



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)  
1100375/1103728/1103741

August 15, 2014

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0977**

Ditto Creek Ranch LLC  
928 E. Rumsey Lane  
Mountain Home, Idaho 83647-5719

**Notice of Field Manager's Final Decision**

Dear Mr. Damele:

This Final Decision temporarily closes all burned public lands administered by the Bureau of Land Management (BLM) located in Units (pastures) 1, 2, 3, 7, 8, and 9 of the Ditto Creek (00818) Allotment and the Upper Cornell (3) and Haystack Field (5) pastures of the Cornell (00820) Allotment. The public lands in 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 7,448 acres of public land in six pastures in the Ditto Creek Allotment and 2,628 acres of public land in three pastures in the Cornell Allotment. The fires 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 plantings, 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 or mountain big sagebrush overstory with perennial and annual, primarily exotic, grass and forb understories) or exotic annual (with some perennial grasses and forbs present) communities.

Pasture 9 (Ditto Creek Allotment) contains public lands classified as greater sage-grouse Preliminary Priority Habitat (PPH) and the remaining burned areas 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. One active lek has been identified in Pasture 3 of the Ditto Creek Allotment.

Prior to the fires, your combined annual grazing authorization for the Ditto Creek (Authorization #1100375) and Cornell (authorizations #1103728 and #1103741) allotments was for 3,051 Animal Unit Months (AUMs) (Table 1, Table 2, and Table 3).

Table 1. Permitted use for Authorization #1100375, Ditto Creek (00818) Allotment, Elmore County, Idaho.

Allotment Name & No.	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
				Active	Suspended	Permitted
Ditto Creek (00818)	845 Cattle	03/01-03/31	42	362	0	2,128
	428 Cattle	04/01-05/31	42	361		
	562 Cattle	09/01-02/28	42	1,405		

Table 2. Permitted use for Authorization #1103728, Cornell (00820) Allotment, Elmore County, Idaho.

Allotment Name & No.	Pasture Name	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Cornell (00820)	Upper Cornell	228 Cattle	11/01-12/15	78	263	0	325
	Haystack	428 Cattle	04/01-04/30	100	62		

Table 3. Permitted use for Authorization #1103741, Cornell (00820) Allotment, Elmore County, Idaho.

Allotment Name & No.	Pasture Name	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Cornell (00820)	Lower Cornell	400	04/01-06/15	58	580	0	598
	Rock Field	50	04/01-04/18	60	18		

### 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 (HUI6) 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 the following public lands to grazing: 1) all public lands located in pastures 7, 8, and 9 and all burned public lands in pastures 1, 2 and 3 in the Ditto Creek Allotment (Authorization #1100375) and 2) all public lands located in the Upper Cornell and Haystack pastures (Authorization #1103728) and all burned public lands in the Rock Field Pasture (Authorization #1103741) in the Cornell Allotment. Your active use in the Ditto Creek Allotment will be reduced from 2,128 AUMs to 1,192 AUMs (Table 4). Your active use in the Cornell Allotment will be reduced from 325 AUMs to zero AUMs in the Upper Cornell and Haystack pastures (Table 5) and from 598 AUMs to 594 AUMs in the Lower Cornell and Rock Field pastures (Table 6). Your combined total active use within the two allotments will be temporarily reduced from 3,051 AUMs to 1,786 AUMs.

Table 4. Modified use for Authorization #1100375, Ditto Creek (00818) Allotment, Elmore County, Idaho.

Allotment Name & No.	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
				Active	Suspended	Permitted
Ditto Creek (00818)	474 Cattle	03/01-03/31	42	203	936	2,128
	240 Cattle	04/01-05/31	42	202		
	315 Cattle	09/01-02/28	42	787		

Table 5. Modified use for Authorization #1103728, Cornell (00820) Allotment, Elmore County, Idaho.

Allotment Name & No.	Pasture Name	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Cornell (00820)	Upper Cornell	0 Cattle	11/01-12/15	78	0	325	325
	Haystack	0 Cattle	04/01-04/30	100	0		

Table 6. Modified use for Authorization #1103741, Cornell (00820) Allotment, Elmore County, Idaho.

Allotment Name & No.	Pasture Name	Livestock No. & Kind.	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Cornell (00820)	Lower Cornell	400	04/01-06/15	58	580	4	598
	Rock Field	40	04/01-04/18	60	14		

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 m<sup>2</sup> 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 also 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, Table 2, and Table 3) 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 public lands located within the boundaries of pastures 7, 8, and 9 and all burned public lands within the boundaries of pastures 1, 2 and 3 in the Ditto Creek Allotment and all public lands located within the boundaries of the Upper Cornell and Haystack pastures and all burned public land within the boundaries of the Rock Field in the Cornell Allotment 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 Ditto Creek and Cornell allotments. 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 in each allotment and pasture. Prior to the occurrence of the fire, the permittee was authorized for 2,128 AUMs on approximately 16,923 acres of public land comprising nine pastures in the Ditto Creek

