



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Challis Field Office  
1151 Blue Mountain Road  
Challis, Idaho 83226



In Reply Refer To:  
4130/4160 (IDI030)

CERTIFIED MAIL-RETURN RECEIPT REQUESTED 7015 0640 0004 4440 2517

Tom Page  
Big Creek Ranches, LLC  
P.O. Box 449  
Hailey, Idaho 83333

Dear Mr. Page:

**NOTICE OF FIELD MANAGER'S PROPOSED DECISION**

The P-16 Furey Lane Water Conservation and Reconnect Project Environmental Assessment (EA) DOI- BLM-ID-I030-2014-0002-EA was prepared by the Bureau of Land Management (BLM) - Challis Field Office (CFO). This EA discloses the anticipated environmental impacts resulting from granting a Federal Land Policy and Management Act (FLPMA) Right-of-Way (ROW) to the project proponents. The BLM has received a ROW application from the Furey Lane/P-16 Irrigation Company (Company) for installation of and access to an irrigation point of diversion (POD), ditch, and underground pipeline to convey decreed Pahsimeroi River water rights across BLM administered land to private lands in the vicinity of Furey Lane. Additionally, the EA was prepared to address a ROW application from the Idaho Department of Fish and Game (IDFG) Screen Program for installation and maintenance of the associated fish screen, access road, and bypass pipe, which would be installed as part of the irrigation infrastructure improvements. This EA also proposed to address the needs for livestock grazing due to the fencing of the Pahsimeroi River, and the loss of the diversion ditches to livestock and wildlife use.

Currently, the Pahsimeroi River, the existing irrigation ditches (P-16 and Hamilton), the County Line Pipeline (intermittent) and Big Creek (intermittent) are the only sources of livestock/wildlife water within the BLM County Line Grazing Allotment. As a result of implementation of the Project, these ditches would no longer be available and the Pahsimeroi River would be completely excluded from livestock access within the allotment; therefore, limiting livestock watering to Big Creek during spring when water is present. Without these

water sources, livestock utilization is limited to the southern portion of the allotment along Big Creek, the remaining water source on the County Line Allotment, and a correspondent decrease in utilization in the central and northern portions of the allotment near the existing, limited-functioning County Line Pipeline. Alternative watering sources (EA page 22, Proposed project – Alternative 1, Spur Stockwater Pipeline and Trough, Alternative 2, County Line Pipeline Reconstruct and County Line Allotment Supplemental Pipeline Construction, pages 32-33) would be necessary to replace the Pahsimeroi River and the abandoned ditches in order to manage livestock distribution throughout the allotment for the attainment of meeting the Idaho Standards for Rangeland Health, Guidelines for Livestock Grazing Management and for the benefit of wildlife that have become dependent on these water sources as well.

Alternative 2, discusses these three proposed water projects. These projects were proposed to provide for overall distribution throughout the allotment after loss of the Hamilton Ditch, diversion ditch and livestock access to the Pahsimeroi River. This decision document focuses on two of the three proposed water projects that are necessary for continued livestock use on the County Line Allotment and to move towards achieving the Idaho Standards for Rangeland Health Standard 1 (Watersheds), Standard 2 (Riparian Areas and Wetlands), and utilizing Guidelines 1 and 2 to facilitate the application of grazing management practices and to prevent over utilization along Big Creek.

The BLM-CFO conducted internal scoping during three project proposal planning meetings, held between October 2013 and January 2014. On December 13, 2013, project information was uploaded to the BLM e-Planning site, and the BLM-CFO Field Manager sent a scoping letter to interested members of the public, state and federal agencies, Shoshone-Bannock Tribes, and the commissioners from both Custer and Lemhi counties requesting comments on the P-16 Furey Lane Water Conservation and Reconnect Project. The letter sought public input for the project and contained a list of preliminary issues identified during the October 31, 2013 meeting. Written feedback, in the form of four letters, was received between January 10 and 13, 2014. Two of the letters were in support of the project proposal; the other two letters requested additional clarification on potential impacts to private property values and access, potential impacts to Greater sage-grouse and pygmy rabbit habitat as well as potential changes to livestock distribution and impacts to wildlife as a result of ditch abandonment associated with the project.

