



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
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80227
CERTIFIED-RETURN RECEIPT REQUESTED

September 19, 2014

Lava Lake Land & Livestock LLC
C/O Brian Bean
PO Box 2249
Hailey ID 83333

**Proposed Decision for the South East Fork Allotment
Livestock Grazing Permit Renewal
Environmental Assessment No. DOI-BLM-ID-T030-2011-0013-EA**

Dear Mr. Bean:

Introduction

The South East Fork Allotment had field assessments conducted for meeting Idaho Standards for Rangeland Health in 2000 and supplemental data was gathered in 2010. The allotment assessment was sent to the permit holder, State Agencies having responsibility for managing land or resources, and the interested public on June 4, 2002 requesting comments and any additional information. Public comments were received for the South East Fork Allotment in regards to the Rangeland Health Assessment from Idaho Department of Environmental Quality on June 17, 2002 and Idaho Department of Fish & Game (F&G) on June 26, 2002. The comments from DEQ contained helpful information pertaining to Cove Creek, a 303(d) listed stream. The comments from IDFG dealt mainly with big game winter range and setting appropriate utilization limits for upland and riparian vegetation. F&G also had some concerns about

Standard 4 (Native Plant Communities) and the issues raised have been discussed in the environmental assessment.

Along with the Rangeland Health Field Assessment, the public was notified of the upcoming livestock grazing permit renewal in the South East Fork Allotment through a scoping package that was sent to permittees and interested publics on September 29, 2010. Two comments were received from this scoping package; one from the US Forest Service, Ketchum Ranger District on October 14, 2010 one from Lava Lake Land & Livestock LLC on October 15, 2010. The comments from the Forest Service mainly dealt with a lot of the information provided in the scoping package but concern was raised as to if the allotment had been over-allocated AUMs and whether or not this may have implications on rangeland health in the future. The comment letter from Lava Lake Land & Livestock LLC requested further clarification in a couple of areas as well as requested a change in the season of use. Lava Lake Land & Livestock also wanted the BLM to carefully identify and ensure that a distinction was made between livestock and recreational impacts because the area receives extensive motorized recreational use which in many places occurs along stream channels and riparian areas.

The Shoshone Field Manager made a formal determination that the South East Fork Allotment is meeting or making progress towards meeting all applicable Rangeland Health Standards and livestock grazing is in conformance with Guidelines for Livestock Grazing Management. Standard 1 (Watersheds), Standard 4 (Native Plant Communities), Standard 7 (Water Quality) and Standard 8 (Threatened and Endangered Plants and Animals) are all meeting Rangeland Health and Standard 2 (Riparian Areas and wetlands), Standard 3 (Stream Channel/Floodplain) are making progress towards meeting Rangeland Health. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities) do not apply to the South East Fork Allotment.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with the 1981 Sun Valley Environmental Impact Statement (EIS).

Finding of No Significant Impact (FONSI)

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the South East Fork Allotment Grazing Permit Renewal Environmental Assessment No. BLM-ID-T030-2011-0013-EA. I have also reviewed the project record for this analysis and the effects of the proposed action, alternative 1, alternative 2 and alternative 3 as disclosed in the alternatives and environmental impacts sections of the EA. Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the 1981 Sun Valley Environmental Impact Statement (EIS). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and the activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. Impacts that may be both beneficial and adverse.

Impacts associated with the livestock grazing permit renewal are discussed in the environmental impacts section of the EA (Section 4.0).

The proposed action is anticipated to have beneficial impacts to the local economy and local ranchers as well as allow the rangelands within the South East Fork Allotment to continue meeting or making progress towards meeting Standards for Rangeland Health in the future.

