



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200
<http://www.id.blm.gov/shoshone>



In Reply Refer To: 80313, 80315, 80318
CERTIFIED-RETURN RECEIPT REQUESTED

October 8, 2008

**Proposed Decision for the North Forty, South 120, and Rocky Bar Allotments
Livestock Grazing Permit Renewal
Environmental Assessment No. ID-230-2005-EA-1018**

ABC Agra, LLC
P.O. Box 43
Jerome, ID 83338

Flat Top Grazing Association
C/O John Peavey
P.O. Box 88
Carey, ID 83320

Dear Permittees/Interested Public:

Introduction

The North Forty, South 120, and Rocky Bar Allotments had field assessments conducted for meeting Idaho Standards for Rangeland Health in the summer of 2003. The Allotment Assessments were sent to the permit holders, State Agencies having responsibility for managing land or resources, and the interested public on July 23 (North Forty) and September 15, 2004 (South 120 and Rocky Bar), requesting comments and any additional information. Comments were received from the Idaho Department of Fish and Game and Sportsmen for Fish and Wildlife. Those comments were considered in preparation of the Environmental Assessment and this subsequent Proposed Decision.

The Shoshone Field Manager made a formal determination that all three allotments are meeting Standard 1 (Watersheds), Standard 4 (Native Plant Communities), and Standard 8 (Threatened and Endangered Plants and Animals). Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), Standard 5 (Seedings), Standard 6 (Exotic Plant Communities, Other than Seedings), and Standard 7 (Water Quality) were determined not to apply to the North Forty, South 120, or Rocky Bar Allotments. Livestock management practices do conform to Guidelines for Livestock Grazing Management.

An Environmental Assessment (ID-230-2005-EA-1018) was prepared describing a proposed action and one alternative to manage grazing in the allotment. On September 8, 2008, the BLM

Shoshone Field Office sent a pre-decisional draft of this EA and posted it on the internet at <http://www.blm.gov/id/st/en/info/nepa.html>. This EA analyzed the environmental effects and documented the findings of a proposal for a grazing permit renewal in the North Forty, South 120, and Rocky Bar Allotments. Included was the draft Determinations of whether or not the allotments were meeting the Standards for Rangeland Health. No comments were received.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with the 1981 Sun Valley Management Framework Plan (MFP) as implemented by the record of decision for the 1981 Sun Valley Grazing Environmental Impact Statement (EIS). This action would not result in a change in the scope of resource use or a change in the terms, conditions, and decisions of the approved plan.

Finding of No Significant Impact (FONSI)

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the North Forty, South 120, and Rocky Bar Allotments Livestock Grazing Permit Renewal Environmental Assessment No. ID-230-2005-EA-1018. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives 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 Management Framework Plan (MFP) and the 1981 Sun Valley Grazing 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 renewals are discussed in the Environmental Impacts section of the EA.

The proposed action is anticipated to have beneficial impacts to range conditions which will improve conditions and aid this allotment in continuing to meet 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 improving conditions to continue to meet Standards for Rangeland Health in the allotment. Similar actions 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, wetlands, Wilderness Study Areas, or Areas of Critical Environmental Concern within the allotments.

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. Impacts are within the limits that are considered thresholds of concern. 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, cumulative, and similar actions within the scope of the analysis. The cumulative effects of past, present, and reasonably foreseeable actions are considered and disclosed in the EA, Environmental Impacts section. The cumulative effects 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 is not considered to adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. It is also not considered to 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.*

Animals

A lynx was reported to have been observed in the general vicinity of Bellevue, Idaho in January, 1984. This observation was about 12 miles from the general area of these allotments. In Idaho, lynx are thought to primarily occur in higher elevation cold forest habitats. These allotments do not contain forest habitats.

The proposed livestock grazing treatments are not expected to perceptively alter habitat suitability for the Federally listed Canada lynx which may occur in the North Forty, South 120, or Rocky Bar Allotments. The suspected very low, incidental use level of the project area by this listed species is expected to result in "No Effect" to the continued existence of the Canada lynx.

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 No. ID-230-2005-EA-1018 do not threaten a violation of Federal, State, or local law or any requirements imposed for the protection of the environment.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for the North Forty, South 120, and Rocky Bar Allotments Livestock Grazing Permit Renewal Environmental Assessment No. ID-230-2005-EA-1018 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.

Final Decision

This decision represents my selection of Alternative A- the Proposed Action as described in the Environmental Assessment ID-230-2008-EA-85 in accordance with the National Environmental Policy Act of 1969 and issuance of a grazing decision as outlined in 43 CFR 4160.1. This final decision, described below is hereby incorporated into your grazing permit for the North Forty, South 120, and Rocky Bar Allotments.