Following scoping, the BLM completed the P-16 Furey Lane Water Conservation and Reconnect Project EA which analyzed and disclosed environmental impacts of implementing three management alternatives, including a no action alternative, on BLM administered lands in the project area. The project area and actions proposed under the alternatives include portions of the Pahsimeroi River and portions of the BLM County Line Grazing Allotment. The EA included project design criteria and best management practices to minimize impacts as well as management alternatives to address resource issues identified during scoping. The alternatives fully analyzed in the EA were developed by the BLM in coordination or consultation with the project proponents, local landowners, conservation groups, state agencies and other federal agencies. Additional information is available in the EA, which is available at the CFO or on the internet at: <https://www.blm.gov/epl-front->

[office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=37612&dctmId=0b0003e880627424](https://office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=37612&dctmId=0b0003e880627424)

The Best Management Practices (BMPs), design features, and stipulations described as part of the Proposed Action in the EA (EA; pages 12-29, Spur Stockwater Pipeline and Trough, page 22) and effects analyses (EA, pages 38-93) address these comments. Potential impacts to private land property values are disclosed in the EA under “Economic and Social Values” (EA, pages 41-44). Alternative 2, BLM Alternative (pages 30-35), incorporates all of the actions described in Alternative 1. Therefore, Alternative 2 will incorporate the disturbance and actions as described above, as well as the two additional actions (described below) that are proposed to address issues and resource concerns resultant of Alternative 1. The general proposed construction plan, including BMPs and design criteria remain the same as that described under the Proposed Action.

## **PROPOSED DECISION**

After careful consideration of the comments received through consultation, communication, and coordination with interested publics, and other information pertinent to the matters addressed in this decision, my proposed decision is: to implement the following provisions as described in Alternative 2 in the P-16 Furey Lane Water Conservation and Reconnect Project EA, DOI-BLM-ID-I030-2014-0002-EA, for authorization of re-construction of the existing County Line Pipeline and the irrigation spur pipeline under a Cooperative Agreement between the BLM and the permittee to manage livestock distribution on the County Line Allotment, within the BLM-CFO. The two proposed actions and locations for each action are shown in the attached map.

### **Spur Stockwater Pipeline and Trough**

In order to replace livestock/wildlife water sources lost from fencing the Pahsimeroi River and the diversion ditch, a 1 ¼-inch High Density Polyethylene (HDPE) buried spur pipeline would branch off of the main irrigation pipeline and extend approximately 1,500 feet east to supply a new water trough located at: Boise Meridian, Idaho, T. 14 N., R. 22 E., Sec. 26, SENW. The spur pipeline would be laid with a pipe-layer, typically mounted on the back of a bulldozer; this method results in a disturbance width of approximately 1.5 feet where the pipe is laid. Surface disturbance from installation of the pipeline would be 1.5 feet by 1,500 feet (0.05 acres). Surface disturbance associated with the trough would be 175 feet by 175 feet (0.7 acres), for a total disturbance of 0.76 acres. The BLM would complete all water rights application/transfers in order to ensure that the spur trough would have a valid water right associated with it. The trough would be floated and fitted with bird/small mammal ladders. The pipeline would be installed by BLM and under a Cooperative Agreement with the permittee for maintenance.

Maintenance of water developments would consist of periodic inspection, repair or replacement of worn or damaged parts, repairing leaks, removing trash or silt, winterizing the facility, maintaining water flows during agreed upon times, and maintaining wildlife escape ramps.

Weed control for this and all ground disturbing project actions would follow the Challis-Salmon Integrated Weed Control Program Programmatic EA (BLM 2008).