2. The degree to which the proposed action affects public health or safety.

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for livestock grazing while maintaining or improving conditions to meet Standards for Rangeland Health in the South East Fork Allotment. Similar actions in other grazing allotments have not significantly affected public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no unique historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, Wilderness Study Areas, or Areas of Critical Environmental Concern within the South East Fork Allotment. The East Fork of the Big Wood River is the only perennial riparian area located within the allotment boundary and it has been rated at Proper Functioning Condition (PFC) under the current livestock management.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

None of the impacts are expected to be highly controversial, since the impacts are predominantly beneficial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Potential impacts, as discussed in Section 4.0, are within acceptable limits and they should not deter the South East Fork Allotment from achieving Rangeland Health Standards in the future. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Neither the proposed action, nor any of the alternatives sets precedent or represent a decision in principle about a future management consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA analyzes all connected and cumulative actions within the scope of the analysis. The cumulative effects of past, present, and reasonably foreseeable future actions are considered and disclosed in the EA, in the Cumulative Impacts Analysis (Section 4.6). The cumulative effects for the Proposed Action are not significant.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The proposed action will not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. It also will not cause loss or destruction of significant, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Plants: Bug-leg goldenweed has been identified in neighboring allotments and there is an unconfirmed occurrence within the neighboring Indian Creek Allotment. The South East Fork Allotment is able to support many of the associated vegetative species which means that the probability of this sensitive plant occurring in the allotment is high. This species tolerates livestock grazing and the potential of the species decreasing under the proposed action is minimal.

Animals: The US Fish and Wildlife Service (USFWS) lists three Candidate wildlife species that occur within the Shoshone Field Office: greater sage-grouse (*Centrocercus urophasianus*), yellow-billed cuckoo (*Coccyzus americanus*), and wolverine (*Gulo gulo*). Canada lynx (*Lynx canadensis*), a Threatened species, also occurs within the Shoshone Field Office; however, none of the field office is designated as lynx critical habitat. The gray wolf (*Canis lupus*) and bald eagle (*Haliaeetus leucocephalus*) were previously listed on the Federal List of Endangered and Threatened Wildlife but were removed on August 8, 2007 and May 5, 2011, respectively.

Although Canada lynx have been documented throughout northern portions of the Shoshone Field Office, none of the field office is designated as lynx critical habitat. The suspected very low, incidental use level of the project area by the species is expected to result in “No Effect” to the Canada lynx, and a discussion of the species will not be carried through the analysis.

This decision lists the greater sage-grouse as a Candidate species under the ESA. There are no known active or historic sage-grouse leks within the South East Fork Allotment. The closest known lek is approximately four air miles southwest of the allotment. The South East Fork Allotment also has not been designated as preliminary general or preliminary priority habitat for sage-grouse, although sage-grouse may make some incidental use of benches, canyon bottoms, and riparian areas in the allotment. Overall, the allotment provides marginal habitat conditions for sage-grouse.

Within the South East Fork Allotment, the East Fork of the Big Wood River contains patches of suitable habitat for yellow-billed cuckoos; however, there are no known occurrences of cuckoos. The suspected very low, incidental use level of the project area by the species is expected to result in “No Effect” to the yellow-billed cuckoo, and a discussion of the species has not been carried through the analysis.

The wolverine occupies a large home range and may occupy the South East Fork Allotment during any season of the year while searching for prey. Although there are no ICDC records of wolverines in the allotment, sightings have been confirmed within two air miles of the South East Fork Allotment. The suspected very low, incidental use level of the project area by the species is expected to result in “No Effect” to the wolverine, and a discussion of the species has not been carried through the analysis.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The actions in this Environmental Assessment do not threaten a violation of Federal, State, or local law or any requirements imposed for the protection of the environment.

Proposed Decision

This decision represents my selection of the Proposed Action as described in the Environmental Assessment No. BLM-ID-T030-2011-0013-EA in accordance with the National Environmental Policy Act of 1969 and issuance of a grazing decision as outlined in 43 CFR 4160.1. This decision, described below is hereby incorporated into your grazing permit for the South East Fork Allotment.

Under this alternative, the BLM Field Manager would continue to authorize livestock grazing in the South East Fork Allotment following the Fundamentals of Rangeland Health. This permit would be issued for a term of ten years in accordance with the management described under this alternative, and any changes to the annual livestock grazing must be approved by the authorized officer.

