



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

In Reply Refer To:
4100

June 5, 2014

Marty Bennett
2451 E 1300 S
Gooding, ID 83330

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Bennett:

Introduction

You were previously notified that we would be initiating an analysis process on an allotment basis to determine the environmental impacts of livestock grazing. An Environmental Assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if reissuance of your grazing permit constitutes a major federal action significantly impacting the human environment. The review of the Council on Environmental Quality (CEQ) Regulations has been completed (see FONSI attachment). Your allotment was analyzed in DOI-BLM-ID-I010-2014-0018-EA (copy attached). The EA describes a range of alternative actions, the affected environment, and environmental consequences.

Background

Blizzard Mountain Allotment was evaluated in 2013 to assess whether the allotment was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (ISRH). In January of 2014, you were sent a copy of the Evaluation Report for the Blizzard Mountain Allotment, which identified that Standards 1, 2, 3, 4, 7 and 8 are being met. Standards 5 and 6 are not applicable to the allotment.

Proposed Decision

I have determined that the permittee currently authorized in the allotment has a satisfactory record of performance and is in substantial compliance with the terms and conditions of their existing Federal grazing permit that is being renewed with this proposed decision.

After careful consideration, it is my Proposed Decision to implement Alternative B of the attached environmental assessment DOI-BLM-ID-I010-2014-0018-EA. A ten-year grazing permit will be issued from June 5, 2014 to June 4, 2024, with Mandatory Terms and Conditions and Other Terms and Conditions for Blizzard Mountain Allotment to Marty Bennett (Authorization # 1104402).

While the grazing permit will be renewed for a term of ten years, should information collected subsequent to any renewal indicate that changes in management are needed to ensure the allotment is continuing to meet ISRH, the permit may be modified at any time during the ten-year period.

Authorized Use Changes

- 1) Remove 99 AUMs from the permit as a result of the 2000 CMNMP expansion and subsequent loss of acreage available for livestock grazing.
- 2) Establish pasture rotation in the Basin and South Lava Pastures and add a Term and Condition to require pasture rotation between the South Lava and Basin Pasture, while still providing some flexibility to adapt to yearly climatic and vegetative conditions. In a sequence of years with normal precipitation the pastures will rotate regularly according to the schedule.
- 3) Specify that 3 AUMs are authorized on the small portion of public lands in the Martin Pasture. There will be a separate permit line for the Martin Pasture identifying the Type Use as Custodial which recognizes that nearly all of the available forage is provided by private property. The season of use for the Martin Pasture will be between 6/1 and 11/30.
- 4) The Basin Pasture boundary will be adjusted in BLM records and GIS layer files to more accurately reflect fences on the ground. In addition, the MFP acreage of 2,284 for the Blizzard Mountain Allotment will be updated to reflect changes associated with the CMNMP expansion. Blizzard Mountain Allotment will include approximately 2,228 acres of public land.

Projects

- 1) Authorize construction of a permanent allotment boundary fence on the southern boundary of the allotment to prevent livestock drift between the Blizzard Mountain Allotment and BLM Allotments administered by the Shoshone Field Office.

The fence will be a wildlife friendly let-down fence; up to 3.5 miles long and it will partially follow terrain contour and the Butte/Blaine County line (see Figure 3). Actual location of the fence may vary based on wildlife clearances, cultural clearances and survey and design. The fence will be upright between (06/01-10/20) when livestock are on either side of the boundary. When livestock are not in the area, the fence will be dropped to the ground to reduce impeding wildlife movement. The fence will be a four-strand fence consisting of 3 strands of barbed wire spaced at 42 inches, 30 inches and 24

inches from ground level, and 1 smooth wire located 16 inches from ground level. Green metal fence posts will be used between the braces and will be spaced 16.5 feet apart. A wire stay will be placed on the fence wire midway between steel “T” posts. Fence wire will be marked to alert wildlife of the hazard. The fence will be constructed outside of the migratory bird nesting season (April 1 to June 30) to minimize the potential impacts to nesting birds.