### **County Line Allotment Pipeline Reconstruct**

Under this action, the existing County Line Pipeline, project #364386 (21,648 feet) would be reconstructed, following the original alignment. Reconstruction is necessary to improve the operability of the pipeline and for distributing livestock in the northern portion of the allotment during the permitted six week season of use. The existing 4.1 mile long County Line Pipeline was installed in 1981 and as such the vegetation has had time to recover to pre-disturbance levels; therefore, replacement of the pipeline is being analyzed as new disturbance. The existing pipeline would be completely replaced with new 1 ¼-inch HDPE pipe laid in the current alignment. The pipeline would be installed on appropriate grade with functional vents and drains. The pipeline would be laid with a pipe-layer, typically mounted on the back of a bulldozer, this method results in a disturbance width of approximately 1.5 feet where the pipe is laid. This action would likely require replacement of the existing hydro-shear diversion structure from the Miller Ditch off Patterson Creek. The new hydro-shear would meet NMFS screening criteria for screen slot size and approach velocities. Three of four existing watering troughs would be replaced. One trough was replaced in 2013 under maintenance. Approximately 0.75 acres of ground would be disturbed as a result of the pipeline replacement. New surface disturbance resulting from installation of the new pipeline would be 1.5 feet by 21,648 feet (0.75 acres). There would be no new disturbance from replacement of the existing troughs, as the replacement troughs will be placed in the same locations that are already disturbed. All four troughs would be floated and fitted with bird/small mammal ladders. The pipeline would be installed by BLM and under a Cooperative Agreement with the permittee for maintenance.

Maintenance of water developments would consist of periodic inspection, repair or replacement of worn or damaged parts, repairing leaks, removing trash or silt, winterizing the facility, maintaining water flows during agreed upon times, and maintaining wildlife escape ramps.

Weed control for this and all ground disturbing project actions would follow the Challis-Salmon Integrated Weed Control Program Programmatic EA (BLM 2008).

The following proposed project was analyzed in the EA but will not be completed at this time nor be a part of this decision.

### **County Line Allotment Supplemental Pipeline Construction**

The Hamilton Ditch currently is a water source in the central part of the allotment (map), and when the Fury Pipeline project is complete there would be no water available to wildlife and livestock within the central portion of the allotment. This would leave an area approximately 2 miles wide from the County Line Pipeline Trough south to Big Creek and 3 miles from the County Line Trough west to the spur pipeline trough de-watered.

Monitoring of the allotment will occur after installation/construction of the County Line Pipeline and spur trough to determine new livestock use patterns and ensure use on Big Creek does not exceed current riparian standards. If there are unacceptable impacts on either Big Creek, the adjacent uplands and or wildlife habitat the County Line Supplemental pipeline and troughs would be constructed. A new decision would be prepared and signed by the Challis Field Manager prior to construction based on the analysis in the P-16 Furey Lane Water Conservation and Reconnect Project Environmental Assessment DOI- BLM-ID-I030-2014-0002-EA and any current data provided at that time.

## **RATIONALE**

Alternative 2 was developed by the BLM to address issues identified during scoping. Federal Land Policy and Management Act (FLPMA) and the Taylor Grazing Act require the BLM to manage the public lands for multiple uses. That is, while some activities in some areas must be prohibited or limited to ensure that other resources are protected, the default assumption is that the public lands are available for a variety of uses, including livestock grazing and wildlife protection. In this case, there are management actions, short of imposing an outright prohibition on grazing, that the BLM can use to permit livestock grazing, while avoiding the deleterious impacts of grazing on protected and sensitive species such as bull trout and sage-grouse. In addition, some of the actions authorized by this decision, including water developments, may improve conditions for wildlife by (1) distributing livestock across the range; (2) protecting riparian areas; (3) increasing streambank stability and improving the vegetation composition to late seral species by reducing the amount of time livestock spend in riparian areas; and (4) providing alternate water sources.

