



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)
1100148/1101641

August 15, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED 7011 2970 0002 6309 0939

Preston Lord
9320 E Highway 20
Mountain Home, Idaho 83647-5314

Notice of Field Manager's Final Decision

Dear Mr. Lord:

This Final Decision temporarily closes all burned public lands administered by the Bureau of Land Management (BLM) located in the Mountain Home Subunit (00813), Long Tom (00814), and Dive Creek/Big Bluff (00819) allotments. The public lands in these allotments 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 21,174 acres in three allotments you hold authorizations for livestock grazing. 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 allotments 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 two miles northeast of the northeast corner of the Long Tom Allotment.

Prior to the fire, your annual grazing authorizations for the Mountain Home Subunit, Long Tom, Dive Creek/Big Bluff, and Pony Spring allotments (authorizations 1100148, 1101641, and 1104741) totaled 2,591 Animal Unit Months (AUMs) (Table 1 and Table 2). Although Authorization 1104741 addresses use in pastures 2 and 6 of the Mountain Home Subunit Allotment, your use only occurs in Pasture 6 which was not affected by the Pony Fire. Therefore, that authorization will not be affected by this decision.

Table 1. Permitted use for Authorization #1100148, Mountain Home Subunit (00813) Allotment, 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	10/15-12/14	100	301	0	300

Table 2. Permitted use for Authorization #1101641, Mountain Home Subunit (00813), Long Tom (00814), Dive Creek/Big Bluff (00819), and Pony Spring (00870) 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)	2 & 2A	17 Cattle	04/01-06/15	89	38	122	537
		22 Cattle	04/01-06/16	100	56	192	
	3	71 Cattle	10/16-12/15	89	127	0	
Long Tom (00814)	1	196 Cattle	05/16-10/30	88	953	0	956
Dive Creek/Big Bluff (00819)	1, 2, 3, & 4	294 Cattle	04/10-06/30	100	793	0	792
Pony Spring (00870)	1	6 Cattle	06/16-09/30	100	21	0	21
Total					1,988	314	2,306

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 public lands in pastures 2 and 2A and all burned public lands in Pasture 3 of the Mountain Home Subunit Allotment; all public lands in the Long Tom Allotment; and all public lands in the Dive Creek/Big Bluff Allotment. Your active use will be temporarily reduced from 2,289 AUMs to 399 AUMs for authorizations 1100148 and 1101641 (Table 3 and Table 4).

Table 3. Modified Permitted use for Authorization #1100148, Mountain Home Subunit (00813) Allotment, Elmore County, Idaho.

Allotment Name & No.	Pasture No.	Livestock No. & Kind	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Mtn. Home Sub (00813)	3	150 Cattle	10/15-12/14	100	264	36	300

Table 4. Modified Permitted use for Authorization #1101641, Mountain Home Subunit (00813), Long Tom (00814), Dive Creek/Big Bluff (00819), and Pony Spring (00870) Allotments, Elmore County, Idaho.

Allotment Name & No.	Pasture No.	Livestock No. & Kind	Season of Use	% Public Land	AUMs		
					Active	Suspended	Permitted
Mtn. Home Sub (00813)	2 & 2A	72 Cattle	04/01-06/15	89	0	408	537
		98 Cattle	04/01-06/16	100	0		
	3	71 Cattle	10/16-12/15	89	114	15	
Long Tom (00814)	1	196 Cattle	05/16-10/30	88	0	956	956
Dive Cr/Big Bluff (00819)	1, 2, 3, & 4	294 Cattle	04/10-06/30	100	0	792	792
Pony Spring (00870)	1	6 Cattle	06/16-09/30	100	21	0	21
Total					135	2,171	2,306

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 – 50cm 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 occur 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 and Table 2) 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 the following public lands: all public lands in Pasture 2 and all burned public lands in Pasture 3 of the Mountain Home Subunit Allotment; all public lands in the Long Tom Allotment; and all public lands in the Dive Creek/Big Bluff 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 Mountain Home Subunit, Long Tom, and Dive Creek/Big Bluff 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 the allotments and pastures. Prior to the Pony Fire, the permittee was authorized for 956 AUMs in the Long Tom Allotment and 792 AUMs in the Dive Creek/Big Bluff Allotment. All public lands in these allotments were affected by the Pony Fire; therefore, all 1,748 AUMs will be suspended. A portion of Pasture 2 in the Mountain Home Subunit had been closed in a February 27, 2013 decision in response to the 2012 Stout Fire and 314 AUMs were suspended. The remainder of the pasture and all of Pasture 2A were affected by the Pony Fire; therefore, the remaining 98 AUMs will be suspended. Recovery objectives associated with the Stout Fire have not been met; therefore, the 314 AUMs affected by that fire will remain in suspension. The 1,785 acres burned in Pasture 3 of the Mountain

Home Subunit Allotment represents 12% of the 15,485 acres the permittee is authorized to graze. The commensurate reduction based on acreage would be 51 AUMs for the two authorizations.

