



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)
1101655

August 15, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED 7010 3090 0000 9464 3527

McGrew Ranch LLC
15600 NE Hot Creek Road
Glenns Ferry, Idaho 83623-5042

Notice of Field Manager's Final Decision

Dear Mr. McGrew:

This Final Decision temporarily closes all burned public lands administered by the Bureau of Land Management (BLM) located in Pasture 3 of the Mountain Home Subunit (00813) Allotment and pastures 1, 2, and 3 of the Martha Avenue (00817) Allotment. The public lands in these pastures were affected by the Pony Complex fires (Pony Fire) in 2013 (Map). 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 7,562 acres of public land in four pastures affected by this permit. 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 seedings, broadcast seedings, and ground seedings). An Emergency Stabilization and Burned Area Rehabilitation Plan for the Pony Fire was signed on September 12, 2013.

Prior to the fires, vegetation communities were characterized by sagebrush steppe (Wyoming or mountain big sagebrush overstory with perennial and annual, primarily exotic, grass and forb understory) or exotic annual (with some perennial grasses and forbs present) communities. The pastures contain public lands classified as greater sage-grouse Preliminary Priority Habitat (PPH) and 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 unburned active lek, which is located on private land, is approximately three miles northeast of Pasture 1 of the Mountain Home Subunit.

Prior to the fire, your annual grazing authorizations for the Mountain Home Subunit and Martha Avenue allotments (1101655) was for 2,360 Animal Unit Months (AUMs) (Table 1).

Table 1. Permitted use for Authorization #1101655, Mountain Home Subunit (00813) and Martha Avenue (00817) allotments, Elmore County, Idaho.

Allotment Name & No.	Pasture No.	Livestock No. & Kind	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Mountain Home Subunit (00813)	3	171 Cattle	04/01-06/15	95	406	0	526
		85 Cattle	11/01-12/15	95	119		
Martha Ave. (00817)	1 & 2	237 Cattle	04/01-06/30	93	659	0	1,834
	5	11 Cattle	06/01-11/30	100	66		
	2	172 Cattle	11/01-12/15	93	237		
	3 & 4	292 Cattle	12/15-03/31	85	873		
Total					2,360	0	2,360

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, all burned public lands in the East Canyon Creek Pasture of the Mountain Home Subunit Allotment and all public land in pastures 1 and 2 and all burned public lands in Pasture 3 of the Martha Avenue Allotment. Your active use will be reduced from 1,834 AUMs to 891 AUMs (Table 2). The remaining active grazing preference of 891 AUMs will be available in pastures 3, 4, and 5.

Table 2. Modified Permitted use for Authorization #1101655, Mountain Home Subunit (00813) and Martha Avenue (00817) allotments, Elmore County, Idaho.

Allotment Name & No.	Pasture No.	Livestock No. & Kind	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Mtn. Home Subunit (00813)	3	150 Cattle	04/01-06/15	95	356	64	526
		75 Cattle	11/01-12/15	95	105		
Martha Ave. (00817)	1 & 2	0 Cattle	04/01-06/30	93	0	659	659
	5	11 Cattle	06/01-11/30	100	66	0	66
	2	0 Cattle	11/01-12/15	93	0	237	237
	3 & 4	277 Cattle	12/15-03/31	85	825	47	872
				Total	1,352	1,007	2,360

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).
- Drill seeding objectives have been met or seeding has been determined to be a failure (only where applicable). Drill seeding success is attained when:
 - Density of ground seeded forb species reaches 1 plant per 10 m².
 - Canopy cover of drill seeded grass species reached 20%.
 - Canopy cover of bluebunch wheatgrass and Idaho fescue attain 80% of pre-burn cover.
- In addition to the above objectives, a qualitative assessment of the following will also be conducted 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 burned public lands in Pasture 3 of the Mountain Home Subunit Allotment and all public lands located in pastures 1 and 2 and all burned public lands in Pasture 3 of the Martha Avenue 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. Achievement of the recovery objectives will ensure watershed protection and vegetation health. Because of these potential risks, I have determined that the public land grazing areas affected by the Pony Fire requires immediate protection of the soil, vegetation, and other resources. Because of the need for resource protection, I am required by 43 CFR § 4110.3-3(b), to modify your grazing permit in the Mountain Home Subunit and Martha Avenue allotments. 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 the pastures. Because all public lands located in pastures 1 and #2 (Martha Avenue Allotment) were affected by the fire, all permitted public land (PL) AUMs (896 AUMs) allocated to those pastures will be temporarily suspended. Prior to the fire, the permittee was authorized for 526 AUMs on 15,485 acres of public land in Pasture 3 (Mountain Home Subunit Allotment). The 1,785 acres burned represents 12% of the public lands the permittee is authorized to graze. The commensurate reduction based on acreage would be 64 AUMs. The permittee was authorized for 872 AUMs on 7,586 acres of public land in pastures 3 and 4 (Martha Avenue Allotment). The 410 acres burned represents 5% of the public lands the permittee is authorized to graze in those pastures. The commensurate reduction based on acreage would be 47 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

1 Enclosure:

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 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