Reconstruction of the three remaining troughs along the County Line Pipeline and construction of the spur pipeline and trough will reduce the amount of time cows use Big Creek and distribute livestock towards the north and west portions of the allotment. Livestock prefer to drink from a clear source where they have good footing rather than a stream channel. Providing alternative water sources other than Big Creek will lessen the amount of time livestock water along Big Creek and improve use patterns occurring within the County Line Allotment. The middle portion of the allotment where the Hamilton Ditch had provided water is expected to receive less use due to the distance between the County Line Pipeline, spur pipeline and trough and Big Creek. Limited use along Big Creek by livestock will allow for maintenance and recovery of the stream by: 1) developing a diverse age-class distribution of riparian-wetland vegetation for recruitment, 2) maintaining a diverse composition of riparian-wetland vegetation exhibiting high vigor, and 3) obtaining an adequate riparian-wetland vegetative cover present to protect banks and dissipate energy during high flows. (MT Riparian Tech. Bulletin No. 4 1998 and TR 1737-20 2006).

This action will ensure maintenance of Idaho's Standards for Rangeland Health and/or significant progress toward achievement of Resource Objectives listed in Appendix A. This action is also in compliance with Idaho's Guidelines for Livestock Grazing Management.

All range improvements will be maintained by the permittee under a Range Improvement Cooperative Agreement with the BLM and would follow mitigation measures, as described in Interim Management IM-2012-043, for West Nile Virus and entrapment within the trough.

Coordination with Idaho Fish and Game concludes both projects are located within BLM identified Preliminary Priority Habitat, winter habitat, with the nearest lek over three miles away and in compliance with the December 2011 BLM *Instruction Memorandum No. 2012-43* (BLM 2011a). Given the overall net benefits of the proposed Project the Idaho Department of Fish and Game concludes the project is likely to maintain sage-grouse habitat.

## **AUTHORITY**

The authority under which this decision is made is found within the following provisions of Title 43, CFR:

**4120.3-1(a) Conditions for range improvements** *“Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.”*

**4120.3-1(b) Conditions for range improvements** *“Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into a cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.”*

**4120.3-1(c) Conditions for range improvements** *“The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under Sec. 4130.3-2 of this title.”*

**4120.3-1(e) Conditions for range improvements** *“A range improvement permit or cooperative range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.”*

**4120.3-1(f) Conditions for range improvements** *“Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.”*

**4120.3-2(a) Cooperative range improvement agreements** *“The Bureau of Land Management may enter into a cooperative range improvement agreement with any person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement should*

*specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).”*

## **PROTEST AND APPEAL PROVISIONS**

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Todd Kuck, Challis Field Manager, at 1151 Blue Mountain Road, Challis, Idaho, 83226 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

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 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. 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 appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal by certified mail on the Office of the Solicitor, Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and person(s) named [43 CFR 4.421(h)] in the interested public mailing list attached to this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error, and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a 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 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 see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