Allotment (Table 1). The 7,448 acres of BLM-administered lands in the six affected pastures in the Ditto Creek Allotment represent 44% of the public lands the permittee is authorized to graze. The commensurate reduction based on acreage would be 936 AUMs. The permittee was authorized for 325 AUMs on approximately 2,653 acres of public land comprising the Upper Cornell and Haystack pastures (Table 2) in the Cornell Allotment. The 2,568 acres of BLM-administered lands burned in the Upper Cornell and Haystack pastures represent 97% of the public lands the permittee is authorized to graze. Because all public lands will be closed to grazing, the reduction would be 325 AUMs. The permittee was authorized for 598 AUMs on 3,155 acres of public land comprising the Lower Cornell and Rock Field pastures (Table 3) in the Cornell Allotment. The 60 acres of BLM-administered lands burned in the Rock Field Pasture represent 2% of the public lands the permittee is authorized to graze. The commensurate reduction based on acreage would be 4 AUMs.

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  
Four Rivers Field Office

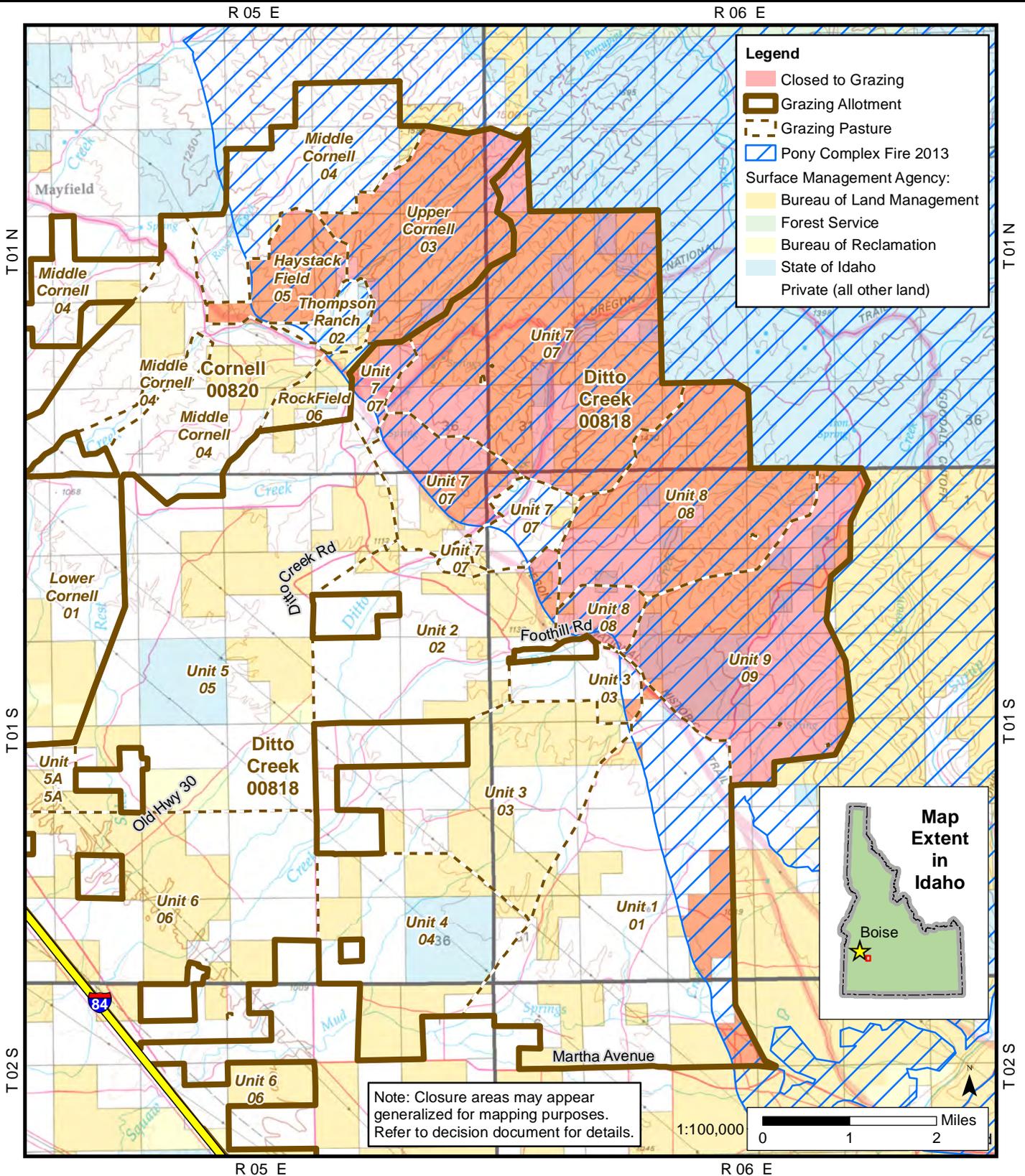
1Enclosure:

1. Pony (HUI6) Fire Map (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 4<sup>th</sup> 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. Cornell (00820) and Ditto Creek (00818) Allotment Closure Pony Complex Fire - Ditto Creek Ranch



U.S. Department of the Interior  
Bureau of Land Management, Idaho  
Boise District, Four Rivers Field Office  
Map date: August 14, 2014



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