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 9, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Cert# 7012 3050 0001 0572 6850

Scott and Sherri Nicholson
PO Box 690
Meridian ID, 83680

Notice of Field Manager's Decision

Dear Mr. and Mrs. Nicholson:

You were recently contacted to discuss temporary crossing needs across public lands administered by the Owyhee Field Office (OFO) for the 2013 grazing season. You had requested at that time to retain the same crossing route as previously analyzed in Alternative B of Environmental Assessment (EA) No. DOI-BLM-ID-B030-2012-0011-EA and authorized in 2012. Upon review, and in accordance with 43 CFR 4130.6-3 and Section 123 of the 2012 Appropriations Omnibus Act, the application for a Crossing Permit will be approved. This decision will authorize your crossing permit for a temporary period starting in the 2013 grazing year and ending with the expiration of your current grazing permit (February 28, 2022).

Background

In November 2011, you filed an application for a crossing permit. You requested authorization to trail cattle through the following allotments: Hart Creek, Browns Creek, Whitehorse Antelope, and Alder Creek FFR. In response to your application and several others, the BLM prepared EA No. DOI-BLM-ID-B030-2012-0011-EA (2012 Livestock Trailing EA) 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 the 2012 Livestock Trailing 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 the 2012 Livestock Trailing EA, I determined that livestock trailing as identified in Alternative B would not result in any significant impacts and issued a Finding of No Significant Impact on April 12, 2012. A temporary one-year crossing permit was approved on April 17, 2012.

In processing applications for crossing permits in 2013, the BLM completed a Determination of NEPA Adequacy (DNA). I determined that issuance of a multi-year temporary crossing permit is appropriate due to the consistent nature of the applications being made and previously analyzed through the NEPA process. DNA No. BLM-ID-B030-2013-0004-DNA[1] was completed and considered issuing the temporary crossing permit through the duration of your current grazing permit. Issuing a multi-year crossing permit following the same routes as approved in 2012 through the DNA process resulted in determining that the existing analysis contained in the 2012 Livestock Trailing EA is adequate. The DNA was signed on April 1, 2013.

Decision

I have decided to issue you a crossing permit to trail livestock across public lands in the Hart Creek, Browns Creek, Whitehorse Antelope, and Alder Creek FFR allotments as described in Table 1 and the map(s) attached to your enclosed crossing permit. The crossing permit will expire on February 28, 2022. All terms and conditions described in the crossing permit are incorporated by reference into this decision and must be followed. Your crossing permit is enclosed with this decision and must be signed and returned to the OFO prior to trailing livestock across BLM administered lands. Annual requests for trailing will be required to determine the specific dates that trailing would be approved on an annual basis. Form 4130-1 (Grazing Schedule – Grazing Application) is enclosed for your convenience and will need to be returned to the OFO for your specific needs in 2013. Billing will be based on the number of livestock and the duration of the trailing event. Final approval will be granted after fees are paid in response to the annual billing notice.

My decision is in conformance with the 1999 Owyhee Resource Management Plan.

Table 1. Crossing Permit

Allotment Number	Allotment Name	Livestock Number	Livestock Kind	Crossing Begin	Crossing End	Duration	% PL	AUMs	Comments
	Trailing Route 1								
532 585 541 639 626	Hart Creek Browns Creek Whitehorse Antelope Alder Creek FFR Garrett FFR	400	Cattle	11-15	12-31	2 days	100	26	NW SW TL
Overnight in corrals within the Browns Creek Allotment									

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

[1] DNA No DOI-BLM-ID-B030-2013-0004-DNA in available through https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do Select State=**Idaho**, Office=**ID-Owyhee FO**, Document Type= **DNA**, Fiscal Year=**2013**, Program=All then click **Search**. Once you arrive here, click on DOI BLM-ID-B030-2013-0004-DNA. You may request that hard copies be sent to you.

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 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 will be timed to occur between 10:00 am and 6:00 pm. These routes are identified by "Trailing Hour Limitation" on the map(s) attached to the crossing permit.
    - 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 on either side (240 feet total width) of trailing routes in those areas. These areas are identified by "Narrow Width (240 feet)" on the map(s) attached to the crossing permit.
    - 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. These areas are identified by "Narrow Width (240 feet)" on the map(s) attached to the crossing permit.

- 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
    - Congregation areas (i.e. watering sites) will not be allowed within 0.25 mile of known National Register of Historic Places (NRHP) 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.

STANDARD TERMS AND CONDITIONS:

- Billing notices are issued which specify fees due. Billing notices, when paid, become part of the crossing permit. Fee payments are due on the date specified on the billing notice and MUST be paid in full prior to livestock crossing activities.

- This permit is issued solely for the purpose of moving livestock across public lands for proper and lawful purposes, as needed for the orderly administration of rangelands. This permit confers no priority for renewal, and cannot be transferred or assigned.

