



# 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

August 8, 2013

CERTIFIED - RETURN RECEIPT REQUESTED

Pine Butte Grazing, LLC.  
23539 36<sup>th</sup> Avenue  
Kimball, SD 57355

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

Dear Mr. Grohs:

#### **Introduction**

You were previously notified that we would be initiating an analysis process to determine the environmental impacts of livestock grazing on the Cow Camp, Horsebrush, and Pine Butte Allotments. An environmental assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if authorization of grazing use would provide a reasonable balance among competing resource values. Grazing use in the Cow Camp, Horsebrush, and Pine Butte Allotments were analyzed in DOI-BLM-ID-I010-2013-0040-EA (copy attached). This grazing decision will renew your permit for ten years.

#### **Background**

The Cow Camp, Horsebrush, and Pine Butte Allotments were evaluated in 2012 to assess whether the allotment was meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Management (ISRH). A Rangeland Health Evaluation for Cow Camp and Pine Butte Allotments were issued. Standards 1 (Watersheds) 4 (Native Plant Communities), and 8 (Threatened, Endangered, and Sensitive Species) were being met on the Cow Camp and Pine Butte Allotments. The Horsebrush Allotment was found that Standard 1 is being met in the allotment, while Standards 4 and 8 are not being met on approximately 3,710 acres or 77% of the allotment.

## Proposed Decision

I have determined that the permittee currently authorized in the allotments has a satisfactory record of performance and is in substantial compliance with the terms and conditions of their existing Federal grazing lease that is being renewed with this proposed decision.

After careful consideration, it is my Proposed Decision to implement Alternative C of the attached environmental assessment DOI-BLM-ID-I010-2013-0040-EA. A ten-year grazing permit will be issued from April 20, 2014 to April 19, 2024, with terms and conditions for Cow Camp, Horsebrush, and Pine Butte Allotments to Pine Butte Grazing, LLC. (operator number 1104142), as described below.

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 meet or make significant progress toward meeting Standards and conforming to Guidelines, the permit may be modified at any time during the ten-year period.

Alternative C includes the following changes:

### Cow Camp Allotment

#### Authorized Use Change:

1. Change the season of use from 5/1 – 5/31 to 4/20 – 5/31. The permittee would be authorized to graze no more than 40 cattle for 31 days within the 42 day season of use. The change in the season of use would allow for flexibility to adjust grazing in light of range and pasture readiness.

#### Projects:

2. None.

#### Grazing Plan:

3. The annual bill schedule for the Cow Camp Allotment would be as follows:

<u>Allotment Name</u>	<u>Lvstk#</u>	<u>Lvstk Kind</u>	<u>Begin</u>	<u>End</u>	<u>%PL*</u>	<u>Type of Use</u>	<u>AUMs**</u>
Cow Camp	40	Cattle	5/1	5/31	100%	Active	41

Upon prior approval from the Upper Snake Field Office, the permittee may be authorized to adjust the season of use within the permit dates of 4/20 to 5/31.

Mandatory Terms and Conditions

4. Permitted livestock use within the Cow Camp Allotment would be as follows:

<u>Allotment Name</u>	<u>Lvstk#</u>	<u>Lvstk Kind</u>	<u>Begin</u>	<u>End</u>	<u>%PL</u>	<u>Type of Use</u>	<u>AUMs</u>
Cow Camp	30	Cattle	4/20	5/31	100%	Active	41

\*The permittee would be authorized to graze no more than 40 cattle for 31 days within the 42 day season of use.

**Horsebrush Allotment**

Authorized Use Change:

1. Reduce authorized use in the allotment by 39% from 862 AUMs to 522 AUMs.

Projects:

2. None.

Grazing Plan:

3. Implement two-pasture grazing rotation for cattle.

	May 1 <sup>st</sup> – May 15 <sup>th</sup>	May 16 <sup>th</sup> - May 31 <sup>st</sup>
2013	South	North
2014	North	South

\*repeat after 2014

Mandatory Terms and Conditions

4. Permitted livestock use within the Horsebrush Allotment would be as follows:

Cattle Permit:

<u>Allotment Name</u>	<u>Lvstk#</u>	<u>Lvstk Kind</u>	<u>Begin</u>	<u>End</u>	<u>%PL</u>	<u>Type of Use</u>	<u>AUMs</u>
Horsebrush	500	Cattle	5/1	5/31	97%	Active	494

**Other Terms and Conditions for Alternative C**

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

1. Average utilization would not exceed 40% of the annual growth on the native forage species in the Horsebrush Allotment.

