



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Four Rivers Field Office
3948 Development Avenue
Boise, Idaho 83705-5339



In Reply Refer To:
4130 (ID-110)
1101629

August 15, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0922

Broken Circle Cattle Company
C/O Ted Hoffman
600 NE Broken Circle Drive
Mountain Home, Idaho 83647-9206

Notice of Field Manager's Final Decision

Dear Dr. Hoffman:

This Final Decision temporarily closes all public lands administered by the Bureau of Land Management (BLM) located in Pasture 3 and all burned public lands in pastures 1 and 2 of the Mud Springs (00815) Allotment. Portions of the public lands within these pastures were affected by the Pony Complex fires (Pony Fire) in 2013 (Map 1). This decision will be effective upon issuance and until resource objectives identified in this decision are achieved.

Background

The August 10, 2013 Pony Fire burned approximately 2,804 acres of public land in pastures 1, 2, and 3. The fire damaged vegetation including grasses, forbs, and sagebrush, which left soils exposed and susceptible to accelerated wind and water erosion. Because the Pony Fire exhibited low to extreme burn intensities, vegetation treatments beyond natural recovery were identified (i.e., seedling planting, aerial seeding). An Emergency Stabilization and Burned Area Rehabilitation Plan for the Pony Fire was signed on September 12, 2013.

Prior to the fire, vegetation communities were characterized by sagebrush steppe (Wyoming big sagebrush overstory with perennial and annual, primarily exotic, grass and forb understory) or exotic annual (with some perennial grasses and forbs present) communities. Pasture 3 contains public lands classified as greater sage-grouse Preliminary Priority Habitat (PPH) and pastures 1 and 2 contain Preliminary General Habitat (PGH). PPH are areas that have the highest conservation value (breeding, nesting, brood-rearing) to maintaining sage-grouse populations and PGH are areas outside of breeding habitat that support important seasonal (winter, summer, fall habitat, migration corridors) or year-

round habitat. Greater sage-grouse are a candidate species for listing under the Endangered Species Act. The closest active lek is approximately four miles from the burned pastures.

Prior to the fire, your annual grazing authorization for the Mud Springs Allotment (Authorization #1101629) was for 2,467 Animal Unit Months (AUMs) (Table 1).

Table 1. Permitted use for Authorization #1101629, Mud Springs (00815) Allotment, Elmore County, Idaho.

Allotment Name & No.	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
				Active	Suspended	Permitted
Mud Springs (00815)	245 Cattle	04/01-01/31	100	2,467	0	2,467

Determination of Land Use Plan Conformance and NEPA Adequacy

The grazing closure is consistent with the Kuna Management Framework Plan (KMFP) dated March 30, 1983.

KMFP:

- Establish seedings or plantings of preferred species if reasonably necessary to improve forage condition on suitable sites of crucial deer winter range (WL-3.2-c).
- Manage all watersheds to achieve stable or moderate soil surface factor conditions and, where feasible/economical, strive for maintaining or establishing good perennial vegetation cover (WS-1.1).

The environmental effects of the treatments were adequately addressed in the Boise District Normal Fire Rehabilitation Plan (NFRP) Environmental Assessment (EA), #ID-090-2004-050 and the Determination of Land Use Plan Conformance and NEPA Adequacy (DNA), DOI-BLM-ID-B010-2012-0049-DNA. I have determined that the implementation of the action identified in the Pony Fire ESR Plan would have no significant effects on the quality of the human environment. My review found that the EA adequately addressed impacts that could occur from this action.

Final Decision

My Final Decision is to temporarily close to grazing BLM-administered lands in Pasture 3 and all burned BLM-administered lands in pastures 1 and 2 of the Mud Springs Allotment in Elmore County, Idaho. Your active use will be temporarily reduced from 2,467 AUMs to 1,837 AUMs (Table 2).

Table 2. Modified Permitted use for Authorization #1101629, Mud Springs (00815) Allotment, Elmore County, Idaho.

Allotment Name & No.	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
				Active	Suspended	Permitted
Mud Springs (00815)	182 Cattle	04/01-01/31	100	1,831 ¹	630	2,467

¹ The active preference under the imposed temporary suspension is 1,837 AUMs; however, because the season of use is for 306 days or 10.06 months and one Animal Unit Month (AUM) is defined as being 30.417 days, there is a six (6) AUM disparity between the adjusted total Active AUMs total temporarily suspended AUMs and the total Permitted Preference AUMs.

