



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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Burley, Idaho 83318  
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In Reply Refer To:  
4130 (220)

November 3, 2009

CERTIFIED MAIL 7008 3230 0001 2115 7059  
RETURN RECEIPT REQUESTED

Jeff and Tamera Chatburn  
P.O. Box 95  
Albion, ID 83311

### **NOTICE OF FIELD MANAGER'S FINAL DECISION**

Dear Jeff and Tamera Chatburn:

#### **Introduction**

The Burley Field Office is processing applications to renew the Chatburn and Brigham Young University livestock grazing permits on the North Cotterel Allotment. The evaluation of the Idaho Rangeland Health Standards and Guidelines was completed in 2004. Subsequently, an Environmental Assessment (EA) has been completed to analyze three alternatives to renew these grazing permits. The EA covers both the North and South Cotterel grazing allotments. This decision is for permitted AUMs in the North Cotterel Allotment. A copy of the EA (Permit Renewal for North and South Cotterel Allotments ID- 220-2008-EA-223) is attached. A copy of the Field Manager's Determination of Achieving Standards for Rangeland Health for North Cotterel Allotment is also attached. As a result of findings of the Rangeland Health Standards and Guidelines process and subsequent analysis of livestock grazing contained in the permit renewal EA, the term grazing permits are proposed to be renewed for a period of 10 years. On September 30, 2009, Jeff and Tamera Chatburn received my Notice of Field Manager's Proposed Decision. A timely protest was received from the Chatburns on October 7, 2009. Their protest statement was that the proposed grazing permit's season was different than what they had applied for on their Grazing Permit Renewal Application. The error was traced to a wrong number in the EA proposed action (Table 3) and the EA was corrected. This Final Decision corrects the error in the Proposed Decision.

## **Background**

There are two permittees on the North Cotterel Allotment- Jeff and Tamera Chatburn and Brigham Young University (BYU). Livestock grazing is divided into two separate use areas between these two permittees. North Cotterel Allotment was evaluated in 2004 to assess whether the allotment was meeting the requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Management. In December 2005, permittees and interested publics were sent a copy of the North Cotterel Allotment Evaluation. Enclosed with this decision is the Determination of Achieving Standards for North Cotterel Allotment. The Determination found that Standard 1 (Watersheds), Standard 4 (Native Plant Communities) and Standard 8 (Threatened and Endangered Plants and Animals) were being met. Standard 2 (Riparian Areas and Wetlands) and Standard 7 (Water Quality) were not being met, and livestock grazing was found to be a significant factor influencing the achievement of the standards. Standard 3 (Stream Channel/ Floodplain) and Standard 6 (Exotic Plant Communities other than Seedings) were not applicable.

In 2004 during the Standards and Guidelines Evaluation, two riparian areas (an unnamed spring and South Saunders spring) were found to be in proper functioning condition while two (Potter and North Saunders springs) were found to be functioning-at-risk. Altered surface flow patterns and reduced vegetative cover at portions of the Potter and North Saunders spring sites were attributed to livestock hoof action. (Potter Spring is located on the top of the mountain while North Saunders spring is located on the east side of North Cotterel in the Brigham Young University use area.) Portions of Potter, North Saunders, and the majority of South Saunders springs are excluded from livestock grazing. The unnamed spring is unfenced. A 2002 wildfire destroyed the exclosures at South and North Saunders. These fences were rebuilt in 2004 following the rangeland health visits. The permit renewal EA analyzes enlarging the existing exclosure at Potter Spring.

In March 2008 a scoping letter was sent to permittees, local tribes, special interest groups, interested and affected agencies, and other interested publics. The BLM received one email and two letters in response. Comments contained in the response related to (1) conflicts between recreation and grazing on the allotments, (2) livestock grazing impacts on recreational opportunities, (3) sensitive wildlife species including pygmy rabbit, (4) livestock effects on other multiple uses, (5) cumulative effects, (6) current livestock management practices, (7) effects of brown-headed cowbird parasitism, (8) past fire history, (9) lack of native vegetation, (10) invasive species, and (11) potential loss of springs due to pipelines developed for cattle. These comments were considered and are discussed in the EA or in the resource reports contained in the project file.

