

United States Department of the Interior
Bureau of Land Management

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

In reply refer to:
4100

August 26, 2013

Hagenbarth, David J. et. Al.
Box 1128
Dillon, Montana 59725

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Permittee:

Introduction

You were previously notified that we would be initiating an analysis process to determine the environmental impacts of livestock grazing on public lands for which you have applied to make grazing use. An environmental assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if issuance of a 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). The analysis was completed in DOI-BLM-ID-I010-2013-0015-EA (copy attached). The EA describes the alternative actions, the affected environment, and environmental consequences.

Background

The public lands applied for were evaluated in 2012 to assess whether the area was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (ISRH). In December of 2012, you were sent a copy of the Field Manager's Evaluation of Achieving Standards for Rangeland Health in the area. The Allotment Evaluation identified that Standards 1, 5, and 8 are being met. Standards 2, 3, 4, 6 and 7 are not applicable to the allotment.

Proposed Decision

After careful consideration, it is my Proposed Decision to implement Alternative A of the attached environmental assessment DOI-BLM-ID-I010-2013-0015-EA.

Authorized Use

1. Establish the Hagenbarth Seeding Allotment comprised of two parcels of public land totaling approximately 45 acres.
2. Allocate eight AUMs on the 45 acres of public land. The new allotment would be used in conjunction with 483 acres of private land.
3. Designate the allotment as a Custodial Use Allotment.
4. Establish a season of use from 5/1 – 12/31.
5. Authorize yearling cattle use in the new allotment.
6. The permittee shall provide administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands (43 CFR § 4130.3-2 (h)).
7. Permitted livestock use within the Hagenbarth Seeding Allotment would be as follows:

<u>Allotment Name</u>	<u>Lvstk #</u>	<u>Livestock kind</u>	<u>Begin</u>	<u>End</u>	<u>%PL</u>	<u>Type of Use</u>	<u>AUMs</u>
Hagenbarth Seeding	800	Yearling Cattle	5/1	12/31	100%	Custodial	8

Projects

- 1) None

Authorized Use

A ten-year grazing permit will be issued from May 1, 2013 to April 30, 2023, with terms and conditions for Hagenbarth Seeding Allotment to David J. Hagenbarth (Authorization Number 1103236), as shown in Table 1.

While the grazing permit will be authorized for a term of ten years, should information collected subsequent to the authorization 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:

Table 1 - Mandatory Terms and Conditions for Hagenbarth Seeding Allotment

Number and class of Livestock	Season	%PL	Active AUMs
800 Yearling Cattle	5/1-12/31	100	8

Active AUMs	Suspended AUMs	Grazing Preference
8	0	8

Other Terms and Conditions

- 1) Authorized use will be made as described under the approved grazing plan for allotment.
- 2) Average livestock utilization will be no more than 50% of the annual growth of available native forage species.
- 3) The permittee shall provide administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands (43 CFR § 4130.3-2 (h)).
- 4) 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 operations by the AO.
- 5) If sage grouse fence strikes are documented on fences within the allotment, the fences will be modified to improve visibility in order to minimize sage grouse strikes.

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-I010-2013-0015-EA. The EA considered the application to graze livestock in the area identified under Alternative A for a period of 10 years or not to authorize livestock grazing under Alternative B. For resources identified on public lands in the Hagenbarth Seeding Allotment, the EA described relatively small area that public lands comprise within the Hagenbarth Seeding Allotment. The majority of the vegetative production available for livestock is produced in the private land seeding. Cattle will be naturally attracted to more productive areas in the allotment and the private seeding is easily accessed. As long as the seeding on private lands remains productive it will sustain the majority of livestock use. The analysis described that under alternatives A and B, ISRH would be met in the Hagenbarth Seeding Allotment.

The allotment will be established as a Custodial Use Allotment. Within the Medicine Lodge RMP, custodial allotments are defined as an allotment with “only small acreages of public land or lands classified for transfer from Federal ownership. These allotments do not present management problems, regardless of condition. They present no significant potential for increasing production. Resource conflicts are either nonexistent or are outweighed by other considerations.” The proposed Hagenbarth Seeding Allotment fits this description. The Mandatory Terms and Conditions provide for orderly administration of public lands while cooperating with the adjacent land owner. Cooperating with the land owner in this way will allow BLM to continue to monitor vegetation in the area and provide input into any future adjustments to vegetative management.

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 public 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 Scott Minnie or myself at 524-7500.

Sincerely,

Jeremy Casterson
Field Manager
Upper Snake Field Office

Enclosures:

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
Northwest Band of the Shoshoni Nation, 427 North Main Street, Suite 101, 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
US Fish and Wildlife Service, Eastern Idaho Field Office, 4425 Burley Drive, Suite A
Chubbuck, ID 83202