

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District

Burley Field Office
15 East, 200 South
Burley, ID 83318

Jarbidge Field Office
2878 Addison Ave. East
Twin Falls, ID 83301

**Categorical Exclusion Documentation
and
Decision Record**

for the

**Sage-Grouse and Grazing Research Temporary Electric Fence Project
NEPA No. DOI-BLM-ID-T020-2016-0004-CX**

Background

BLM Office: Burley Field Office and Jarbidge Field Office.

Proposed Action Title/Type: Sage-Grouse and Grazing Research Temporary Electric Fence Project

Location of Proposed Action:

Jim Sage Site: Township 14 S., Range 26 E.
Browns Bench Site: Township 14 S., and 15 S., Range 14 E., and 15 E.

Description of Proposed Action:

BLM and the University of Idaho are working cooperatively to study spring livestock grazing and its effects on Greater sage-grouse (GRSG) during the breeding/nesting season. Additional collaborating partners in the research study include Idaho Department of Fish and Game, Idaho Office of Species Conservation, Idaho Cooperative Fish and Wildlife Research Unit, United States Geological Survey, Public Lands Council, Idaho Cattle Association, Permittees, Idaho Conservation League, and the Idaho Sage-grouse Advisory Committee.

Temporary fences are needed to create temporary enclosures within and/or to exclude livestock from GRSG nesting habitat to study the effects of grazing on GRSG and would

not be used for the benefits of livestock grazing management.

For the Jim Sage Research Area - Temporary fences would create three pastures of which two will be rested each year while one would be grazed in the spring (see attached map). The existing pasture configuration is not conducive for the level of livestock exclusion needed to implement the three grazing treatments being studied. The research project design would follow the existing grazing management plan for the allotment.

For the Browns Bench Research Area - Temporary fences would create four pastures of which two will be rested each year while two would be grazed (see attached map). The existing pasture configuration is not conducive for the level of livestock exclusion needed to implement the four grazing treatments being studied. The research project design would follow the existing grazing management plan for the allotment.

The proposed action is to construct a total of six segments of temporary electric fences throughout the project area comprised of two or three strands (see attached maps). The top strand would be high visibility electric tape (wire) and one strand would be a smooth ground wire. If a third wire is needed, it would also be high visibility electric tape. The bottom wire would be a minimum of 18 inches off the ground and the top wire would be no greater than 40 inches above the ground. The fences would be set up and taken down each year for up to five grazing seasons beginning in 2016. Construction of the fences would be completed one week before the turn-out of cattle and wire from fences would be removed after the cattle are taken off the affected research pastures or adjacent pastures. Fences would only be constructed from 9:00 am to 6:00 pm within two miles of leks during the lekking season (March 1 – April 30). Gates will be flagged and placed at all road crossings. All temporary fences would be completely removed before the end of 2020.

Land Use Plan Conformance

Land Use Plan Name: Cassia Resource Management Plan (RMP) (1985) and Jarbidge Resource Management Plan (2015) as amended by the Idaho and Southwestern Montana Land Use Plan Amendment for the Great Basin Region Greater Sage-Grouse (LUPA) (2015).

Although temporary electric fencing is not specifically mentioned in either plan, fencing is discussed. The following land use plan consistency determination regarding fencing projects indicates that the proposed action is in conformance with the Cassia RMP and the Jarbidge RMP.

- Cassia RMP - Required Actions for Management Area 10 Wildlife Guideline Appendix B 8 (I) page 68. In existing and potential antelope ranges, existing fences will meet standard fencing specifications as outlined in BLM manual 1772.21. Construction of all new fences in antelope ranges will meet current antelope fence specifications.

Consistency determination: The proposed fence specifications meet the required

standards of 16” to 18” smooth bottom wire for antelope passage.

- Jarbidge RMP - WI-MA-7. Schedule construction and maintenance activities to avoid or minimize disturbance to priority species and their habitat during their important seasonal periods (see WI-MA-9 for a list of priority species).

Consistency determination: Fence construction would be restricted from 9:00 am to 6:00 pm within two miles of leks during the lekking season.

- Jarbidge RMP - WI-MA-9. Sage-grouse, other special status species, mule deer, and pronghorn are priority species for habitat management.

Consistency determination: The study is designed to evaluate the effects of spring grazing at different use levels within sage-grouse nesting habitat.

- Jarbidge RMP - LG-MA-26. Modify existing and construct new fences to comply with BLM standards for wildlife (Karsky,1999). Existing fences will be modified according to the following priority order:
 - Key sage-grouse habitat,
 - Big game winter range,
 - Saylor Creek Herd Management Area, and
 - The remainder of the planning area.

Consistency determination: The proposed fence specifications meet the required standards of 16” to 18” smooth bottom wire for antelope passage.

- Jarbidge RMP - LG-MA-35. New fences may be constructed to meet livestock management and resource objectives.

