221 Cattle from *05/01 to 07/10 at 100%PL for 341 AUMs
133 Cattle from *05/01 to 07/10 at 92%PL for 189 AUMs
79 Cattle from *05/01 to 07/10 at 100%PL for 123 AUMs

*Actual number of days used would be limited to 47 days within the season of use.

Projects

1) Extend the existing riparian exclosure on the unnamed spring on the Right Fork of Waddoups Canyon Creek (T: 5N, R: 24 E, Section 14) (see Figure 4 of EA). The exclosure will be enlarged by approximately one acre. The exclosure will be a four-strand fence consisting of 3 strands of barbed wire spaced at 42 inches, 30 inches and 24 inches from ground level, and 1 smooth wire located 16 inches from ground level. Green metal fence posts will be used between the braces and would be spaced 16.5 feet apart. A wire stay will be placed on the fence wire midway between steel "T" posts. Fence wire will be marked to alert wildlife of the hazard. To avoid disturbance to wildlife, construction of the exclosure will not occur between May 15 and June 30.
2) To increase the available water holding capacity, authorize the installation of additional troughs or a larger trough at the existing trough site supplied by the unnamed spring on

the Right Fork of Waddoups Canyon Creek. The trough site is located near the exclosure extension proposed above (UTM: E - 293490 N – 4848483) (see Figure 4 of EA).

3) Authorize the development of an additional water source in Wood Canyon to supplement the existing spring development, (spring location: UTM: E - 295896 N - 4848173) (see Figure 5 of EA). The development would consist of collecting water from the spring and diverting it into a pipeline to service existing troughs.
4) Authorize approximately 1.25 miles of pipeline in Wood Canyon to connect the southern trough (UTM: E – 296365 N – 4846544) to a more reliable water source resulting from the supplemental spring development. To limit disturbance, the pipeline will be buried within or near the road in Wood Canyon (see Figure 5 of EA). In addition, troughs will be floated to allow unused water to remain at the spring source, and the entire system will be shut off when livestock are not in the allotment to limit impacts to the riparian areas.

Grazing Plan

5) The basic schedule for pasture rotation will be as outlined in Table 1. Any changes to the basic schedule will be made through application prior to livestock turnout. The basic schedule will rotate every two years throughout the 10 year permit term.

Table 1. Basic Schedule for Waddoups Canyon Allotment

Year	Pasture	Livestock Number	Period of Use	AUMs
2013	West	594	05/25 – 06/16	451
	East	594	06/17 – 07/10	451
2014	East	594	05/25 – 06/16	451
	West	594	06/17 – 07/10	451

A ten-year grazing permit will be issued from November 13, 2012 to November 12, 2022, with Mandatory Terms and Conditions and Other Terms and Conditions for Waddoups Canyon Allotment to Bob or Leeann Harrop (Authorization Number 1103942).

While the grazing permit will be renewed for a term of ten years, should information collected subsequent to any renewal indicate that changes in management are needed to ensure the allotment is continuing to make progress and/or meet ISRH, the permit may be modified at any time during the ten-year period.

Mandatory Terms and Conditions

Waddoups Canyon Allotment (#11013)

Livestock number/kind	Season of Use	%PL	Type Use	AUMs
79 Cattle	*05/01 to 7/10	100	Active	123
*Actual number of days used will be limited to 47 days within the season of use.				

Active AUMs	Suspended AUMs	Grazing Preference
123	0	123

Other Terms and Conditions

The following other Terms and Conditions would be included as part of the grazing permit in accordance with 43 CFR 4130.3-2.