Grazing Plan

- 2) The basic schedule for the Blizzard Basin and South Lava Pasture would be as outlined in Table 1. Any changes to the basic schedule will be made through application prior to livestock turnout. The permittee would be allowed 2 days to gather livestock from the pasture upon rotation. The basic schedule will rotate every two years throughout the 10 year permit term.

Table 1. Basic Schedule for Basin and South Lava Pastures

Year	Pasture	Period of Use	Total AUMs
1	South Lava	07/01 – 08/25	276
	Basin	08/26– 10/20	276
2	Basin	07/01 – 08/25	276
	South Lava	08/26– 10/20	276

Mandatory Terms and Conditions

Blizzard Mountain Allotment (#11007)

Livestock number/kind	Pasture	Season	%PL	Type Use
150 Cattle	Martin	06/01 to 11/30	100	Custodial
150 Cattle	Basin/S. Lava	07/01 to 10/20	100	Active

Blizzard Mountain Allotment (#11007) Permitted Use Summary

Active AUMs	Suspended AUMs	Permitted Use
555	0	555

Other Terms and Conditions

The following other Terms and Conditions would be included as part of the grazing permit in accordance with 43 CFR 4130.3-2.

1. Turnout into the Basin Pasture during the early use period (07/01-08/25) will be limited to two consecutive years in a three year period to provide periodic rest during this time.

2. The south boundary fence will be upright between 06/01-10/20 while livestock are utilizing the area. Outside of this period the fence is required to be let down.
3. Riparian and Wetland Utilization – Utilization studies will be conducted using the stubble height method. Minimum stubble height in key areas will be 4 inches at the end of the growing season.
4. No more than 20 percent of the streambanks will be sheared by livestock hoof action annually.
5. Average livestock utilization will be no more than 50% of the annual growth of available forage species.
6. Distribution of livestock salt and mineral supplements shall be at least ¼ mile away from the nearest water source.
7. In connection with allotment operations under this authorization, if any human remains, cultural, archaeological, historical, paleontological or scientific objects and sites are discovered, the permittee shall stop operations in the immediate area of the discovery, protect such resources and immediately notify the BLM Authorized Officer (AO) of the discovery. The immediate area of the discovery must be protected until the operator is notified to resume by the AO.
8. The allotment(s) listed on this grazing permit is subject to requirements 43 CFR subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This permit shall be modified, if necessary, to meet the requirements upon completion of a standards and guidelines assessment and determination as scheduled by the authorized officer.
9. The permittee shall provide reasonable administrative access across private land to the BLM for the orderly management and protection of the public lands.
10. A certified actual use report is due within 15 days of completing your authorized annual grazing use.

Rationale

This decision is based on the findings of the interdisciplinary team on the evaluation, EA # DOI-BLM-ID-I010-2014-0018-EA, and monitoring studies. The EA considered a wide range of alternatives. Alternative A, also known as the no action alternative, would not accurately reflect current acreage and AUMs available for use. Under Alternative A, the allotment would continue to provide suitable habitats to maintain viable populations of native wildlife species, including special status species. However, some riparian areas would not be expected to improve. Alternative B, will adjust the permit and BLM records to accurately reflect AUMs available for use and acreage resulting from the Monument expansion, implement a formal grazing plan and authorize the construction of an allotment boundary fence, which will enhance livestock management and control in the area. Alternative B will continue to meet standards and will allow for certain riparian areas to improve to a greater extent than Alternative A. The costs associated with constructing the boundary fence will increase financial impacts to the livestock operator in the allotment. Alternative C, which is the no grazing alternative, would remove livestock grazing in Blizzard Mountain Allotment for the next 10 years. While Alternative C would continue to meet standards, the economic and social impacts to the livestock operator would be the greatest under Alternative C compared to the other alternatives.

Implementation of the annual grazing authorization, terms and conditions and the grazing management guidelines outlined in Alternative B will help ensure that rangeland Standards 1, 2, 3, 4, 7 and 8 continue to be met in Blizzard Mountain Allotment. This decision is in conformance with the Big Lost Management Framework Plan (1983).