The South East Fork Allotment grazing permit would authorize livestock use as specified in Table 1 which would include a change in the season of use per the permittees request. This change in the season of use would allow the permittee flexibility at the start of the grazing season in order to capture the variability of phenological patterns as well as the ability to graze it in conjunction with their neighboring allotments without the need for a separate livestock trailing permit. The dates being proposed are the same dates that were approved in the 1981 Sun Valley Grazing EIS.

TABLE 1: Proposed Grazing Authorization in the South East Fork Allotment

Permittee	Number of Livestock	Grazing Begin End	%PL	Active AUMs	Suspended AUMs	Total AUMs
Lava Lake Land & Livestock LLC	2,000 Sheep	05/15 to 11/10	100%	146	37	183

Terms and Conditions on the Lava Lake Land & Livestock LLC Grazing Permit:

- In the South East Fork Allotment, all livestock grazing will be made in accordance with the grazing management set forth in the Field Office Manager's Final Decision.

As defined by the Taylor Grazing Act of 1934, active use is the current authorized use, which includes livestock grazing and suspension is the temporary withholding of active use, and permitted use is the forage allocated by, or under the guidance of, an applicable land use plan for livestock grazing in an allotment under a permit or lease.

The grazing permit would be issued for the same active preference of 146 AUMs which is the current level authorized. The number of livestock allowed in this allotment would be increased to 2,000 head of sheep in order to more accurately reflect how the allotment is used by the permit holder. The number of sheep being proposed reflects one large band of sheep or two smaller bands of sheep actively grazing the allotment. Historically, the permittees have grazed one band of sheep in the allotment but sometimes needed to move another band through to get to other areas. Having two bands of sheep in the allotment is uncommon and would not occur every year.

This new grazing permit would continue to allow the flexibility of up to 2,000 head of sheep though since the second band of sheep would most likely move through in less than three days. When these higher numbers of livestock are using the allotment, the number of days that livestock are present would be reduced so that active permitted AUMs will not be exceeded. For example, 2,000 head of sheep can only graze in the South East Fork Allotment for no more than 11 days without exceeding the active preference of 146 AUMs. Annual flexibility in the sheep numbers would be authorized as long as grazing does not occur outside of the season of use. The South East Fork Allotment will also not allow the permittee to use the allotment prior to June 1st for consecutive years in order to allow deferred use on native vegetation. The permittee has requested the season of use to be lengthened but grazing use would not be authorized until the soils are dry and adequate growth on the vegetation has occurred.

This flexibility in active preference will allow the permittee to graze up to 2,000 head of sheep, in two bands, one large band, or any other combination as long as the number of active preference sheep does not exceed 2,000 head. The annual flexibility will not permit the permittee to turn out more than 2,000 domestic sheep. Any livestock use outside of the terms and conditions of the permit that has not been approved by the Authorized Officer will be in violation of the Lava Lake Land & Livestock LLC grazing permit and a trespass may be warranted. These livestock numbers do not include livestock trailing activities previously approved in EA No. DOI-BLM-ID-T030-2012-0044-EA or currently analyzed in this EA under the proposed action or alternative 1.

The South East Fork Allotment is subject to the requirement of 43 CFR Subpart 480-Fundamentals of Rangeland Health. This permit shall be modified, if necessary, to meet these requirements upon completion of a Standards Assessment and Determination as scheduled by the Authorized Officer.

BLM retains the discretion to modify the season of use if any of the following conditions apply: 1) Vegetation in the allotment is not ready for grazing in the first of the season, 2) The allotment has reached full permitted use, 3) Removal of livestock is necessary to protect vegetative resources or 4) Bighorn sheep are observed where contact with domestic sheep could occur. The permit may also be modified at any time should information collected subsequent to the permit renewal indicate changes in management are needed in order to be in compliance with Fundamentals of Rangeland Health. Management must also continue to meet Rangeland Health standards and conform to guidelines for livestock grazing management. The South East Fork Allotment grazing permit would be issued for a term of ten years and would authorize livestock use as specified in Table 1.

The grazing permit would be issued based on the current active preference and would include standard management practices such as salting, range readiness, required maintenance of improvements prior to commencing grazing use, billing, payment of fees, and actual use reporting.