Consistency determination: The fences have been proposed by U of I and Idaho Department of Fish and Game and are recommended for this study. It is necessary that they be constructed within GRS habitat for the study to be effective. Where practical; new temporary fences would be placed along existing roads.

- Jarbidge RMP - SS-MA-18. Mark fences that have been identified as a collision risk to improve fence visibility for sage- grouse, using appropriate collision diverters or other reasonable approaches. Fences posing higher risks to sage-grouse are generally within 1.25 miles of a lek and are:
 - On flat topography,
 - Where spans exceed 12 feet between T-posts,
 - Without wooden posts, or
 - Where fence densities exceed 1.6 miles of fence per section (640 acres) (Stevens et al., 2011).

Consistency determination: Consistency determination: The proposed fences

would employ a high visibility electric tape top strand that would not be expected to be a collision risk to GRSG.

The following land use plan consistency determination regarding fencing projects indicates that the proposed action is in conformance with the Idaho and Southwestern Montana Land Use Plan Amendment for the Great Basin Region Greater Sage-Grouse (LUPA) (2015).

- LUPA- (MD LG-11). Design any new structural range improvements, following appropriate cooperation, consultation and coordination to minimize and/or mitigate effects to GRSG habitat. Any new structural range improvements should be placed along existing disturbance corridors or in unsuitable habitat, to the extent practical, and are subject to RDF's (Appendix C). Structural range improvements in this context, include, but are not limited to: fences, enclosures, corrals or other livestock handling structures; pipelines, troughs, storage tanks (including moveable tanks used in livestock water hauling), windmills, ponds/reservoirs, solar panels and spring developments.

Consistency determination: The fences have been proposed by U of I and Idaho Department of Fish and Game and are recommended for this study. It is necessary that they be constructed within GRSG habitat for the study to be effective. Where practical; new temporary fences would be placed along existing roads.

- LUPA- (MD LG-13). Prioritize removal, modification or marking of fences or other structures in areas of high collision risk following appropriate cooperation, consultation and coordination to reduce the incidence of GRSG mortality due to fence strikes (Stevens et al. 2012).

Consistency determination: The proposed fences would employ a high visibility electric tape top strand that would not be expected to be a collision risk to GRSG.

- LUPA - (RDF 2). No repeated or sustained behavioral disturbance to lekking birds from 6:00 pm to 9:00 am within 2 miles of leks during the lekking season.

Consistency determination: Fence construction would be restricted during the lekking season as specified in the RDF 2.

- LUPA - (RDF 105). Avoid building new wire fences within 2 km of occupied leks (Stevens 2011). If this is not feasible, ensure that high risk segments are marked with collision diverter devices or as latest science indicates.

Consistency determination: The proposed temporary fences would employ a high visibility electric tape top strand that would not be expected to be a collision risk to GRSG.

- LUPA - (RDF 107). Utilize temporary fencing (e.g., ESR, drop down fencing) where feasible and appropriate to meet management objectives.

Consistency determination: The proposed temporary fences would employ a high visibility electric tape top strand that would not be expected to be a collision risk to GRSG and will also be let down when not in use.

- LUPA – (RDF 108). Fence wetlands (e.g., springs, seeps, wet meadows and/or riparian areas) where appropriate, to maintain or foster progress toward Proper Functioning Condition and to facilitate management of sage-grouse habitat objectives. Where constructing fences or enclosures to improve riparian and/or upland management, incorporate fence marking or other BMPs/RDFs as appropriate.

Consistency determination: The proposed temporary fences would employ a high visibility electric tape top strand that would not be expected to be a collision risk to GRSG and will also be let down when not in use. The high visibility tape would function as a surrogate to fence marking.

- LUPA - (Lek Buffers). The BLM will apply the lek buffer-distances specified as the lower end of the interpreted range in the report unless justifiable departures are determined to be appropriate. The lower end of the interpreted range of the lek buffer-distances for low structures (eg. Fences, rangeland structures) is 1.2 miles from leks. Range improvements which do not impact GRSG, or, range improvements which provide a conservation benefit to GRSG such as fences for protecting important seasonal habitats, meet the lek buffer requirement.

Consistency determination: The proposed temporary fences meet the lek buffer requirement because the implementation of the applicable RDF's are expected to eliminate effects to GRSG.

Compliance with NEPA:

The proposed action meets the NEPA requirement because the proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2 Departmental Categorical Exclusion (CX) 1.6, “Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities, as well as BLM Categorical Exclusion J.9., “Construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas.” Temporary fences would be constructed to exclude livestock completely or alternately within the study area as proposed in the U of I research design.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply (see attached Categorical Exclusion Review Sheet).

Decision

I have decided to authorize the University of Idaho to construct temporary fences associated with their sage grouse and grazing research study as described above.

I have decided to implement the project because the proposed activity will provide valuable research that is needed to allow for more informed decisions regarding spring livestock grazing and its potential effects to nesting GRS and their habitat.

Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Ken Crane, at the Burley Field Office, 15 East, 200 South, Burley, ID 83318 or with Elliot Traher at the Jarbidge Field Office, 2878 Addison Ave East, Twin Falls, ID 83301. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager.

Notwithstanding the provisions of 43 CFR 4.21(a) (1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

Contact Person

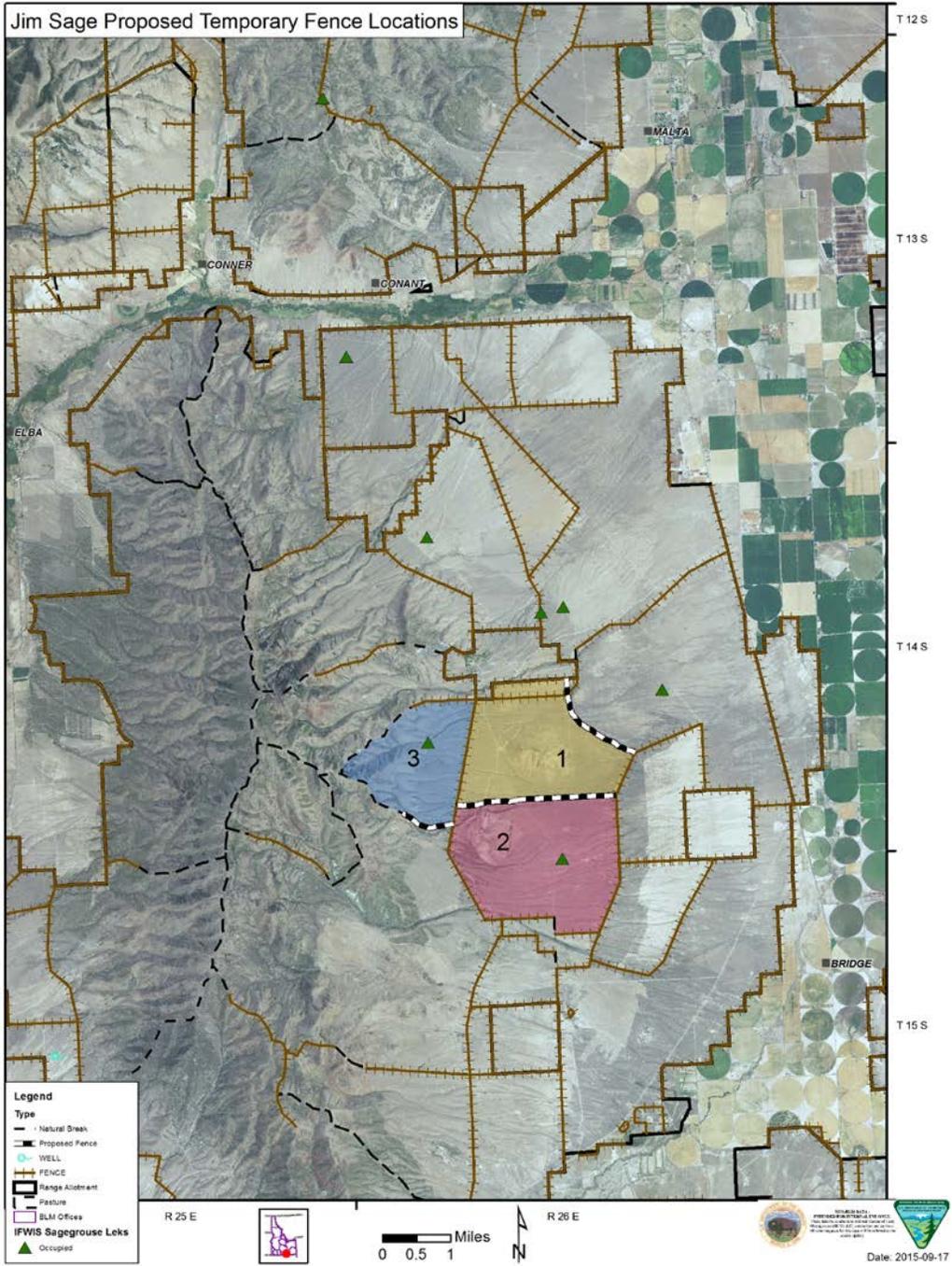
For additional information concerning this project, contact: Jeremy Bisson, Wildlife Biologist, Burley Field Office, 15 East, 200 South, Burley, ID 83318, (208) 677-6600 or jbisson@blm.gov or Jim Klott, Wildlife Biologist, Jarbidge Field Office, 2878 Addison Avenue East, Twin Falls, ID 83301, (208) 736-2366 or jklott@blm.gov.

/s/Ken Crane
Ken Crane
Burley Field Manager

1/12/2016
Date

/s/Elliot Traher
Elliot Traher
Jarbidge Field Manager

1/12/2016
Date



Browns Bench Proposed Grazing Plan - 12 Oct 15