On June 9, 2009, the Draft EA and Pre-Decisional Finding of No Significant Impact (FONSI) were posted to the internet for review. Permittees, local tribes, special interest groups, interested and affected agencies, and other interested publics were notified of the posting. One comment letter was received; the comment included a compact disk containing numerous studies. Comments from that letter concerning sage grouse and pygmy rabbits that were specific to the project area were incorporated into the final EA. The letter recommended the BLM consider

more than 4000 pages of various studies related to climate change, fire, livestock grazing, noxious weeds, pygmy rabbits, sage-grouse, pinyon juniper, soil crusts, and American pika. The comment letter did not provide any specific information on how to relate the studies to the environmental analysis contained in the EA. The ID team did, however, review the recommended studies and summarized their application to this project in Attachment A.

The North and South Cotterel Allotments Permit Renewal EA (ID-220-2008-EA-223) was prepared by an interdisciplinary team to analyze the environmental impacts of livestock grazing in North and South Cotterel Allotments. The analysis is based upon data and information contained in the vegetative study and allotment files, the assessments for Rangeland Health and associated Determinations as well as subsequent monitoring efforts. The EA analyzed a Proposed Action (changes in season and livestock numbers) and two alternatives: Alternative 1 (existing situation) and Alternative 2 (an adaptive management approach). Additional alternatives considered but not analyzed in detail included a No Grazing Alternative.

A timely protest to the Proposed Decision was received from Jeff and Tamera Chatburn. I have carefully considered their protest statement as to why the Proposed Decision was in error and have responded to the reason below.

Protest: The season of grazing on the proposed grazing permit does not match the season of grazing on the Application for Grazing Permit Renewal from Jeff and Tamera Chatburn.

Response: In careful review of the draft EA (ID-220-2008-EA-223) and the final EA version, it was discovered a typographical error occurred. Table 3 in the final EA did not match the season of grazing in the Chatburn's application.

### **Finding of No Significant Impact**

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA for the North and South Cotterel Allotments (ID-220-2008-EA-223). I have also reviewed the project record for this analysis. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of the effects. Significant, as used in NEPA, requires consideration of both context and intensity as follows:

- (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 effects limited in context. The planning area is limited in size and activities are limited in potential. Effects are local in nature and would not significantly affect local, regional, or national resources.

**(b) Intensity: This requirement refers to the severity of the 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/or adverse.*

Impacts associated with the livestock grazing permit renewal are identified and discussed in the Environmental Consequences section of the EA. The proposed action will not have any significant adverse impacts on the resources identified and described in the EA.

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

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for multiple uses while maintaining or improving resource conditions to meet standards for rangeland health in the allotments. 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.*

The California Trail, a National Historic Trail, runs through the southeast portion of the South Cotterel Allotment. As disclosed in the EA, continued livestock grazing would not significantly affect the California Trail. There are no known effects to unique historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the South Cotterel Allotment.

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

The analysis did not identify any effects which are likely to be highly controversial. The effects of livestock grazing are well understood.

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 the determinations of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment.

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.*

This decision is specific to the North Cotterel Allotment. It is not expected to set precedent for future actions with significant effects or represent a decision in principle about a future management consideration outside of this allotment.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The EA discloses that there are no connected or related actions that would cause significant impacts. Livestock grazing management changes that will be implemented as a result of this decision are expected to maintain or improve conditions to meet sage-grouse and other special status species needs as required by Standard 8 in Idaho's Standards for Livestock Grazing Management.