Additionally, this alternative would authorize a livestock trailing permit for Flat Top Grazing Association, in care of John Peavey. This permittee needs a livestock trailing permit in order to move his livestock throughout the Wood River Valley. He has grazing permits on many BLM-administered lands, National Forest lands as well as owns private lands to the southeast of the South East Fork Allotment. This permit would allow the permittee to trail up to two separate bands of sheep through the South East Fork Allotment but does not allow for sheep to overnight. This trail route through the allotment takes less than a day.

Terms and conditions specific to this trailing event have been identified below, including the trail route (refer to Map 2) and minimum distance of travel per day which is 5 miles per day for sheep. Table 2 also describes the terms and conditions on the livestock trailing permit, such as the permittee name, livestock numbers, when trails may occur and AUMs.

TABLE 2: Proposed Trailing Authorization in the South East Fork Allotment

Permittee	Number of Livestock	Grazing Begin End	%PL	Active AUMs	Suspended AUMs	Total AUMs
Flat Top Grazing Association	4,000 Sheep	06/01 to 11/15	100%	0	0	0

Terms and Conditions specific on the Livestock Trailing Permit for Flat Top Grazing Association in relation to South East Fork:

- Livestock trailing in Home Place, Hyndman, Little Wood, Norland and South East Fork allotments will be limited to one day per trailing event. No overnighting on BLM administered lands is permitted without pre-approval of the authorized officer.
- Permittee is allowed to trail 2 bands of 2000 sheep through Indian Creek Allotment or 2 bands of 2000 sheep through South East Fork Allotment and Indian Creek Allotment. These two trail routes are alternate routes for 4000 sheep.
- Bedding of livestock will not be permitted within 500 feet of riparian areas. If steep terrain or other topographical features do not allow a 500 foot buffer, bedding of livestock would not permitted immediately adjacent to riparian areas.
- One day trails through multiple grazing allotments will only be billed in one allotment to avoid duplicate billing. This may lead to some allotments having a zero in the AUM column.
- Livestock trailing will occur along the route outlined in the attached map and in accordance with Authorized Officer’s Final Decision EA No. DOI- BLM-ID-T030-2012-0044-EA.

2.2.1 Grazing Management under the Proposed Action

Sheep are generally herded in bands, utilize steeper terrain, have more continuous movement, different forage requirements and commonly graze in a “pass-through” fashion on their way to other allotments. Because of the herded management of sheep bands, topographic or infrastructure boundaries rather than fence lines may be more useful for determining grazing routes and sequences than the pasture boundaries that were established to control cattle.

The following grazing management will apply under the proposed action:

- To prevent areas from being utilized twice in a season, livestock would not be permitted to stay and graze in an area which had already been used earlier that year, however they would be allowed to move through previously grazed areas in route to another destination.
- Range readiness guidelines will be adhered to. Range readiness is defined as when the soil is firm and the key species have four to six inches of growth, except for Sandberg’s bluegrass which needs to be in the three- to-four-leaf stage.
- Livestock grazing and/or trailing prior to June 1st will not be authorized for consecutive years in order to allow for deferred use on native vegetation. This will allow the permittee to trail through the South East Fork Allotment and reach other destinations on private, State and BLM administered lands without the need to issue a trailing permit in the future.
- Sheep are also required to move to a different bed ground at a minimum of every 5 days or sooner if resource conditions dictate. Conditions that would warrant moving the bed ground sooner would be if use of key species is close to or exceeds the recommended 40% utilization levels on upland vegetation.
- No bedding of sheep will be permitted within 500 feet of the Cove Creek drainage in order for the creek to continue making progress in meeting Idaho Standards for Rangeland Health.
- Trailing by other livestock operators (other than Flat Top Grazing Association) that do not have a grazing permit for the South East Fork Allotment could be approved following the completion of NEPA. Trailing permits will be authorized in accordance with 43 CFR 4130.6-3 (2005) - Crossing Permits and 43 CFR 4160 (2005) - Administrative Remedies; including Proposed Decisions, Protests, Final Decisions and Appeals).