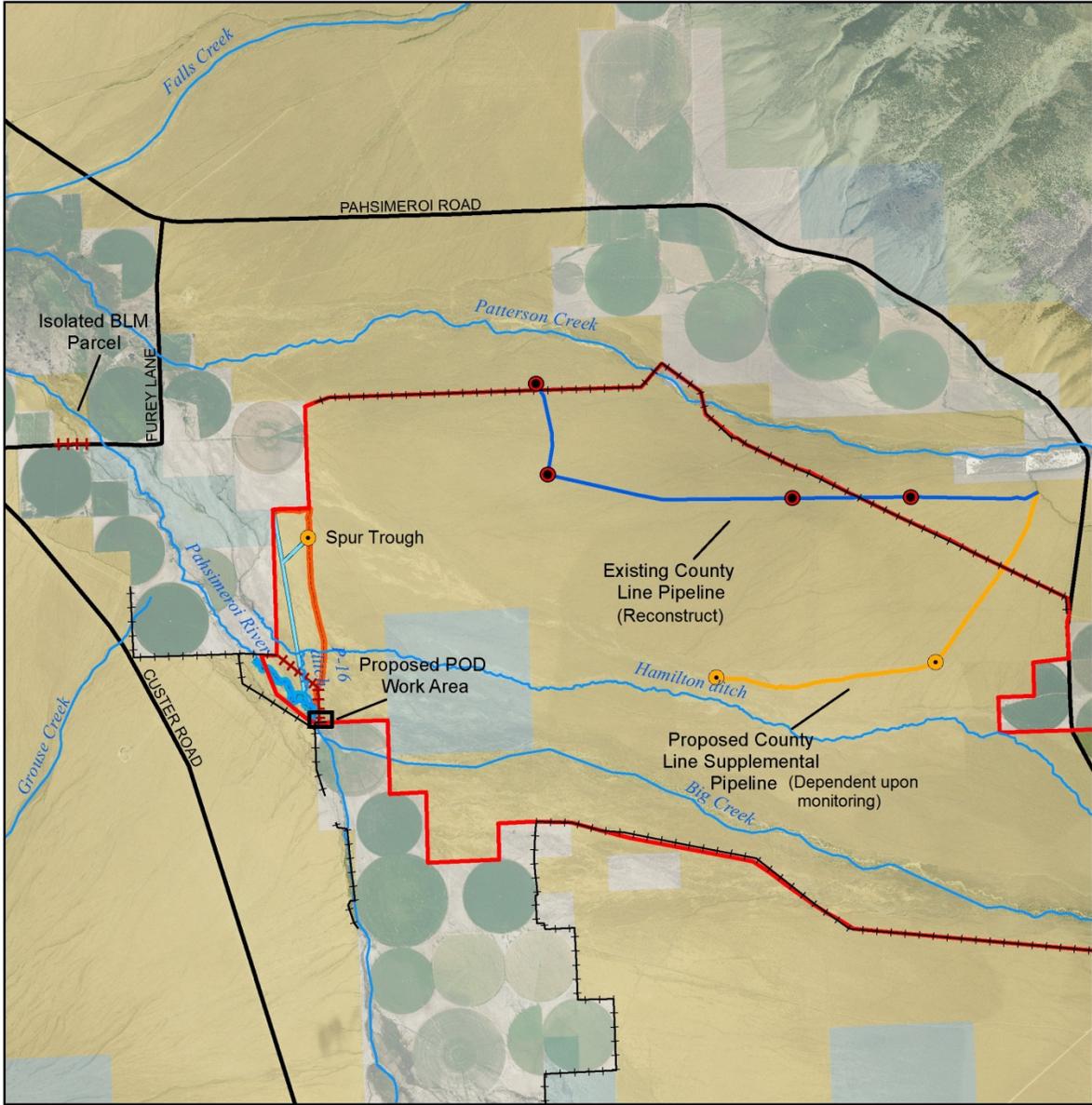
If you have any question, feel free to contact Peggy Redick or Carren Morgan at (208) 879-6200.

Sincerely,

*/s/ Todd Kuck*

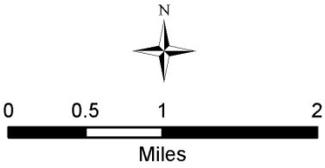
Todd Kuck  
Field Manager

Enclosures  
Allotment Map (1)  
FONSI  
Interested Public Mailing List



- Existing Trough
- Existing Fence
- Existing Pipeline
- Streams
- Proposed Pahsimeroi Restoration Reach
- Proposed Trough
- Proposed Fence
- Proposed Pipeline
- Proposed Irrigation Pipeline
- Proposed IDFG Access

- Surface Management Agency**
- Bureau of Land Management
  - Private
  - US Forest Service
  - State
  - County Line Allotment



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