- The allotment(s) listed on this crossing permit is subject to requirements 43 CFR 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This permit shall be modified, if necessary, to meet these requirements upon completion of a Standards and Guidelines Assessment and Determination.

- 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.

Rationale

Selection of Alternative B of the 2012 Livestock Trailing EA and authorization of a temporary crossing permit through February 28, 2022 provides for the orderly administration of the range by authorizing trailing events through the duration of the current 10-year term grazing authorization on record. These trailing events are associated with the permitted use, the same routes are used each year and the alternative is responsive to annual trailing requests. Authorized trailing routes under this alternative utilize existing roads and trails to the maximum extent possible.

Specific terms and conditions incorporated in the crossing permit provide for minimizing, avoiding, and/or eliminating detrimental resource impacts, specifically that associated with soils, sage-grouse and pygmy rabbit habitat, riparian/wetland areas, special status plants, and cultural resources. Soils and cultural resource protection will occur as a result of routes primarily being authorized along established roads and borrow ditches. Furthermore, these resources will be protected with the adherence to range readiness criteria in order to prevent much of the compaction issues by restricting trailing from wet (saturated) soils. Impacts to sage-grouse lekking and nesting areas along with pygmy rabbit natal burrows will be reduced with the inclusion of the terms and conditions enforcing seasonal and timing restrictions for trailing events to occur. The narrowing of routes within areas with known special status plants will result in minimizing negative impacts to any given population. Fewer occurrences of special status plants occur within the narrower corridor. Requiring 90% of the trailing livestock to be kept out of riparian areas while trailing adjacent to perennial streams and springs will reduce the size and intensity of all trailing-related effects to riparian areas and water quality.

Overnighting is authorized through this crossing permit. Specifying the overnight location and restricting the duration of the overnight event limits long-lasting impacts to soils, watershed function, vegetative structure and wildlife habitat across the landscape. The overnight area will continue to occur in the area specified and analyzed in the 2012 Livestock Trailing EA.

No impacts to NRHP eligible sites are known to occur. The Idaho State Historic Preservation Office (SHPO) has approved livestock trailing on routes with the understanding that cultural resource surveys are ongoing for key areas. The results of such surveys will be reported to the SHPO. If impacts are discovered at NRHP eligible sites additional mitigation measures will be implemented.

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, and 4130.8-1 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 43 CFR Part 4 or 43 CFR 4160.

If you have any questions, please contact me at (208) 896-5913 or Tina Ruffing at (208) 896-5934.

Sincerely,

/s/ *Loretta V. Chandler*

Loretta V. Chandler
Field Manager

Enclosures:
Crossing Permit with maps
Form 4130-1 (Grazing Schedule – Grazing Application)

State: Idaho
Office: B03000
Crossing Permit #:I03012003
Term: February 28, 2022

CASE FILE COPY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CROSSING PERMIT

Bureau of Land Management
Owyhee Field Office
20 First Ave West
Marsing ID 83639

Scott and Sherri Nicholson
Box 690
Meridian ID 83680

This Crossing permit is offered to you under 43 CFR Part 4100. You are authorized to cross lands that are under the jurisdiction of the Bureau of Land Management and covered by this permit, upon acceptance of ALL terms and conditions of this permit and payment of fees when due. Contact your local BLM office at (208) 896-5912 if you have any questions.

MANDATORY TERMS AND CONDITIONS:

Allotment Number	Allotment Name	Livestock Number	Livestock Kind	Crossing Begin	Crossing End	Duration	% PL	AUMs	Comments
	Trailing Route 1								
532 585 541 639 626	Hart Creek Browns Creek Whitehorse Antelope Alder Creek FFR Garrett FFR	400	Cattle	11-15	12-31	2 days	100	26	NW SW TL
Overnight in corrals within the Browns Creek Allotment									

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

OTHER TERMS AND CONDITIONS:

1) Livestock crossing will be in accordance with the Notice of Field Manager's Decision dated April 9, 2013. Trail Route 1, including restrictions, is depicted on the attached map(s).

2) This permit applies to crossing routes on public land.

3) Billing is based on numbers of livestock and actual days trailed (duration) as outlined in the Mandatory Terms and Conditions.

This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension or cancellation as provided by land plans and applicable law; (B) 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.

STANDARD TERMS AND CONDITIONS:

- Billing notices are issued which specify fees due. Billing notices, when paid, become part of the crossing permit. Fee payments are due on the date specified on the billing notice and MUST be paid in full prior to livestock crossing activities.

- This permit is issued solely for the purpose of moving livestock across public lands for proper and lawful purposes, as needed for the orderly administration of rangelands. This permit confers no priority for renewal, and cannot be transferred or assigned.