## **Pine Butte Allotment**

### **Authorized Use Change:**

1. Change the season of use from 6/1 – 10/15 to 6/1 – 10/30. The permittee would be authorized to graze no more than 866 cattle for 137 days within the 152 day season of use. The fifteen day extension would allow for flexibility to adjust grazing in light of range and pasture readiness.
2. Change the livestock type from sheep to cattle. The total active AUMs in the Pine Butte Allotment would be reduced from 287 to 144 AUMs as a result of the conversion.

### **Projects (Figure 4):**

3. Drill a well in the center of Davis Butte Pasture.
4. Remove an existing fence (~1.5 miles long) located on the west side of the Red Road and construct a new fence on the east side of the Red Road. The Red Road is a highly travelled road and livestock are hit by vehicles on an annual basis. Realigning the fence on the east side would increase public safety. Approximately 0.6 miles of the relocated fence would be on BLM, while the remaining part of the relocated fence would be on private land. A four wire fence would be constructed according to BLM wildlife fencing specifications. The four wire fence would consist of three strands of barbed wire and one strand of smooth wire. The wire spacing would be 16 inches, 24 inches, 30 inches, and 42 inches from the ground with smooth wire on bottom to facilitate antelope passage underneath. Spacing would be 16.5' between "T" posts. A wire stay would be placed on the fence wire midway between steel "T" posts. Gates would also be added at appropriate locations.
5. Construct ~1.5 miles of fence dividing the Pine Butte Pasture into Pine Butte North and Pine Butte South Pastures. The fence would divide the pasture into two smaller pastures. Approximately 0.75 miles would be constructed on BLM, while the remaining part of the fence would be constructed on private and state land. The fence would be a three strand standard fence which consists of two strands of barbed wire spaced at 38 inches, 26 inches, and 16 inches from ground level. Spacing would be 16.5' between "T" posts. A wire stay would be placed on the fence wire midway between steel "T" posts.
6. Construction of the projects described above would not be authorized between March 1 and June 30 so as to not disturb nesting bird species in the area.

7. Based on research of sage grouse fence strikes and their relationship to topographic features of the landscape, a risk model was developed by the Idaho BLM State Office. The two fences were assessed and based on the model predictions these fences are at low risk for sage grouse collisions. However, if sage grouse fence strikes are documented in the future on these new or existing pasture or allotment fences, the fences would be modified to improve visibility in order to minimize sage grouse strikes.

Grazing Plan:

8. Implement seven pasture grazing rotation.

<b>2014</b>	
<b>Pastures</b>	<b>Dates</b>
Blacks Knoll	6/1 - 6/9
Twitchells North	6/10 - 7/4
Pine Butte North	7/5 - 7/14
Pine Butte South	7/15 - 7/24
Twitchells South	7/25 - 8/19
Monument Butte	8/20 - 9/14
Davis Butte	9/15 - 10/10
Blacks Knoll	10/11 - 10/15

<b>2015</b>	
<b>Pastures</b>	<b>Dates</b>
Pine Butte North	6/1 - 6/10
Pine Butte South	6/11 - 6/20
Twitchells South	6/21 - 7/16
Monument Butte	7/17 - 8/13
Davis Butte	8/14 - 9/7
Twitchells North	9/8 - 10/3
Blacks Knoll	10/4 - 10/15

<b>2016</b>	
<b>Pastures</b>	<b>Dates</b>
Blacks Knoll	6/1 - 6/10
Twitchells North	6/10 - 7/6
Davis Butte	7/9 - 8/3
Monument Butte	8/4 - 8/28
Twitchells South	8/29 - 9/23
Pine Butte South	9/24 - 10/3
Pine Butte North	10/4 - 10/15

2017*	
Pastures	Dates
Pine Butte South	6/1 - 6/10
Twitchells South	6/11 - 7/6
Twitchells North	7/7 - 8/1
Davis Butte	8/2 - 8/29
Monument Butte	8/30 - 9/24
Pine Butte North	9/25 - 10/3
Blacks Knoll	10/4 - 10/15

\*Rotation Repeated after 2016

9. The annual bill schedule for the Pine Butte Allotment would be as follows:

Allotment Name	Lvstk#	Lvstk Kind	Begin	End	%PL	Type of Use	AUMs
Pine Butte	866	Cattle	6/1	10/15	45%	Active	1,755

Upon prior approval from the Upper Snake Field Office, the permittee may be authorized to adjust the season of use within the permit dates of 4/20 to 5/31.

