



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

John Siddoway
320 North 2750 East
St. Anthony, ID 83445

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Siddoway:

Introduction

You were previously notified that we would be initiating an analysis process to determine the environmental impacts of livestock grazing on the Horsebrush Allotment. 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 Horsebrush Allotment was analyzed in DOI-BLM-ID-I010-2013-0040-EA (copy attached). This grazing decision will renew your permit for ten years.

Background

The Horsebrush Allotment was evaluated in 2012 to assess whether the allotment was meeting the Idaho Standards for Rangeland Health and Guidelines for Livestock Management (ISRH). 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 May 1, 2014 to April 30, 2024, with terms and conditions for Horsebrush Allotment to John Siddoway (operator number 1102546), 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:

Horsebrush Allotment

- 1. Reduce authorized use in the allotment by 39% from 862 AUMs to 522 AUMs.
- 2. Change the season of use on the sheep permit from 5/1 – 5/6 to 5/1 – 12/15. Sheep use would be authorized for up to four days within the season of use. The operator would be required to notify BLM prior to any authorized sheep use on an annual basis.

Projects:

- 3. None.

Grazing Plan:

- 4. None.

Mandatory Terms and Conditions

- 5. Permitted livestock use within the Horsebrush 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>
Horsebrush	1000	Sheep	5/1	12/15	100%	Adaptive	28

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.

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 Horsebrush Allotment.
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. 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.

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 the Horsebrush Allotment begins to make significant progress toward meeting the standards. This decision is in conformance with the Medicine Lodge Resource Management Plan.

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.

Under Alternative C, the season of use on the sheep permit would be extended from 5/1-5/6 to 5/1-12/15. Despite the longer season of use, the permittee would only be authorized up to four days of use within the season of use. The four days of use would allow for two different bands of sheep trailing through the allotment in the spring and the same bands trailing back in the fall. Grazing native habitats later into the year than proposed under Alternative A would have no measurable impact on native plants. The flexibility proposed under Alternative C allows for grazing to occur outside the critical seasons for wildlife species. By potentially decreasing the amount of spring use and leaving flexibility for increasing the amount of fall use, potential for nest failures would be less likely compared to Alternative A.

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, 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