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

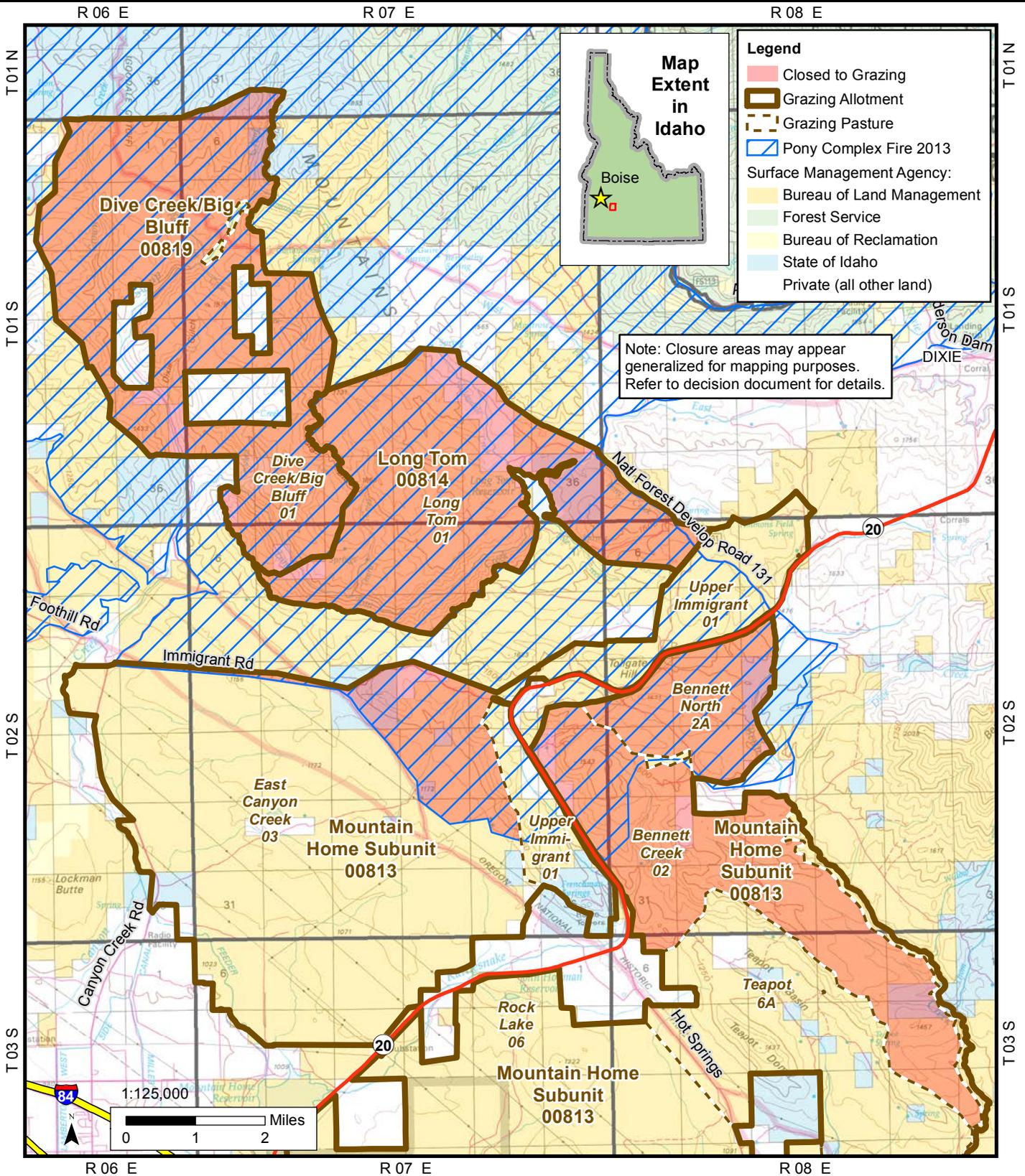
Idaho Department of Lands 555 Deinhard Lane McCall ID 83638-4802

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

Map 1. Mountain Home Subunit (00813), Long Tom (00814), and Dive Creek/Big Bluff (00819) Allotment Closure - Pony Complex Fire - Preston Lord



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



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