### Mandatory Terms and Conditions

10. Permitted livestock use within the Pine Butte Allotment would be as follows:

Allotment Name	Lvstk#	Lvstk Kind	Begin	End	%PL	Type of Use	AUMs
Pine Butte	775	Cattle	6/1	10/30	45%	Active	1,755

\* The permittee would be authorized to graze no more than 866 cattle for 137 days within the 152 day season of use.

### Other Terms and Conditions:

The following other Terms and Conditions would be followed under the grazing use authorized under Alternative C, in accordance with 43 CFR 4130.3-2, to assist in achieving management objectives for the allotment.

1. Authorized use would be made as described under the approved grazing plan for the Cow Camp, Horsebrush, and Pine Butte Allotments.
2. 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.
3. Distribution of livestock salt and mineral supplements would be at least ¼ mile from the nearest water source.
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 in the future on new or existing pasture or allotment fences, the fences would 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 evaluations, EA # DOI-BLM-ID-I010-2013-0040-EA, and monitoring studies. Implementation of the annual grazing authorization terms and conditions and the grazing management guidelines will help ensure that rangeland Standards 1, 4, and 8 continue to be met in the Cow Camp and Pine Butte Allotments, as well as, begin to make significant progress toward meeting the standards in the Horsebrush Allotment. This decision is in conformance with the Medicine Lodge Resource Management Plan.

### Cow Camp Allotment

Under Alternative C, The permittee would be authorized to graze no more than 40 cattle for 31 days within the 42 day season of use. The change in the season of use would allow for flexibility to adjust grazing in light of range and pasture readiness. The sensitive species and migratory bird impacts from grazing the allotment 10 days earlier in the spring than under Alternative A are likely minimal. Lengthening the season of use would allow for management flexibility in the Cow Camp Allotment. This would allow the permittee the ability to adjust spring grazing in light of range and pasture readiness annually upon request and approval of the BLM. The native plant communities in the Cow Camp Allotment would continue to meet standards for Rangeland Health.

### Horsebrush Allotment

Under Alternative C is a decrease in authorized use from 862 to 522 AUMs in the allotment. The 39% reduction would result in an increase in herbaceous cover in both pastures after grazing as compared to Alternative A. This would reverse the downward ecological trend seen in both pastures and increase grass and forb cover throughout the allotment, which would increase nesting, cover, and foraging habitat for sensitive species and migratory birds over the life of the permit. The reduction in AUMs would result in lighter utilization levels in both pastures, which would reduce the likelihood of direct disturbance of sensitive species and migratory birds. In addition, modifications to the authorized use in the Horsebrush Allotment at a decrease of 39% could benefit cultural resources by decreasing the amount of trampling that could occur in congregation areas.

There is no formalized grazing system in the Horsebrush Allotment. Under the deferred grazing rotation in Alternative C, one of the two pastures would receive early grazing season deferment

every year. Deferred rotational grazing provides an opportunity for preferred plants and areas to maintain or gain vigor as plants have the opportunity to store carbohydrates and set seed every other year. With the combination of the grazing rotation and the equivalent of a 39% reduction compared to Alternative A, the amount of authorized use for the uplands in the Horsebrush Allotment would be appropriate for the site potential and would not expect to result in a further loss of site productivity. Under Alternative C, the allotment would move toward meeting ISRH.

#### Pine Butte Allotment

Under Alternative C, the fall grazing season would be lengthened by 15 days. Lengthening the season of use would allow for management flexibility in the Pine Butte Allotment. This would allow the permittee the ability to adjust grazing in light of range and pasture readiness annually upon request and approval of the BLM. The total amount of the authorized AUMs in the allotment would decrease from 1,898 to 1,755 AUMs. The fall livestock grazing use indirectly impacts migratory birds by reducing the amount of residual herbaceous vegetation available as forage or cover for migratory birds and their prey bases during the following spring. Because the allotment is currently meeting rangeland health standards, the herbaceous species in Pine Butte Allotment would be expected to maintain their vigor and productivity to provide suitable foraging and cover habitat for migratory birds.