Additionally, I have decided to honor the permittee's written request that they be allowed to actively graze their livestock within the unburned portions pastures 1 and 2, providing they adhere to the following conditions during those periods when their livestock are actively grazing within said pastures:

1. Permittee will install and maintain, at their expense, approximately 0.5 miles of temporary electric fence across the southeastern portion of Pasture 1. Said fence will run from the vicinity of the southeast end of the gate located adjacent to Mayfield Road (02S06E03_SWSW) northeast, along the southeastern side of the two-track road, to the vicinity of the southeast end of the gate to the reservoir enclosure located at 02S06E07_SWSEW (Map 2).
2. Permittee will actively graze their livestock on the unburned portions of Pasture 2 during daylight hours only.
3. All livestock actively grazing within Pasture 2 will be constantly monitored. Any livestock straying onto burned areas will be immediately herded back on to the unburned portions of the pasture.

The grazing closure will remain in effect for a minimum of two growing seasons and until the following resource objectives for burned areas are achieved:

- Canopy gaps of 0 – 50 cm comprise 95% of measured transects.
- Total ground cover is greater than 60%.
- 50% of planted seedlings persist through the first year following planting.
- Aerially seeded species attain a density of 1 plant per 10 m² in suitable areas.
- Aerially seeded species are found to be common in qualitative surveys (site assessments).
- In addition to the above objectives, a qualitative assessment of the following will be completed before grazing resumption would occur:
 - Perennial plant vigor.
 - Desirable perennial plant seed production.
 - Precipitation information during the non-growing (winter) and growing (spring through early summer) seasons.
 - Erosion potential.

When it is determined by BLM staff (based on monitoring) that vegetation recovery objectives have been met, grazing resumption would occur at seasons and levels (up to the terms and conditions described in Table 1) that would maintain the long-term viability of the treatments.

This decision is final and effective upon issuance in accordance with 43 CFR 4110.3-2(a), 4110.3-3(b), and 4160.3(f).

Rationale

I have decided to close all BLM-administered lands in Pasture 3 and all burned BLM-administered lands in pastures 1 and 2 to livestock grazing because the Pony Fire resulted in the loss of vegetation cover that protects the soil surface. This lack of protection increases both soil susceptibility to accelerated erosion and the opportunity for invasive and noxious weeds to establish. Grazing the burned areas would further increase the potential for resource damage and decrease perennial plant recovery. Because of these potential risks, I have determined that the public land grazing areas affected by the Pony Fire require immediate protection of the soil, vegetation, and other resources. Achievement of the recovery objectives will ensure watershed protection and vegetation health. Because of the need for resource protection, I am required by 43 CFR § 4110.3-3(b), to modify your

grazing permit in the Mud Springs Allotment. Based on these factors and previous livestock use, I have determined that a temporary suspension of the AUMs associated with burned BLM acres will best allow vegetation resource objectives to be met.

Fire perimeter, land ownership, and permitted use data were used to determine BLM acres and AUMs within the closed areas. Prior to the fire, the permittee was authorized for 2,467 AUMs on approximately 10,977 acres of public lands in the allotment (Table 1). The 2,804 acres burned represents 26% of the public lands in the allotment. The commensurate reduction based on acreage would be 630 AUMs.

The permittee has assured the BLM that they can keep livestock off the burned portions of pastures 1 and 2 through the use of active herding and temporary electric fencing. These measures should minimize livestock use in burned areas. Livestock grazing in unburned areas, especially during the early part of the growing season, will help control the relatively dense stands of medusahead rye (*Taeniatherum caput-medusae*), an invasive exotic annual grass. However, if livestock are observed to be physically present or evidence of significant recent presence is found in burned areas, complete livestock removal will minimize livestock impacts.

This temporary suspension of active use will be made as provided for in 4110.3-2(a).

Authority

The authority under which this decision is made is found in the following 43 CFR 4100 citations:

- 4110.3-2(a) Decreasing permitted use (suspending permitted use on a temporary basis due to fire)
- 4110.3-3(b) Implementing reductions in permitted use (due to fire)
- 4160.3(f) Final decisions (effective upon issuance)

Right of Appeal

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. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer: Tate Fischer, Four Rivers Field Office Manager, 3948 Development Avenue, Boise ID 83705, by mail or personal delivery. 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 Ave., Suite 400, Boise Idaho, 83706 and 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. In accordance with 43 CFR 4.401, BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

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 Mike Barnum, Range Management Specialist, at (208) 384-3218, or myself at (208) 384-3430.