Alternative B will adjust the grazing permit by removing 99 AUMs resulting from the 2000 CMNMP expansion and adjust the allotment acreage accordingly. Alternative B will also establish a pasture rotation in the Basin and South Lava Pastures similar to the existing rotation plan for these pastures. The permittee will be allowed 2 days to gather livestock from the pasture upon rotation and each pasture will only be used once per year. Currently the operator rotates the pasture of livestock turnout, but then livestock are allowed to drift between pastures after turnout. Alternative B better provides for the physiological needs of plants, riparian areas and wildlife habitats by ensuring that livestock are removed completely from a pasture after the period of use. This will allow habitats more time to recover from grazing disturbance than provided under current management.

A Term and Condition is included in Alternative B that will provide flexibility from the scheduled rotation to make use of ponds in the Basin Pasture while they are holding water. This will be particularly beneficial in dry years when vegetation can lose vigor due to the combination of drought and grazing disturbance. In order to provide regular rotation and periodic rest for vegetation the added Term and Condition ensures that turnout into the Basin Pasture will not occur more than two consecutive years in a three year period. This stipulation will provide better livestock distribution and utilization of vegetation will be better spread across the Basin Pasture. More preferred areas of use will receive less use as livestock are better distributed; being influenced by water availability. It will also provide frequent rest for vegetation and wildlife habitats during the earlier use period (7/1-8/25). In a sequence of years with normal precipitation the pastures will rotate regularly according to the schedule. The combination of orderly pasture rotation and requirement to use only one pasture at a time per year will be more beneficial for habitats in both pastures than the current system.

The remaining public land adjacent to private lands within the Martin Pasture will receive limited use by livestock. Private lands in this area provide the bulk of forage for livestock and use would be concentrated in these areas.

The administrative boundary adjustments mentioned under Alternative B will provide for more orderly administration of public lands by more accurately portraying habitats within the allotment. Monitoring and management will be more accurate and efficient throughout the permit term.

The boundary fence authorized along the southern border of the Blizzard Basin and South Lava Pastures will be very beneficial to vegetation and habitats within the pastures. In recent history livestock drift across this boundary has been common and has been a continual administrative challenge. This situation, along with the existing relaxed pasture rotation system, provides little protection from habitats being utilized continually within the Basin and South Lava Pastures as long as livestock are in the vicinity. The fence will restrict livestock drift between allotments

and also enhance the management capabilities of the pastures by ensuring that livestock are located according to the schedule. This will greatly reduce continuous grazing disturbance pressure on vegetation and riparian areas in the allotment. The Terms and Conditions requiring wildlife friendly fencing, marking and specifying the dates when the fence will be let down will help to minimize the impacts to wildlife.

There is potential for impacts to cultural resources within the allotment. Prior to any ground-disturbing activities, the proposed range improvements will be subject to Section 106 review and any effects to historic properties would be avoided or mitigated through consultation with the Idaho SHPO and affected tribes.

Authority

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

- 4110.2-2 - Specifying permitted use
- 4110.3 - Changes in permitted use
- 4130.2 - Grazing permits or leases
- 4130.3 - Terms and conditions
- 4130.3-1 - Mandatory terms and conditions
- 4130.3-2 - Other terms and conditions
- 4130.3-3 - Modification of permits or leases
- 4180 - Fundamentals of Rangeland Health and S&G for Grazing Administration

Appeal Procedures

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 me at the address shown above within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to 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 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 on the office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of 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 and serviced 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 questions, please contact either Jordan Hennefer or myself at 524-7500.

Sincerely,

Jeremy Casterson /s/ Jeremy Casterson
Field Manager, Upper Snake Field Office

Enclosure: DOI-BLM-ID-I010-2014-0018-EA
Blizzard Mountain Finding of No Significant Impact (FONSI)

Copies sent to:

Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, ID 83707
Idaho Department of Fish and Game, 4279 Commerce Circle, Idaho Falls, ID 83401
Idaho Department of Lands, 3563 E. Ririe Highway, Idaho Falls, ID 83401
Northwest Band of the Shoshoni Nation, 505 Pershing Suite 200, Pocatello, ID 83204
Chairman, Land Use, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Chairman, Tribal Business, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Shoshone Field Office, Monument Manager, 400 West F Street, Shoshone, ID 83352
National Park Service, Craters of the Moon National Monument and Preserve, P.O. Box 29,
Arco, ID 83213
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333
USFWS