Under Alternative C, 287 AUMs authorized for sheep use would be converted to 144 AUMs authorized for cattle within the allotment. The conversion to cattle would alter the grazing use patterns and the plant species utilized, while the reduced AUMs would result in slightly lighter amount of use throughout the allotment. Livestock distribution can vary greatly between sheep and cattle use. Sheep can be herded more easily by a herder in order to use the area that are not typically used by cattle due to increased topography or distance from available water. Sheep tend to utilize forbs in the months of April and May, while the cattle tend to utilize the grasses. During the later months, as available forbs become less abundant, sheep adjust their grazing to include more shrubs. Cattle will eat shrubs but prefer grasses and forbs. Since the allotment is meeting standards for rangeland health, the uplands would continue to maintain or improve the existing condition under either option.

A seven pasture deferred rotation grazing system would be implemented in the Pine Butte Allotment. The deferred rotation grazing system would allow for some dormant season grazing within the allotment, and improve habitat for sensitive species, migratory birds, and other wildlife species in the long-term by strengthening understory grasses and forbs. Deferred-rotational grazing systems are beneficial to many migratory bird species because they provide pastures free of disturbance during nesting and other critical seasons (Holechek et al. 1982). The vegetation quality requirements for wildlife species within the Pine Butte Allotment would continue to be met under this alternative.

In order to implement the grazing rotation, a boundary and pasture fence between the Pine Butte North and South Pastures would be constructed. The 1.5 mile fence would both ensure control of livestock as well as allow for the establishment of a deferred grazing rotation in the allotment. In addition to the 1.5 mile pasture fence, another 1.5 mile stretch of fence would be removed and

moved on the east side of the Red Road. Approximately 0.6 miles of the fence would actually be constructed on BLM. The remaining portion of the fence would be constructed on the permittee's private land. Moving the fence on the east side of the road would increase public safety by reducing the potential livestock vehicle conflict. Increased utilization and trampling of the vegetation would be expected in a narrow area adjacent to the new fences, as livestock commonly trail along fences more intensively, but the impacts would lessen as distance from water increases. Constructing the two pasture fences would result in approximately 1.5 acres of disturbance of which 0.75 acres of ground disturbance would occur on public land that would be vulnerable to new weed infestations, but the likelihood of that occurring is unlikely due to the current condition of the native vegetation in the allotment.

A new well in the Davis Butte Pasture would provide an additional water source in the pasture. Vegetation around the new well and trough would be utilized heavier due to the short distance to water, but with declining use as distance from water increased. The new well would distribute livestock in the pasture by providing an additional permanent water source in the Davis Butte Pasture. The vegetation affected by this change in livestock distribution would be found in roughly the ¼ mile radius around each trough. The addition of a well in the center of the Davis Butte Pasture would remove 0.25 acres of nesting habitat for grass and ground nesting birds while providing nesting and perching habitat for migratory raptors and perching for song birds. The construction would occur outside the nesting season, which would reduce the potential for disturbance or destruction of existing nests. Other impacts would be a short term displacement of sensitive species and migratory birds and the removal or modification of habitat at the time of construction. The increase in compaction would occur on a small area of the total acreage of public lands and would not be a critical factor in achieving rangeland health.

### **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, feel free to contact either Scott Minnie at 524-7553 or myself at 524-7555.

Sincerely,

/s/ Jeremy Casterson

Jeremy Casterson  
Field Manager  
Upper Snake Field Office

Enclosure: Environmental Assessment No. DOI-BLM-ID-I010-2013-0040-EA

Copies sent to:

Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, ID 83707

Idaho Department of Fish and Game, 427 Commerce Circle, Idaho Falls, ID 83401

Idaho Department of Lands, 3563 Ririe Highway, 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

Western Watersheds Project, 126 Main, Suite B2, Hailey, ID 83333

US Fish and Wildlife Service, Eastern Idaho Field Office, 4425 Burley Drive, Suite A  
Chubbuck, ID 83202