



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Twin Falls District Office
Jarbidge Field Office
2536 Kimberly Road
Twin Falls, ID 83301



In Reply Refer To:
4160

August 1, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Devil Creek Ranch, Inc.
c/o Ronda K. Macaw
5594 S. Basalt Avenue
Boise, ID 83716

Notice of Field Manager's Final Decision Effective Upon Issuance

Dear Ms. Macaw:

This Final Decision addresses the authorization of two temporary water haul sites in the Guerry Patrick (#01094) Allotment.

Background

The Guerry Patrick Allotment is subject to Chief Judge Winmill's Decision and Order of February 26, 2009. Under the order, the Bureau of Land Management (BLM) is directed to adjust livestock grazing to maintain and enhance sage-grouse, pygmy rabbit, and slickspot peppergrass habitat. An interdisciplinary team participated in the identification of pastures with priority sage-grouse nesting habitat. Because the Guerry Patrick Allotment burned in the 2007 Murphy Complex Fire, the Interdisciplinary (ID) Team categorized the allotment as non-key habitat for sage-grouse. Also, there is no occupied or potential slickspot peppergrass habitat or known occupied pygmy rabbit habitat within the allotment.

On February 8, 2013, you submitted the annual application for 2013 grazing use. Under the provisions of the Term Grazing Permit, and the annual application, the following mandatory terms and conditions are currently in effect under your paid grazing bill:

Allotment Name	Number and Kind of Livestock	Season of Use	% Public Land	Type of Use	AUMs
Guerry Patrick	425 Cattle	7/1 – 7/2	100	Active	28
Guerry Patrick	152 Cattle	7/3 – 9/30	100	Active	450
Guerry Patrick	425 Cattle	10/1 – 10/9	100	Active	126

Winter and spring precipitation has been lower than normal in 2013 for the second year in a row. While herbaceous vegetation growth is adequate to provide watershed protection, support wildlife, and provide livestock forage, the two springs within the allotment that provide water have dried up early in the year.

Categorical Exclusion for Authorization of Temporary Water Troughs

As documented in Categorical Exclusion (CX) DOI-BLM-ID-T010-2013-0017-CX, this action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 D(2): Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed. The CX concluded that authorizing placement of and water hauling to temporary troughs at two locations on public land in the Guerry Patrick Allotment conforms to the 1987 Jarbidge Resource Management Plan and that the categorical exclusion is appropriate as none of the Departmental exceptions (extraordinary circumstances) apply.

Final Decision Effective Upon Issuance

My decision is to authorize 2 temporary water haul sites (see attached map) on public land within the Guerry Patrick Allotment. Terms and conditions of the authorization are as follows:

- You are authorized to place temporary troughs and haul water to Site #1 beginning August 1, 2013. You must cease hauling water to this site on August 31, 2013.
- You are authorized to place temporary troughs and haul water to Site #2 beginning September 1, 2013. You must cease hauling water to this site on September 30, 2013.
- You have up to 5 days following the authorized period to drain and remove the temporary troughs.
- Under the authority of the CX, no new road construction to access the temporary water haul sites is authorized.
- Bird ladders must be placed in each temporary trough.

This decision is final and effective upon issuance in accordance with 43 CFR 4110.3-2(b), 4110.3-3(b), and 4160.3(f) and remains in effect for the remainder of the 2013 grazing season.

Rationale

This final decision is in conformance with the Jarbidge Resource Management Plan, the Idaho Standards for Rangeland Health, the Guidelines for Livestock Grazing Management, the existing Term Grazing Permit, and the 2013 annual application for grazing use. This final decision is also consistent with BLM Washington Office Instruction Memorandum 2012-043, BLM Idaho Information Bulletin ID-2013-023, and the provisions of the Taylor Grazing Act and the Federal Land Policy and Management Act.

Authorizing temporary water hauling in the Guerry Patrick Allotment would facilitate proper grazing management of BLM lands within the allotment. Furthermore, the proposed locations are previously disturbed areas that are used for the placement of salt/supplements, and have also been used as temporary water sites in the past.

The proposed temporary trough locations are within an area mapped as Sage-grouse Preliminary Priority Habitat (PPH) through a collaborative effort between the BLM and state wildlife agencies. BLM Idaho has further classified the area as PPH – Perennial Grassland. Roughly 425,000 acres within the Jarbidge Field Office (JFO) burned in the 2007 Murphy Complex Fire, including approximately 96 percent of the Guerry Patrick Allotment. The fire removed sagebrush habitat from the project area. Also, there is no occupied or potential slickspot peppergrass habitat or known occupied pygmy rabbit habitat within the allotment.

The proposed action would allow for continued grazing use within the existing permit terms and conditions, and is not expected to cause additional influences to existing noxious weeds or non-native invasive species.

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 4110.3-2(b), 4110.3-3(b), 4120.3-1(a), 4120.3-4(a), and 4160.3(f); and

the 1987 Jarbidge Resource Management Plan which allocates livestock uses in the affected allotment.

Provisions for Appeal/Stay

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (in writing) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision. 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 notice of appeal and petition for a stay must be filed in the office of the authorized officer (Jarbidge Field Manager) at 2536 Kimberly Road, Twin Falls, Idaho 83301. In accordance with 43 CFR 4.401, the BLM does not accept fax or email filing of a notice of appeal or a petition for stay. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. The appeal must comply with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and other person(s) named (43 CFR 4.421 (h)) in the **Copies sent to:** section of this decision.

Should you wish to file a motion for 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

served 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 must see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at (208) 736-2380 or Dan Strickler at (208) 736-2356.

