



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)
1101191

January 3, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7008 0150 0002 5994 2750

Randy Noah
2874 Warfield Road
Cambridge, ID 83610

Notice of Field Manager's Proposed Decision

Dear Mr. Noah:

This Proposed Decision is in response to requirements set forth in a settlement agreement and your September 13, 2007 Application for Permit Renewal (grazing management proposal) for the East Pine Creek Allotment (East Pine Creek Allotment #00172 Map).

Introduction

This Proposed Decision addresses grazing management in the East Pine 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 East Pine Creek Allotment is located 10 miles northwest of Cambridge, Idaho. The 202 acre allotment includes 79 acres of BLM-administered (public) lands. Vegetation is characterized by shrub-dominated (28%), perennial grassland (21%), and exotic annuals (49%) community types (EA Section 3.1.1). The allotment provides preliminary general 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 East Pine Creek Allotment is currently authorized by the previous grazing permit issued November 9, 2009 under the Appropriation Act (Table 1). 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 Randy Noah, I have determined that he has a satisfactory record of performance for the East Pine Creek Allotment. Therefore, it is my Proposed Decision as the authorized officer to:

- Renew the grazing permit for Randy Noah for the East Pine Creek Allotment. The permit would be for a term of 10 years (03/01/2014 to 02/28/2024).
- 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.

Randy Noah currently grazes livestock within the East Pine 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 the East Pine Creek Allotment, Washington County, Idaho.

Operator Name (Number)	Livestock		Season of Use	% Public Land	AUMs		
	Num.	Kind			Active	Suspended	Permitted
Randy Noah (1101191)	20	Cattle	5/15-7/15	20%	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 would not be exceeded on public land. Livestock numbers and season of use indicate maximums that would be allowed under this permit. Permittee has discretion to manage within these numbers, provided overuse does not occur on public land.
3. Season of use and number of livestock are not restricted to those shown above provided overuse and deterioration does not occur to the public lands.
4. Turn-out is subject to range readiness criteria.

5. 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.
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. Livestock enclosures located within your grazing allotment are closed to all domestic grazing use.
11. 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.
12. 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.
13. 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 East Pine Creek Allotment, Washington County, Idaho.

Operator Name (Number)	Livestock		Season of Use	% Public Land	AUMs		
	Num.	Kind			Active	Suspended	Permitted
Randy Noah (1101191)	20	Cattle	5/15-7/15	20%	8	0	8
	13	Cattle	9/1-11/30				

Allotment Specific Terms and Conditions

1. Start date could occur up to one week earlier (May 8) or end date could occur up to one week later (July 22) to account for annual variations in range readiness. If range readiness is met and turnout occurs between May 8 and May 15, then the next year’s turnout would be deferred until May 15 or one week after range readiness criteria are met (whichever is later) to ensure plants are not grazed during early spring growth stages every year.

2. Permittee would only graze full AUMs (8) during the spring period (May 15 – July 15) every other year. Fall use would be available during any year, except in years where full use has already occurred during the spring.
3. Livestock numbers would be coordinated between BLM and the permittee/lessee and may vary; however, no more than 75 cattle could be permitted at any time. Period of use (61 days) and AUMs (eight) would not be exceeded in any grazing year.

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 East Pine 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 that 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 ecological processes are functioning within a normal range of variation and vegetative cover, biological soil crust cover, and litter amount is adequate to stabilize soils and cycle water and nutrients. Adequate vegetative cover and the prevalence of soils with low or moderate erodibility would help minimize watershed impacts from livestock. Affects from livestock use would be most apparent on gentle slopes (approximately 36 acres). Use during the fall would have a minor impact on biological soil crusts, but would eliminate spring trampling damage when soils are wet.

Standard 4 (Native Plant Communities)

The standard would continue to be met (EA Section 3.1.2.4). Rest (fall use) or deferment (spring use initiated midway through growth period) during critical growth stages would allow sufficient regrowth to achieve and maintain healthy, properly functioning conditions, including good plant vigor and adequate vegetative cover appropriate to site potential. Only minor shifts in vegetation attributes would occur, and there would only be a slight departure from what is expected in concentrated use areas. 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). Scotch thistle has been recorded in the allotment. Although noxious weeds are present, they are currently not detracting from overall native plant community health.

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. Brood-rearing habitat would be maintained or improved over the 10-year period (EA Section 3.2.2.4). The allotment contains primarily perennial and exotic annual grassland habitats (EA section 3.2.1). Patches of shrubs may provide suitable nesting cover; however, the allotment is 11 miles from an active lek. Late turnout (May 15) would benefit nesting birds as utilization levels would not likely reach 40% until the latter part of the nesting period. Fall use would allow perennial grasses and forbs to complete their growth cycles without use, providing adequate nesting cover and brood-rearing habitat.

