



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:
4120 (ID110)
1104273

January 3, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7008 0150 0002 5994 2743

Tom Seid
2451 Busch Road
Midvale, ID 83645

Notice of Field Manager's Proposed Decision

Dear Mr. Seid:

This Proposed Decision is in response to requirements set forth in a settlement agreement and your June 28, 2012 application to transfer grazing preference AUMs from Kenneth Seid to Tom Seid in the Deer Creek Allotment (Deer Creek Allotment #00151 Map).

Introduction

This Proposed Decision addresses grazing management in the Deer Creek Allotment and if finalized would serve as the Decision Record for Environmental Assessment (EA) DOI-BLM-ID-B010-2010-0057-EA, which this Proposed Decision incorporates by reference. This Proposed Decision reflects previous monitoring conducted in 2002, completion of an evaluation and determination in 2007 of the applicable Idaho Standards for Rangeland Health (Standards), and site visits in 2011.

Background

As a result of a settlement negotiated between the U.S. Department of Justice and Western Watersheds Project to resolve litigation (WWP v. Lane, Case No. 07-cv-394-BLW) challenging the Bureau of Land Management's (BLM) use of certain categorical exclusions to satisfy National Environmental Policy Act requirements, BLM withdrew seven grazing decisions dated September 28, 2007. A court-ordered Stipulated Settlement Agreement (SSA), dated July 17, 2009, required the BLM to analyze renewal of the grazing permits in an EA.

The Deer Creek Allotment is located 4 miles southwest of Cambridge, Idaho. The 608 acre allotment includes 80 acres of BLM-administered (public) lands. Vegetation is characterized by

shrub-dominated (30%) and perennial grassland (68%) community types (EA Section 3.1.1). The allotment provides preliminary priority habitat for greater-sage grouse (EA Section 3.2.1). The allotment was found to be meeting all applicable Standards (1, 4, and 8) in 2007, and site visits confirmed these determinations in 2011 (EA sections 3.1.1 and 3.2.1).

Livestock grazing in the Deer Creek Allotment is currently authorized by the previous grazing permit issued February 11, 2009 under the Appropriation Act (Table 1), and this authorization will continue until the Proposed Decision becomes final and a new grazing permit is issued.

Proposed Decision

In accordance with 43 CFR 4110.1(b), upon my review of the record of performance for Tom Seid, I have determined that he has a satisfactory record of performance. Therefore, it is my Proposed Decision as the authorized officer to:

- Transfer the grazing preference AUMs from Kenneth Seid to Tom Seid and issue a new grazing permit to Tom Seid for the Deer Creek Allotment. The permit will be for the term of 10 years (03/01/2013 to 02/28/2023).
- Authorize eight AUMs of Active Use.
- Select Alternative C, as described in DOI-BLM-ID-B010-2010-0057-EA and as shown in Table 2.

Tom Seid currently grazes livestock within the Deer Creek Allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows:

From: Alternative B - Continue Current Use.

Table 1. Mandatory Terms and Conditions for Kenneth Seid (authorization #1104273), on the Deer Creek Allotment, Washington County, Idaho.

| Allotment Name (Number) | Livestock | | Season of Use | % Public Land | AUMs | | |
|----------------------------|-----------|--------|------------------|------------------|--------|-----------|-----------|
| | Num. | Kind | | | Active | Suspended | Permitted |
| Deer Creek (00151) | 40 | Cattle | 4/16-5/30 | 14% | 8 | 0 | 8 |

Allotment Specific Terms and Conditions

1. This permit or lease is issued under the authority of Section 428, Public Law 111-8 and contains the same mandatory terms and conditions as the expired or transferred permit or lease. This permit or lease may be cancelled, suspended, or modified, in whole or in part to meet requirements of applicable laws and regulations.
2. Authorized AUMs will not be exceeded on public lands. Livestock numbers and season of use, as shown above, indicate maximums that will be allowed under this permit. Permittee has discretion to manage within these numbers, provided overuse does not occur on public lands.
3. Your base property lease for the Deer Creek and Hopper Creek Allotment has an indefinite expiration date. You must notify BLM in writing, if there are any changes to your lease agreement with Clifford Hopper.

4. The allotment listed on this grazing permit is subject to the requirement of 43 CFR 4180— Fundamentals of Rangeland Health and Guidelines for Grazing Administration. This permit shall be modified (if necessary) to meet these requirements upon completion of a standards and guidelines assessment and determination as scheduled by the authorized officer.
5. Turn-out is subject to range readiness criteria.
6. Your certified actual use report is due within 15 days of completing your authorized annual grazing use.
7. Salt and/or mineral blocks shall not be placed on public land within one-quarter (1/4) mile of springs, streams, meadows, riparian habitats, aspen stands, or water developments.
8. Changes to the scheduled use require prior approval.
9. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands.
10. Range improvements must be maintained in accordance with the cooperative agreements and range improvement permits in which you are a signator or assignee. Annual maintenance of range improvements would be completed prior to livestock entry of the allotment.
11. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn-out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.
12. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00.