Sincerely,

/s/ Jeffrey W. Ross for Brian W. Davis

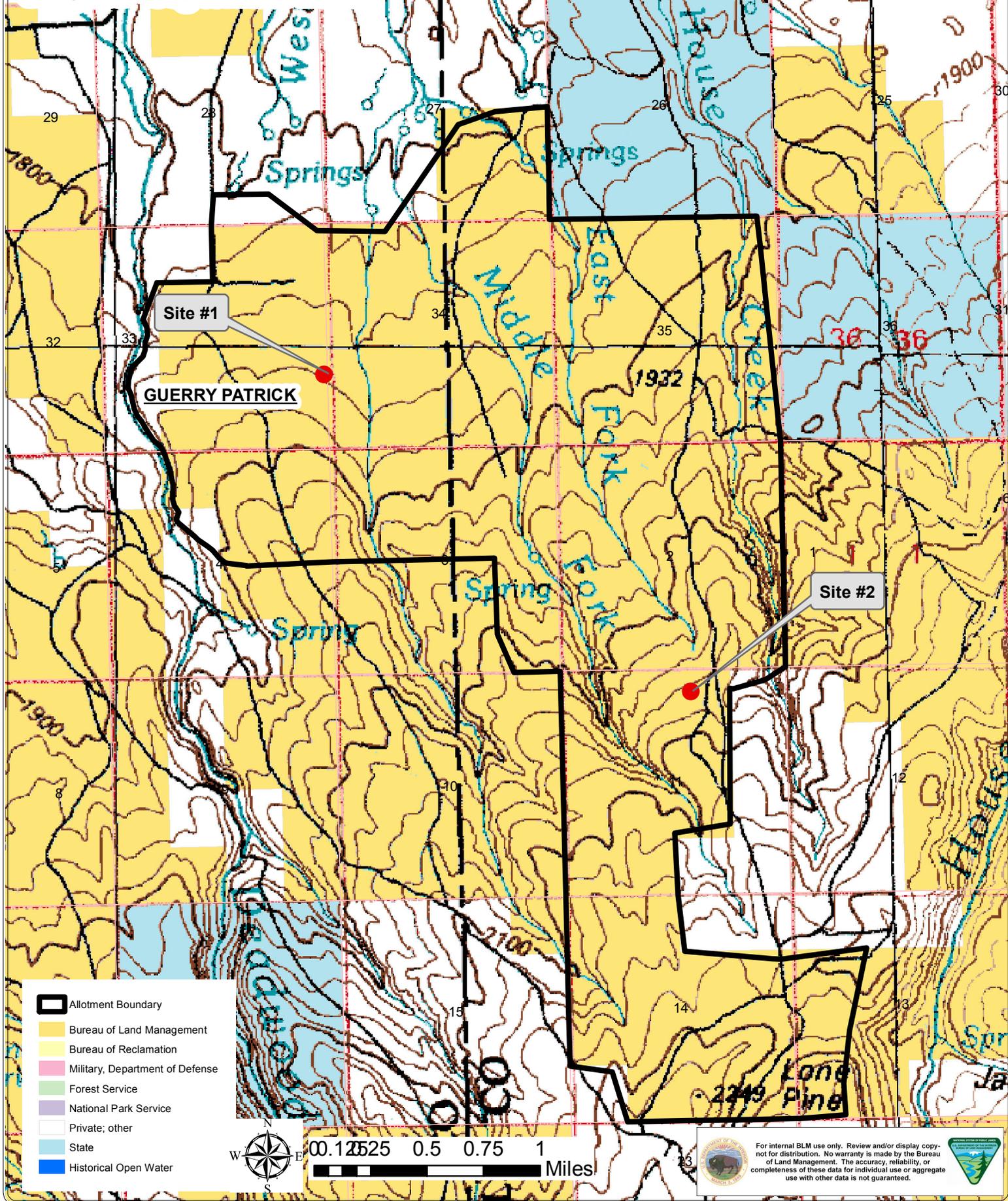
Brian W. Davis
Field Manager
Jarbidge Field Office

Attachment: Map (1 p.)

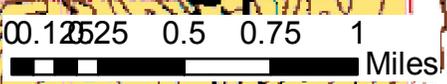
Copies sent to:

Jerome Hansen, Idaho Department of Fish and Game
Jon Marvel, Western Watersheds Project
Katie Fite, Western Watersheds Project, Idaho Office
Stan T. Boyd, Boise District Grazing Board
Scott Jensen, Owyhee Cattlemen's Association
Michael Stanford
DJ Schubert, Animal Welfare Institute
Kyle Prior, Tribal Chairman Shoshone-Paiute Tribes
John Robison, Idaho Conservation League
Courtney Washburn, Idaho Conservation League
Marty Marzinelli, Sierra Club (Mid Snake)
Sean Woodhead, Idaho Department of Environmental Quality
Balthasar (Sonny) Buhidar, Supervisor Ida Dept of Environmental Quality
Steve Jakubowics, Committee for the High Desert
Allen Jenne, Nevada Department of Wildlife
Jerry Hoagland, Owyhee County Board of Commissioners
Jim Desmond, NRC Owyhee County Board of Commissioners
John Biar, Idaho Department of Agriculture
Randy Stowell
Meghan Brown, Nevada Cattlemen's Association
Jared Brackett, Idaho Cattlemen's Association
Friends of the Jarbidge
Aaron Utz, Idaho Power Company

Guerry Patrick Allotment Proposed Water-Haul Sites August - September 2013



-  Allotment Boundary
-  Bureau of Land Management
-  Bureau of Reclamation
-  Military, Department of Defense
-  Forest Service
-  National Park Service
-  Private; other
-  State
-  Historical Open Water



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