1. North Forty Allotment

In the North Forty Allotment, 30 of the 36 AUMs would be converted from sheep to cattle use. This allotment is suitable for cattle use due to the terrain and existing fences. Under this Proposed Action, up to 1500 head of cattle would be allowed to use the 30 AUMs. In the fall, the permittee often trails herds through the allotment, though they would rarely stay with over 400 head. This would allow for one herd to trail through while another was in the allotment. The remaining 6 AUMs would be left for sheep use. The number of sheep allowed to graze in the allotment would be increased to a maximum of 2000 head. The duration that livestock would be allowed to remain in the allotment would be shortened relative to the number of livestock (up to a maximum of 2000 head of sheep and 1500 head of cattle) so that the active permitted AUMs would not be exceeded without issuance of Temporary Non-Renewable AUMs. Table 1 shows what the new permit would look like and Table 3 gives some examples of what the length of the season would be under certain numbers of sheep and cattle.

2. South 120 Allotment

The Proposed Decision does not include a conversion in kind of livestock allowed in the South 120 Allotment. There would continue to be 28 AUMS of sheep use in the South 120 Allotment. The permit in the South 120 Allotment would be issued for the same season of use and same active AUM preference level as previously authorized. The number of livestock allowed in the South 120 Allotment would be increased to a maximum of 2000 head of sheep. The duration that livestock would be allowed to remain in the allotment would be shortened relative to the number of livestock (up to a maximum of 2000 head) so that the active permitted AUMs would not be exceeded without issuance of Temporary Non-Renewable AUMs. Terms and conditions may be adjusted to account for the grazing decision rendered following the findings of this environmental analysis. Table 1 shows what the permits would look like and Table 3 gives some examples of what the length of the season would be under certain numbers of livestock.

Table 1: Livestock Grazing Permit Issued to Flat Top Grazing Association.

Allotment		Livestock		Grazing Begin	Period End	% PL	Active AUMs	Suspended AUMs	Total AUMs
Number	Name	Number	Kind						
80318	North Forty	1500	Cattle	05/01	11/30	7	30	0	30
		2000	Sheep	05/01	11/30	7	6	4	10
80315	South 120	2000	Sheep	05/01	11/30	4	28	12	40

Terms & Conditions:

Grazing must conform to the grazing plan set forth in the North Forty, South 120, and Rocky Bar Livestock Grazing Permit Renewal Environmental Assessment # ID-230-2005-EA-1018 as implemented by the Field Office Manager's Final Decision dated October 5, 2008.

Up to 2000 sheep would be allowed in the North Forty and South 120 Allotments, as long as total AUMs used does not exceed the 36 total Active AUMs established for the North Forty Allotment and 28 Total Active AUMs established for the South 120 Allotment.

Livestock numbers shown above are the maximum number authorized to be used. Using the maximum number of livestock shown would require a shorter season of use in order to stay within the Authorized AUMs. In the North Forty and South 120 Allotments, the maximum number of sheep authorized would be 2000 head.

No Livestock use will be authorized outside the dates shown above.

The allotments listed on this grazing application/license are subject to the requirements of 43 CFR Subpart 4180- Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The application 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.

Range improvements must be maintained, to Bureau standards, by the turnout date.

3. Rocky Bar Allotment

The permit in the Rocky Bar Allotment would be issued for the same kind of livestock and same active AUM preference level as previously authorized. Livestock grazing would be permitted to occur at any interval between May 1 and November 30 by up to 800 head of cattle. This number of cattle would amount to exhausting the AUMs within 1 ½ months. Active permitted AUMs would not be exceeded without issuance of Temporary Non-Renewable AUMs.

The following table summarizes the grazing permit that would be issued through this alternative and Table 3 gives some examples of what the length of the season would be under certain numbers of cattle.

Table 4: Livestock Grazing Permit Issued to ABC Agra LLC.

Allotment		Livestock		Grazing Begin	Period End	% PL	Active AUMs	Suspended AUMs	Total AUMs
Number	Name	Number	Kind						
80313	Rocky Bar	800	Cattle	05/01	11/30	10	120	0	120

Terms & Conditions:

Grazing must conform to the grazing plan set forth in the North Forty, South 120, and Rocky Bar Livestock Grazing Permit Renewal Environmental Assessment # ID-230-2005-EA-1018 as implemented by the Field Office Manager’s Final Decision dated October 5, 2008.

Livestock numbers shown above are the maximum number authorized to be used. Using the maximum number of livestock shown would require a shorter season of use in order to stay within the Authorized AUMs. The maximum number of cattle authorized would be 800 head.

The allotments listed on this grazing application/license are subject to the requirements of 43 CFR Subpart 4180- Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The application 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.