The terms and conditions of the 10-year grazing permit, in accordance with Alternative C, would be as follows:

To: Alternative C - BLM Proposed Action

Table 2. Mandatory Terms and Conditions for the Deer Creek Allotment, Washington County, Idaho.

| Allotment Name (Number) | Livestock | | Season of Use | % Public Land | AUMs | | |
|----------------------------|-----------|--------|------------------|------------------|--------|-----------|-----------|
| | Num. | Kind | | | Active | Suspended | Permitted |
| Deer Creek (00151) | 40 | Cattle | 5/1-6/15 | 14% | 8 | 0 | 8 |
| | | | 10/1-11/15 | | | | |

Allotment Specific Terms and Conditions

1. During the spring use period, start date could occur up to one week earlier (April 24) or end date could occur up to one week later (June 22) to account for annual variations in range readiness, but livestock numbers, period of use (46 days), and AUMs would not be exceeded.
2. Annual use could occur in either the spring or fall, but not both.
3. Your base property lease for the Deer Creek and Hopper Creek allotments has an indefinite expiration date. You must notify BLM in writing, if there are any changes to or cancellation of your lease agreement with the base property owner.

Other Terms and Conditions

1. Livestock grazing must be conducted in accordance with the Terms and Conditions described in the Final Decision dated _____.
2. Livestock turn-out would be subject to District Range Readiness Criteria.
3. Changes to the scheduled use would require prior approval by the authorized officer.
4. You are required to submit a signed and dated Actual Grazing Use Report form (BLM Form 4130-5) for each allotment you graze. The completed form(s) must be submitted to this office within 15 days from the last day of your authorized annual grazing use.
5. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen stands, playas, special status plant populations, eligible historic properties, or water developments. Use of supplements other than the standard salt or mineral block on public land requires annual authorization by the authorized officer.
6. A crossing permit may be required prior to trailing livestock across public lands. Crossing activities must be coordinated with the BLM prior to initiation. Permittee would also notify any/all affected permittees in advance of crossing.
7. Livestock exclosures located within your grazing allotment(s) would be closed to all domestic grazing use.
8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permits in which you are a signatory or assignee. All maintenance activities which may result in ground disturbance require prior approval from the authorized officer.
9. Bird ladders that meet BLM standards must be installed and functioning on water troughs located on public lands. The permittee would inform BLM if bird ladders are needed on permanent troughs, and BLM would supply bird ladders. The permittee would be responsible for providing bird ladders for temporary troughs. It would be the permittee's responsibility to maintain and install all bird ladders.
10. Pursuant to 43 CFR 10.4(b), you must notify the BLM Field Manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands. Pursuant to 43 CFR 10.4(c), you must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects.
11. Permittees or lessees shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of public lands.

Rationale

To comply with the court ordered SSA, the BLM analyzed three alternatives for grazing permit renewal in the Deer Creek Allotment in DOI-BLM-ID-B010-2010-0057-EA: Alternative A - No Grazing for a Ten-year Term, Alternative B - Continue Current Use, and Alternative C - BLM Proposed Action. Through the allotment evaluation and determination, it was shown that all applicable Rangeland Health Standards and Livestock Management Guidelines were being met in 2007. Site visits were conducted in 2011 and confirmed the allotment was still meeting Standards, as documented in the project record. Implementation of the proposed decision would continue to meet Standards and maintain or improve resource conditions because:

Standard 1 (Watersheds)

The standard would continue to be met with small areas of localized disturbance (EA Section 3.1.2.4). Overall the vegetative cover, biological soil crusts cover, and litter would be adequate to stabilize soils and cycle water and nutrients. A later spring turn-out date accommodating seasonally variable range readiness would reduce mechanical impacts. Moisture levels within 4” of the soil surface would be reduced, resulting in firmer soils that would be less susceptible to mechanical damage. Fall use would occur when soils are moist and would have minor impacts on biological soil crusts.

Standard 4 (Native Plant Communities)

The standard would continue to be met (EA Section 3.1.2.4). Only minor shifts in vegetation attributes have taken place and there is a slight departure from what is expected for the site; issues are small in scale and localized (EA Section 3.1.1). Overall, native plant diversity (number and type of species) would be maintained at levels similar to Ecological Site Descriptions, and native herbaceous plants (bunchgrasses and forbs) and shrubs would remain vigorous and productive (capable of reproduction and recruitment). Leafy spurge and Scotch thistle have been recorded in the allotment. Although noxious weeds are present, they are currently not detracting from overall native plant community health. Weed treatments are ongoing and would continue as new infestations of these species are discovered.