Sincerely,

/S/Tate Fischer 8/15/2014
Field Manager Date
Four Rivers Field Office

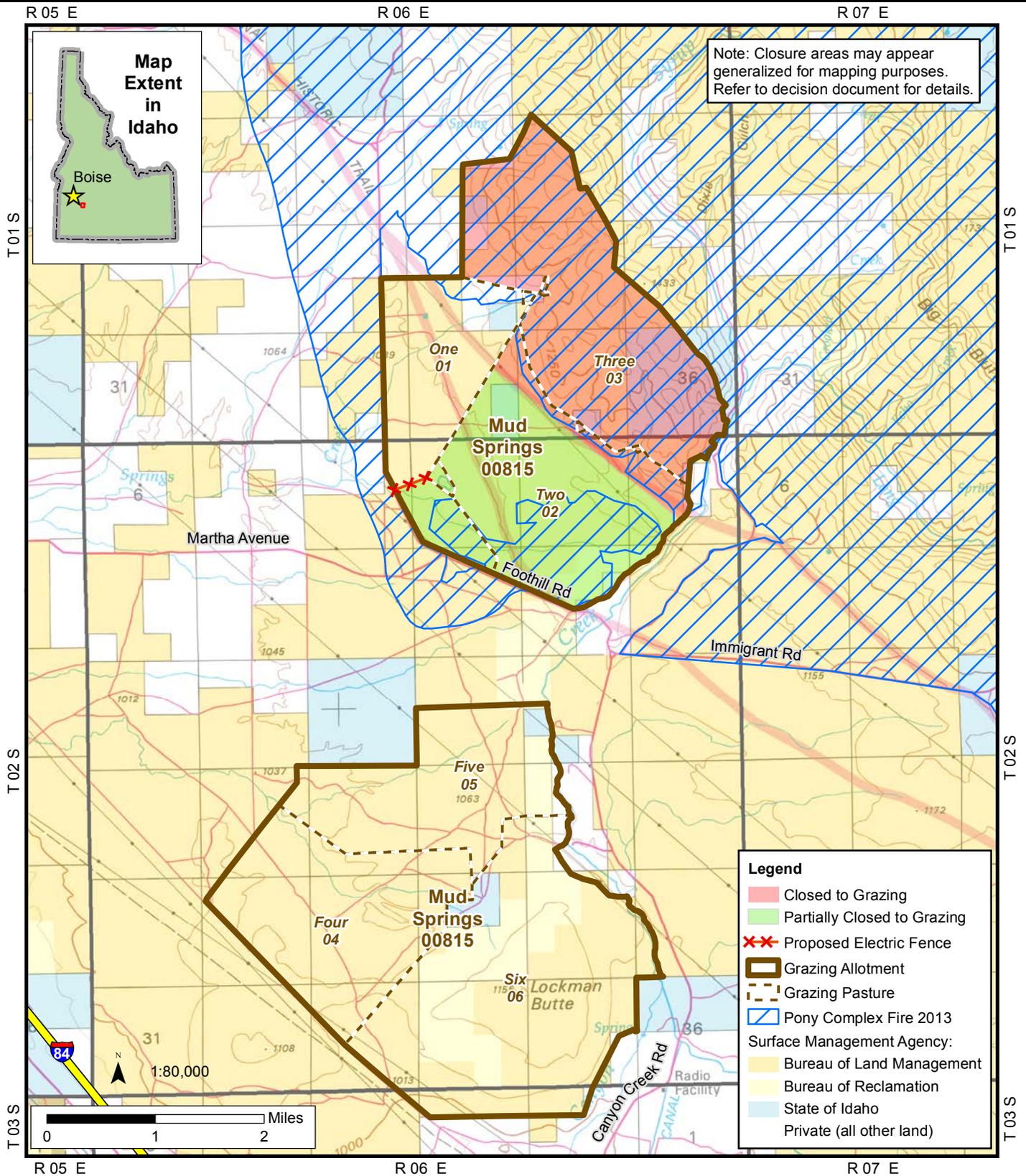
2 Enclosures:

1. Pony (HUI6) Fire Map(1p)
2. Pasture #1 – Electric Fence location (1p)

cc:

Boise District Grazing Board C/O Jay Branch 50 Jackass Creek Road Horseshoe Bend ID 83629-8052
Boise District Grazing Board C/O Phil Soulen 1760 Fairmont Drive Weiser ID 83672-1215
Boise District Grazing Board C/O Stan Boyd PO Box 2596 Boise ID 83701-2596
Elmore County Commissioners 150 South 4th East Mountain Home ID 83647-3060
Idaho Department of Agriculture PO Box 790 Boise ID 83701-0790
Idaho Department of Fish & Game 3101 S. Powerline Road Nampa ID 83686-8520
Idaho Department of Lands 555 Deinhard Lane McCall ID 83638-4802
Shoshone-Bannock Tribes C/O Tribal Chairman PO Box 306 Fort Hall ID 83203-0306
Shoshone-Paiute Tribes C/O Tribal Chairman PO Box 219 Owyhee NV 89832-0219
Western Watersheds Project PO Box 1770 Hailey ID 83333-1770

Map 1. Mud Springs (00815) Allotment Closure - Pony Complex Fire Broken Circle Cattle





U.S. Department of the Interior
Bureau of Land Management, Idaho
Boise District, Four Rivers Field Office
Map date: August 11, 2014



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office webmaster at (208) 373-4000. Background is a USGS topographic map.