



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

In Reply Refer To:

4100

April 20, 2009

Jay and Son Longhurst
4235 East Iona Road
Idaho Falls, ID 83401

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Longhurst:

Introduction

You were previously notified that we would be initiating an analysis process on an allotment basis to determine the environmental impacts of livestock grazing. An environmental assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if reissuance of your grazing lease would continue to provide a reasonable balance among competing resource values. Your allotment was analyzed in EA #ID-310-2009-EA-3597 (copy attached). This grazing decision will renew your permit for ten years.

Background

The Sundown Allotment was evaluated in 2008 to assess whether it was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management. In February 2008, a Determination of Achieving Standards for Rangeland Health was issued for the allotment. The Determination for the Sundown Allotment found that Standards 1, 2, 3, and 4 are being met and Standards 7 and 8 are not being met but current livestock grazing management is not a significant factor. The water quality and Yellowstone Cut Throat (YCT) habitat requirements are not being met due to the development of numerous beaver dams on Hell Creek. Livestock management practices in the Sundown Allotment conform to all applicable Idaho Guidelines for Livestock Grazing Management. Standards 5 and 6 do not apply to this allotment.

The Longhurst Allotment was evaluated in 1999 to assess whether it was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management. In December 1999, a Determination of Achieving Standards for Rangeland Health was issued for the allotment. The Determination for the Longhurst Allotment found that Standards 1, 4, and 8 are being met. Livestock management practices in the allotment conform to all applicable Idaho Guidelines for Livestock Grazing Management. Standards 2, 3, 5, 6, and 7 do not apply to this allotment. Review of the existing information on the Longhurst Allotment indicates that there is no livestock grazing or other issues. The Longhurst Allotment continues to meet standards for rangeland health.

Finding Of No Significant Impact (FONSI)

I have reviewed the Council on Environmental Quality (CEQ) Regulations at 40 CFR 1508.27, which defines significance as used in NEPA, and found the actions analyzed in EA #ID-310-2009-EA-3597 do not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required. This finding was made by considering the following factors: (1) the context of the effects, which is determined largely by the scope and setting of the proposal, and (2) the intensity (or severity) of the effects, evaluated against CEQ regulations at 40 CFR 1508.27(b)(1) through (10). This finding was made by considering both the context and intensity of the potential effects, as described in the EA using the following factors defining significance:

1. Impacts that may be both beneficial and/or adverse.
2. The degree to which the proposed action affects 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.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places or may 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.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Proposed Decision

After careful consideration, it is my Proposed Decision to implement the proposed action of the attached Environmental Assessment EA #ID-310-2009-EA-3597. The proposed action includes the following actions:

1. Combine Sundown Allotment and Longhurst Allotment into one allotment called Sundown Allotment (Figure 2).
2. Change the season of use in the individual allotments: Sundown Allotment current season use is 6/1 – 10/31 and Longhurst Allotment current season use is 5/10 – 10/15. The combined season of use in the new Sundown Allotment would be 7/1 – 10/31
3. Incorporate an adjacent private pasture and incorporate a three pasture deferred rotation. The three pastures will be called the West Pasture, the Dalton Hill Pasture and the Skyline Pasture. The old Sundown Allotment would be located in the Skyline Pasture, while the old Longhurst Allotment would be located in the Dalton Hill Pasture (Figure 2).
4. Setup a three pasture deferred grazing rotation. The rotation would be repeated after the second year.

PASTURE	2009	2010
DALTON HILL	7/1 – 7/31	8/16 – 9/15
SKYLINE	8/1 – 9/15	9/16 – 10/31
WEST	9/16 – 10/31	7/1 – 8/15

5. Change the allotment from Custodial to Active.

A ten-year grazing permit will be issued effective from July 1, 2009 to June 30, 2019 with terms and conditions for the Sundown Allotment to Jay and Son Longhurst (operator number 1103877), as shown in Table 1. Should information collected subsequent to any renewal indicate changes in management are needed to ensure that this allotment is meeting or making significant progress toward meeting standards and conforming to guidelines, the permits may be modified at any time during the 10-year period.

Grazing Permit Terms and Conditions

Table 1 – Sundown #04372

<u>Allotment Name</u>	<u>Lvstk#</u>	<u>Lvstk Kind</u>	<u>Begin</u>	<u>End</u>	<u>%PL</u>	<u>Type of Use</u>	<u>AUMs</u>
Sundown	236	Cattle	7/1	10/31	9%*	Active	86

%PL (Percent Public Land)

- * The permittee is recognized for 868 AUMs for controlling 3,473 acres of unfenced private land within the allotment boundary. The 868 AUMs are reflected in the reduced Percent Public Land (%PL) figure.

Grazing use must be made in accordance with the management indicators set forth in this decision.