Although Standard 4 is currently being met (Section 3.1.1), the season-of-use would be changed to a later turnout date (May 1) and deferment to fall in some years, which would reduce trampling impacts associated with wet soils and would reduce livestock utilization levels during the critical growing period (seed stalk emergence to seed dissemination). Grazing when the soils are firm and grasses are physiologically capable of withstanding grazing pressure would help maintain/improve plant vigor. It would also help maintain native plant communities and ensure the proper functioning of ecological processes and continued productivity and diversity of native plant species.

Standard 8 (Threatened and Endangered Plants and Animals)

The standard would continue to be met for greater sage-grouse (EA Section 3.2.2.4). Special status plants and fish are not present. Nesting and brood-rearing habitat would be maintained or improved over the 10-year period (EA Section 3.2.2.4). Delaying turnout up to two weeks and a low stocking rate would benefit nesting birds as utilization levels would not likely reach 40% until after the end of the nesting period. Periodic fall use would allow perennial grasses and forbs to complete their growth cycles without use, providing adequate nesting cover and brood-rearing habitat. Deep-rooted perennial grasses and forbs would be maintained and provide suitable brood-rearing habitat.

Conclusion

I have determined the issuance of a grazing permit and transferring grazing preference would be in conformance with the Cascade Resource Management Plan dated July 1, 1988, and that implementation of the livestock grazing management actions described in Alternative C of DOI-BLM-B010-2010-0057-EA would continue to meet Standards.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska.

My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The CRMP designates the Deer Creek Allotment as available for livestock grazing.
- 4110.3 Changes in permitted use.
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management.
- 4130.3 Terms and conditions. Grazing permits must specify the terms and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This Proposed Decision would result in appropriate action(s) to modify existing grazing management; modifications to the Mandatory and Other Terms and Conditions would ensure that Standards would continue to be met.

Right of Protest and/or Appeal

Any applicant, permittee, lessee or other interested publics may protest a Proposed Decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Terry Humphrey, Four Rivers Field Office Manager, 3948 Development Avenue, Boise ID 83705, 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 protest 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 43 CFR 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. 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. 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 either Matt McCoy Four Rivers Assistant Field Manager at (208) 384-3343, or myself at 208-384-3430.

Sincerely,

Terry A Humphrey
Four Rivers Field Manager

1 Enclosure:

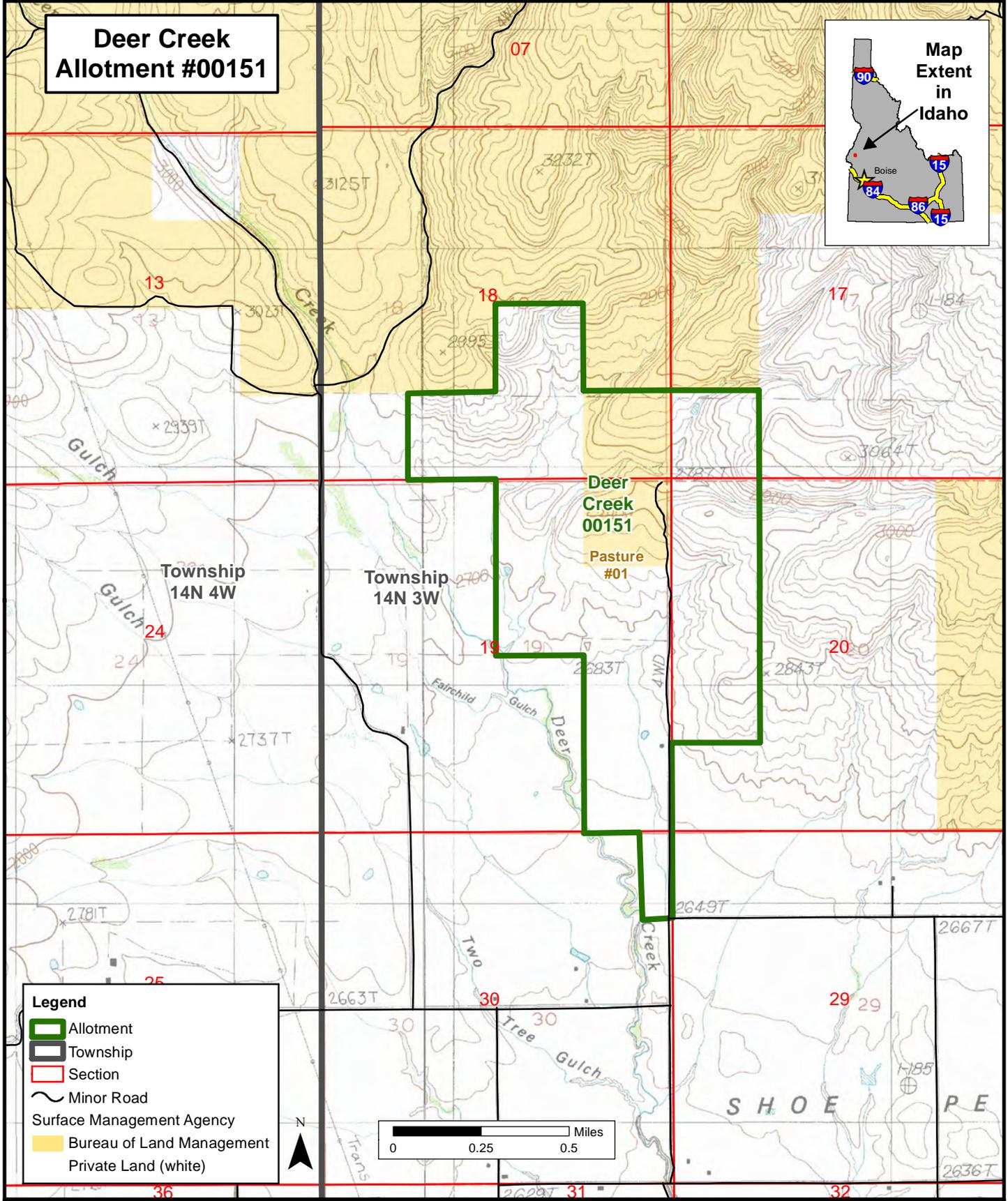
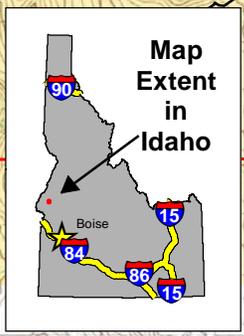
- 1) Deer Creek Allotment Map (1p)