2.2.2 Rangeland Monitoring under the Proposed Action

Monitoring, as defined in 43 CFR 4100.0-5 (2005), means the periodic observation and orderly collection of data to evaluate: 1) effects of management actions; and 2) effectiveness of actions in meeting management objectives.

Nested frequency studies would continue to be done at the key study sites presently located within the allotment. Nested frequency would be read at each site and photos would be taken at each standard 3x3 photo plot. Proper Functioning Condition (PFC) would also continue to be collected at the riparian photo point presently located on Cove Creek. These sites would be read periodically and at a minimum of once per ten year permit renewal cycle. This data will be combined with trend monitoring data collected in past years so that long-term rangeland trend can be determined. Currently, the South East Fork Allotment is experiencing a static trend in rangeland health but the PFC shows that there has been improvement riparian health over the past 15 years. As long as a static or upward trend continues and current on the ground livestock management continues, no additional monitoring will be required since the South East Fork Allotment is meeting, or making significant progress towards meeting all applicable Rangeland Health standards.

Rationale

Based upon the review of the context and intensity factors and the environmental analyses conducted, I have determined that the actions analyzed for the South East Fork Allotment Grazing Permit Renewal Environmental Assessment No. DOI-BLM-ID-T030-2011-0013-EA is not a major federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

An Environmental Assessment for the South East Fork Allotment Livestock Grazing Permit Renewal was prepared describing a proposed action and three alternatives to modify grazing management in the allotment. The decision modifies the existing grazing permit in the South East Fork Allotment in order to incorporate the Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration (43 CFR 4180) as well as to modify the season of use per the permittees request.

Due Process

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 the Shoshone Field Manager, Twin Falls District, 400 West F Street, Shoshone, ID 83352 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 through 4.480. 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 as provided in 43CFR 4160.3(a). The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, 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 to the Office of the Solicitor, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and any persons 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.

If you have any questions, please contact either Joanna Tjaden, Rangeland Management Specialist, at 732-7292.

Sincerely,

/s/ Holly Crawford

Holly Crawford
Acting Field Manager

Enclosures:

Proposed Decision Environmental Assessment No. BLM-ID-T030-2011-0013-EA
Map 1 – South East Fork Allotment Boundary
Map 2 – Livestock Trailing Routes in the South East Fork Allotment
South East Fork Allotment Determination

Certified Return Receipt Copies sent to:

Flat Top Grazing Association, c/o John Peavey, PO Box 99, Carey, ID 83320
Lava Lake Land & Livestock LLC, c/o Brian Bean, P.O. Box 2249, Hailey, ID.
83333
Audubon Society, Prairie Falcon Chapter, Attn: Julie Randall, 3952 North
3600 East, Kimberly, ID 83341
Blaine County Commissioners, 206 1st Ave S Ste 300, Hailey, ID 83333
Committee for the High Desert, P.O. Box 2863, Boise, ID 83701
ICL Public Lands Office, P.O. Box 844, Boise, ID 83701
Idaho Chapter Wild Sheep Foundation, c/o Jim Jeffress, P.O. Box 8224, Boise,
ID 83707-2224
Idaho Department of Fish and Game, 319 S 417 E, Suite 1, Hwy 93 Business
Park, Jerome, ID 83338
Idaho State Department of Agriculture, Division of Animal Industries,
Attn: Celia R Gould, Director, 2270 Penitentiary Road, PO Box 790,
Boise, ID 83701-0790
Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, ID 83203
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333
Paul McClain, 619 Elm Circle, Gooding, ID 83330-1863
David Skinner, P.O. Box 664, Fairfield, ID, 83327
Dennis Crane, 360 S. 150 E., Burley, ID 83318
Mel Quale, Quale Electronics, 1730 Kimberly Rd, Twin Falls, ID 83301
USDA Forest Service, Ketchum Ranger District, c/o Robert Garcia, P.O. Box
2356, Ketchum, ID 83340
Dr. Balthasar Buhidar, Idaho Department of Environmental Quality, 650
Addison Avenue West, Suite 110, Twin Falls, ID 83301