Conclusion

I have determined the issuance of a grazing permit 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 East Pine 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 public 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:

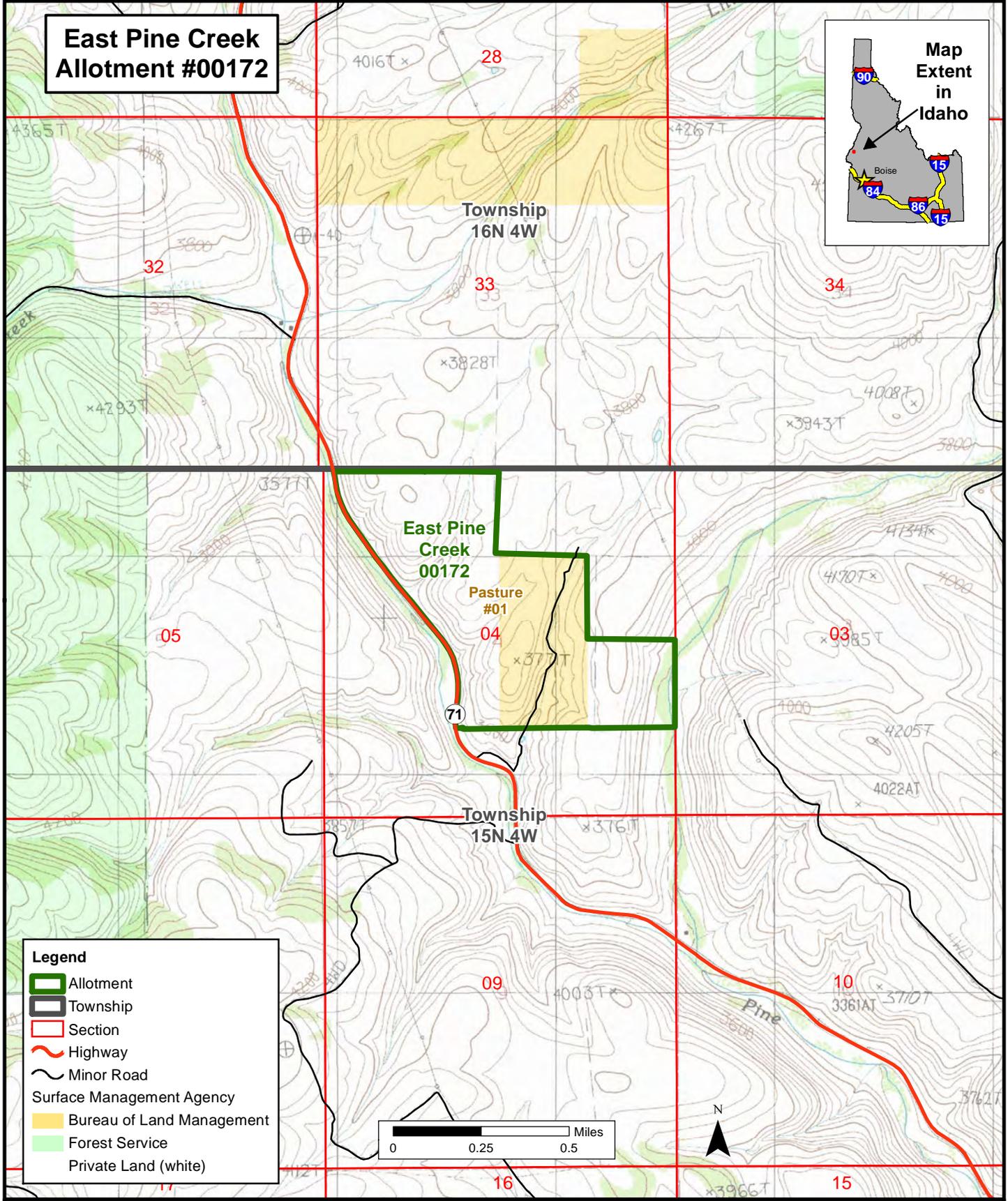
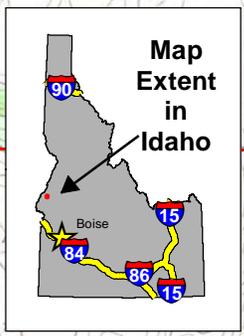
- 1) East Pine Creek Allotment Map(1p)

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

East Pine Creek Allotment #00172



Legend

- Allotment
- Township
- Section
- Highway
- Minor Road
- Surface Management Agency
- Bureau of Land Management
- Forest Service
- 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



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