1) Turnout will alternate between the East Pasture in even numbered years and the West Pasture in odd numbered years.
2) All livestock will be in one herd, use only one pasture at a time and each pasture only once during the grazing season.
3) The permittees will obtain a full time rider to herd the livestock during the grazing season.
4) Riparian and Wetland Utilization – Utilization studies will be conducted using the stubble height method. Minimum stubble height in key areas along the greenline will be 4 inches at the end of the growing season and 4 inches in other key riparian areas at the end of the growing season.
5) Key riparian and wetlands browse utilization will not be more than 30% of the current annual twig growth that is within reach of the animals.
6) Distribution of livestock and mineral supplements shall be at least ¼ mile away from the nearest water source.
7) In connection with allotment operations under this authorization, if any human remains, cultural, archaeological, historical, paleontological or scientific objects and sites are discovered, the permittee shall stop operations in the immediate area of the discovery, protect such resources and immediately notify the BLM Authorized Officer (AO) of the discovery. The immediate area of the discovery must be protected until the operator is notified to resume by the AO.
8) The allotment(s) listed on this grazing permit is subject to requirements 43 CFR subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This permit shall be modified, if necessary, to meet the requirements upon completion of a standards and guidelines assessment and determination as scheduled by the authorized officer.
9) Range improvements must be maintained to BLM standards by the turnout dates for each allotment on this permit. All livestock water troughs must have a functional wildlife

escape ramp and be appropriately floated. Installation and maintenance of wildlife escape ramps are the responsibility of the permittee.

10) If sage grouse fence strikes are documented on existing fences, the fences would be modified to improve visibility in order to minimize sage grouse strikes.
11) Average livestock utilization will be no more than 40% of the annual growth of available native forage species.
12) All permittees will provide and actual use report upon request.

Rationale

This decision is based on the findings of the interdisciplinary team on the available monitoring data, allotment evaluation, consultation, and EA # DOI-BLM-ID-I010-2012-0083-EA. The EA considered a wide range of alternatives. Alternative A, also known as the no action alternative, would not implement changes in current management. Alternative B, which was proposed by the permittees, would increase the length of the season of use by 71 days. Alternative C, which is the preferred alternative, will broaden the season of use, but will limit the number to 47 days of use, reduce AUMs and authorize range improvement projects. Alternative D, which is the no grazing alternative, would remove livestock grazing in Waddoups Canyon Allotment for the next 10 years.

Under Alternative A, the allotment would continue to provide suitable habitats to maintain viable populations of native wildlife species, including special statues species. However, some riparian areas would not be expected to improve. Additionally under Alternative A, there would be no impact on economic or social values. Alternative B would provide less progress toward meeting standards and may even reverse trends where progress is currently being made. Riparian areas and nearby uplands would likely have downward trends and wildlife habitat would likely be less suitable. Under Alternative B, there would be no impact on economic or social values. Alternative C will continue to meet or make progress toward meeting standards and progress will be made more rapidly than Alternatives A and B. The AUM reduction and range improvement projects proposed under Alternative C will increase financial impacts to the livestock operators in the allotment. Alternative D would continue to meet or make progress toward meeting standards and would provide the most rapid progress toward achieving the standards. Economic and social impacts would be the greatest under Alternative D compared to other alternatives.

Authority

The authority under which this decision is made is found within the following 43 CFR citations:

4110.2-2 - Specifying permitted use
4110.3 - Changes in 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
4130.3-3 - Modification of permits or leases

4180 - Fundamentals of Rangeland Health and S&G for Grazing Administration

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 me at the address shown above within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 accordance with 43 CFR 4.470 and 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 Avenue, Suite 400, Boise, ID 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 serviced 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 Jordan Hennefer or myself at 524-7500.

Sincerely,

Jeremy Casterson
Field Manager
Upper Snake Field Office

Enclosure: DOI-BLM-ID-I010-2012-0083-EA

Copies sent to:

Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, ID 83707
Idaho Department of Fish and Game, 4279 Commerce Circle, Idaho Falls, ID 83401
Idaho Department of Lands, 3563 E. Ririe Highway, Idaho Falls, ID 83401
Northwest Band of the Shoshoni Nation, 505 Pershing Suite 200, Pocatello, ID 83204
Chairman, Land Use, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Chairman, Tribal Business, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Shoshone Field Office, Monument Manager, 400 West F Street, Shoshone, ID 83352
National Park Service, Craters of the Moon National Monument and Preserve, P.O. Box 29, Arco, ID 83213
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333