Additional Terms and Conditions

The following additional Terms and Conditions would be followed, in accordance with 43 CFR 4130.3-2, to assist in achieving management objectives for the allotments.

1. Range improvements must be maintained to BLM standards by the turnout dates for each allotment on this permit. All livestock water troughs must have a functional wildlife escape ramp and be appropriately floated. Installation and maintenance of wildlife escap ramps are the responsibility of the permittee.
2. Distribution of livestock salt and mineral supplements would be at least ¼ mile from the nearest water source.
3. Upon prior approval from the Upper Snake Field Office, the permittee may be authorized to run more livestock for a shorter period of time within the authorized season of use and authorized AUMs.
4. In connection with allotment operations under this authorization, if any human remains, cultural, archaeological, historical, paleontological, or scientific objects and sites are discovered, the permittee shall stop operations in the immediate area of the discovery, protect such resources, and immediately notify the BLM Authorized Officer (AO) of the discovery. The immediate area of the discovery must be protected until the operator is notified to resume operations by the AO.

Management Indicators

The following Management Indicators identify applicable monitoring methods and objectives, to be used to ensure that the allotment continues to meet Idaho Standards for Rangeland Health.

1. Upland Utilization – Utilization studies would be conducted using approved BLM methods in key upland areas and use areas would be mapped by pasture. Average utilization would be no more than 50% of the annual growth of available forage species. Heavy uses areas (61-80% utilization of the annual production of available forage species) would be limited to 15% of the suitable acreage in each pasture.
2. Browse Utilization - Average utilization of key shrubs would be no more than 30% utilization of the annual production of available species at the end of the grazing season as measured using approved BLM browse utilization method.
3. Upland Trend – Trend studies would be conducted in the uplands using approved BLM methods in key areas. One photo plot would be established at each key area. Long term trend studies would be conducted using approved BLM methods.
4. Lotic Stubble Height –Stubble height will be measured using approved BLM methods along streams within the allotment with an objective of achieving an average stubble height of no less than 4 inches at the end of the growing season.
5. Lentic Stubble Height –Stubble height will be measured using approved BLM methods at springs and seeps within the allotment with an objective of achieving an average stubble height of no less than 4 inches at the end of the growing season.
6. Riparian Condition – Functioning condition of riparian areas would be assessed using riparian health assessments to determine proper functioning condition (PFC). Long- and short-term indicators of riparian vegetation, streambank, and stream channel conditions would be monitored to determine parameters that are achieving or making progress towards desired conditions as determined by the Multiple Indicator Method (MIM).
7. Sage Grouse Habitats – Grazing use levels in pastures with key sage grouse habitat would be monitored to evaluate if the grazing system is maintaining vegetative characteristics needed for suitable habitat in accordance with the East Idaho Uplands Sage Grouse Local Working Group’s Plan for Increasing Sage Grouse Populations and the 2006 Conservation Plan for Greater Sage Grouse in Idaho.

Rationale

This decision is based on the findings and recommendations of the interdisciplinary team on the evaluation, EA #ID-310-2009-EA-3597, and monitoring Implementation of the grazing permit terms/conditions and the management indicators, as described in Alternative A of the EA, will help ensure that all applicable rangeland Standards for the new Sundown Allotment will continue to be met or make progress towards meeting standards.

Authority

The authority under which this decision is made is found within the following 43 CFR citations:

- 4110.2-2 - Specifying permitted use
- 4130.2 - Grazing permits or leases
- 4130.3 - Terms and conditions
- 4130.3-1 - Mandatory terms and conditions
- 4130.3-2 - Other terms and conditions
- 4180 - Fundamentals of Rangeland Health and S&G for Grazing Administration

Appeal Procedures

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 me at the address shown above 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 and 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. 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 on the Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and person(s) 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.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.471. 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, feel free to contact me at 524-7555.

Sincerely,

/s/ Wendy Reynolds

Wendy Reynolds
Field Manager
Upper Snake Field Office

Enclosures: Environmental Assessment No. ID310-2009-EA-3597

cc: Sundown Ranches Inc, 3195 Swan Valley Highway, Irwin, ID 83428
Idaho Department of Agriculture, 1120 Lincoln Road, Suite C, Idaho Falls, ID 83401
Idaho Department of Fish and Game, 427 Commerce Circle, Idaho Falls, ID 83401
Northwest Band of the Shoshoni Nation, 427 North Main Street, Suite
101 Pocatello, ID 83204
Chairman, Land Use, Shoshone-Bannock Tribes, P.O. Box 306
Pocatello, ID 83203
Chairman, Tribal Business, Shoshone-Bannock Tribes, P.O. Box 306
Pocatello, ID 83203
US Fish and Wildlife Service, Eastern Idaho Field Office, 4425 Burley Drive, Suite A
Chubbuck, ID 83202
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333