Range improvements must be maintained, to Bureau standards, by the turnout date.

Table 5: Length of Season for the Proposed Grazing Permits versus the Current Permit.

Allotment	Alternative	Livestock Number	Length of Season
North Forty	Proposed Cattle	1500	9 days
	Proposed Sheep	2000	6 days
	Current Permit	367	213 days
South 120	Proposed Sheep	2000	27 days
	Current Permit	500	280 days
Rocky Bar	Proposed Action	800	46 days
	Current Permit	199	183 days

Flexibility is maintained in the closing dates. The closing dates can be extended under the following conditions: 1) Utilization levels do not exceed an average of 40 percent on native key species, 2) Total preference for the allotment is not exceeded, and 3) Condition of the vegetative resources will not deteriorate as a result of an extension. The closing date may be moved forward, shortening the season, if any of the following conditions apply: 1) The allotment has reached full permitted use (use beyond permitted use may be authorized in accordance with the Temporary Nonrenewable Livestock Grazing Use Exceeding Recognized Preference Decision for Environmental Assessment ID050-EA-95028), 2) The allotment has reached an average utilization level of 40 percent on native key species on public land, and 3) Removal of livestock is necessary to protect vegetative resources. The key grass species are bluebunch wheatgrass and Idaho fescue.

The permits may be modified at any time should information collected subsequent to the permit renewal indicate changes in management are needed to follow the Fundamentals of Rangeland Health. Management must also meet or make significant progress toward meeting Rangeland Health Standards and conformance to Guidelines (see Appendix A).

Grazing Management Annual Indicators

The grazing permits would be issued based on the current active preference for each allotment 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.

Utilization of key perennial native grasses (i.e., bluebunch wheatgrass and Idaho fescue) would be limited to a maximum of 40% of current year's growth in key areas, i.e., ½ mile from water features, including perennial/intermittent streams, springs, ponds, or troughs. All utilization would be conducted based on the Height-Weight methodology described in Interagency Technical Reference 1734-3, "*Utilization Studies and Residual Measurements*".

Range Monitoring under the Proposed Action

Monitoring of upland areas would occur periodically during the active grazing use period to ensure that use on key native perennial grasses does not exceed the 40% utilization objective. Utilization mapping based upon key forage plant method would be done periodically after livestock are removed from each allotment. Actual use would be summarized from actual use cards collected at the end of the season.

When utilization levels are reached for areas within a pasture, the permittee will be required to either move the livestock to an area within that pasture where utilization levels are not met, move the livestock to the next scheduled pasture or out of the allotment, regardless of calendar date. Adjustments in the grazing system would be authorized to meet future conditions and situations.

Rationale

An Environmental Assessment (ID-230-2005-EA-1018) for the North Forty, South 120, and Rocky Bar Allotments Livestock Grazing Permit Renewal was prepared describing a proposed action and two alternatives for grazing management in the allotment. The proposed decision modifies the existing grazing permits in the three allotments.

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 Lori A. Armstrong, Shoshone Field Office 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 Dan Patten, Rangeland Management Specialist, at 732-7291, or myself at 732-7227.

Sincerely,

/s/ Lori A. Armstrong 10/8/2008

Lori A. Armstrong
Field Manager

Copies sent to:

ABC Agra, LLC, P.O. Box 43, Jerome, ID 83338
Blaine County Commissioners, 206 1st Ave S Ste 300, Hailey, ID 83333
Chris J. Christiansen, 105 N. 740 W., Blackfoot, ID 83221
Committee for the High Desert, P.O. Box 2863, Boise, ID 83701
David Skinner, P.O. Box 664, Fairfield, ID, 83327
Dennis Crane, 360 S. 150 E., Burley, ID 83318
Flat Top Grazing Association, C/O John Peavey, P.O. Box 88, Carey, ID 83320
ICL Public Lands Office, P.O. Box 844, Boise, ID 83701
Idaho Department of Fish and Game, 319 S 417 E, Hwy 93 Business Park, Jerome,
ID 83338
Idaho State Department of Agriculture, Division of Animal Industries, Attn: Ron
Kay, P O Box 7249, Boise, ID 83707
Idaho Wildlife Federation, P.O. Box 6426, Boise, ID 83707
Lillie I. Condie Trust, C/O James & Jerry Condie, 2216 Emporia St., Woodbridge,
VA 22191
Mel Quale, Quale Electronics, 1730 Kimberly Rd, Twin Falls, ID 83301
Paul McClain, 619 Elm Circle, Gooding, ID 83330-1863
Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, ID 83203
The Wilderness Society, 350 N. 9th St, Suite 302, Boise, ID 83702
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333
Western Land Exchange Project, P O Box 95545, Seattle, WA 98145