- The allotment(s) listed on this crossing permit is subject to requirements 43 CFR 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This permit shall be modified, if necessary, to meet these requirements upon completion of a Standards and Guidelines Assessment and Determination.

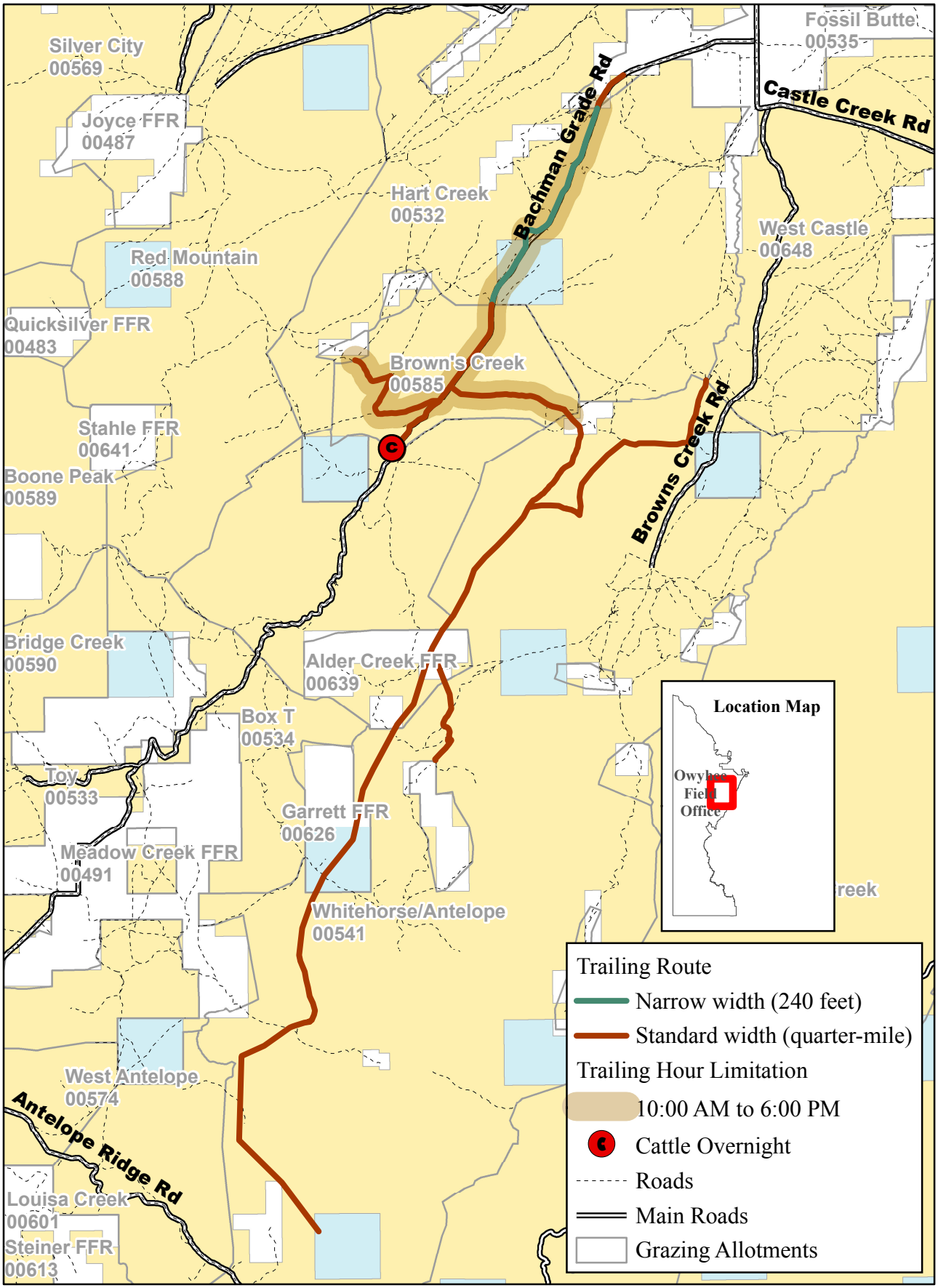
- Supplemental feeding is limited to salt, mineral, and/or protein in block, granular, or liquid form. If used, these supplements must be placed at least one-quarter (1/4) mile away from any riparian area, spring, stream, meadow, aspen stand, playa, special status plant population, or water development.

Accepted Signature of Permittee:_____ Date:_____

Approved BLM Authorized Officer:_____ Date:_____

This permit: 1. Conveys no right, title or interest held by the United States in any lands or resources and 2. is subject to (A) modification, suspension or cancellation as provided by land plans and applicable law; (B) 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.

Scott and Sherri Nicholson
Trail Route



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