cc:

Adams County Commissioners, C/O Joe Holmes, PO Box 48, Council, ID 83612
Burns Paiute Tribe, Tribal Chairman, 100 Pasigo Street, Burns, OR 97720
Confederate Tribes of the Umatilla, Tribal Chairman, 46411 Timine Way, Pendleton, OR 97801
Grazing Board Resource Area Representatives, Phil Soulen, C/O Soulen Livestock, 1760
Fairmont Drive, Weiser, ID 83672
Grazing Board Resource Area Representatives, Stan Boyd, PO Box 2596, Boise, ID 83701

Grazing Board Resource Area Representatives, Weldon Branch, Vice Chairman, 3621 North Crane Road, Midvale, ID 83645
Hells Canyon Preservation Council, PO Box 2768, La Grande, OR 978560
Honorable Congressman Raul Labrador, 1115 Albany Street, Caldwell, ID 83605
Honorable Senator Jim Risch, 350 North 9th Street, Suite 302, Boise, ID 83702
Honorable, Senator Mike Crapo, 251 East Front Street, Suite 205, Boise, ID 83702
Idaho Conservation League, 710 N 6th Street, Boise, ID 83702
Idaho Department of Agriculture, PO Box 790, Boise, ID 83701
Idaho Department of Fish & Game, C/O Rick Ward, 3101 South Powerline Road, Nampa, ID 83686
Idaho Department of Lands, C/O Scott Corkill, 555 Deinhard Lane, McCall, ID 83638
Idaho Department of Lands, Grazing Program Manager, PO Box 83720, Boise, ID 83720
Idaho Wild Sheep Foundation, PO Box 8224, Boise, ID 83707-8224
Nez Perce Tribes, Tribal Chairman, PO Box 305, Lapwai, ID 83540
Oregon Dept of Fish & Game, C/O Brian Ratliff, 2995 Hughes Lane, Baker City, OR 97814
Payette National Forest, 800 West Lakeside, McCall, ID 83638
Shoshone-Bannock Tribe, Nathan Small, PO Box 306, Fort Hall, ID 83203
Shoshone-Paiute Tribe, C/O Ted Howard, PO Box 219, Owyhee, NV 89832
The Wilderness Society, 305 N. 9th St., Ste. 302, Boise, ID 83702
US Fish and Wildlife Service, 1387 South Vinnell Way, Boise, ID 83709
Washington County Commissioners, 256 East Court, Weiser, ID 83672
Western Watersheds Project, PO Box 1770, Hailey, ID 83333

Deer Creek Allotment #00151



Legend

- Allotment
- Township
- Section
- Minor Road
- Surface Management Agency
- Bureau of Land Management
- Private Land (white)



U.S. Department of the Interior
 Bureau of Land Management, Idaho
 Boise District, Four Rivers Field Office
 Map date: January 3, 2014



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. This map, if digital, cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office webmaster at (208) 373-4000.