On August 15, 2006, the BLM approved the Cotterel Wind Power Project. The Cotterel Wind Power Project includes acres within the North Cotterel Allotment. The Final Environmental Impact Statement (p. 4-36) for that project disclosed the significant impacts associated with the development of the wind power project, including the potential for extirpating the local population of sage-grouse. The proposed decision to authorize livestock grazing would not add new significant impacts beyond those already disclosed in the Cotterel Wind Power Project Final Environmental Impact Statement.

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.*

The proposed action would not adversely affect districts, sites, highways or structures. In addition, there are no known sites which are eligible for the National Register of Historic Places within the North Cotterel Allotment. Livestock grazing would not cause loss or destruction of significant scientific, 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.*

No threatened or endangered species are known or are expected to occur in the North Cotterel Allotment. There are no designated critical habitats for any listed threatened or endangered species within the project area.

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

The proposed action does not violate or threaten to violate any Federal, State or local laws or 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 in the EA are not major federal actions and that their implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary for this proposal.

**Final Decision**

After careful consideration, it is my Final Decision to authorize the Proposed Action, including the change in season and numbers. There are no increases or decreases in total permitted AUMs associated with this action. I am implementing the adaptive management strategy with management flexibility, to keep the Horse Butte and the Guinn Canyon fire rehabilitation fences as permanent, and to construct the Potter Spring Exclosure Project from Alternative 2.

**Terms and Conditions:** Livestock grazing will occur in accordance with Table 1.

Table 1. Permitted Use

Name	Livestock numbers /type	Grazing Season	Percent Public Land	Active AUMS
North Cotterel Allotment #5001				
Jeff and Tamera	300 cattle*	5/10-7/10	93	
Chatburn	198 cattle*	5/10-9/30	93	
Operator # 1102424	10 horses*	5/10-9/30	93	
				Total AUMs 1402
Brigham Young University Operator # 1102431	30 cattle	10/1-11/1	100	30

\*These numbers represent the maximum that would be run within the listed dates not to exceed the amount of active AUMs.

- Riparian areas shall be managed to maintain or promote properly functioning condition.
- Any feeding of supplements or salting will occur a minimum of 0.25 mile from all springs, creeks, and livestock watering facilities unless otherwise approved in writing in advance by the BLM authorized officer.
- Range improvement project maintenance will occur in accordance with the appropriate cooperative agreements and project maintenance as outlined in the Grazing Decision.

- In accordance with 43 CFR 4130.3-2 (d), submission of an actual use report is required within 15 days of completion of annual grazing use. This permit constitutes the functional equivalent of an Allotment Management Plan (AMP). Billing for grazing use will occur after the fact in accordance with 43 CFR 4130.8-1(e).

The permits can be modified at any time during the 10-year period if: 1) New information or changed conditions are presented that may be the cause for modification, or 2) Information collected subsequent to the renewal indicates changes in management are needed to ensure the allotment is meeting or making significant progress towards meeting livestock grazing standards and conforming to the guidelines. As the permits are reissued, minor modifications to the previous set of terms and conditions may also occur when the need for minor changes arise due primarily to the passage of time or changes in existing regulations.

In accordance with 4130.6-3, crossing permits may be issued by the authorized BLM officer to any applicant showing need to cross public lands. Livestock trailing would be coordinated with the permittees prior to occurring.

***Resource Management Objectives:***

Resource Management Objectives for the Cotterel Mountain Allotments are addressed on pages 39-40 of the Cassia RMP (Management Area 11-Cotterel Mountain). These objectives pertain to the inclusive goals for North Cotterel Allotment located within Management Area 11.

The Idaho Standards of Rangeland Health (ISRH) also provides resource objectives, i.e. standards, for the North Cotterel Allotment.

The *applicable* ISRH standards are as follows:

- Standard 1 - Watersheds provide for the proper infiltration, retention, and release of water appropriate to soil type, vegetation, climate, and landform to provide for proper nutrient cycling, and energy flow.
- Standard 2 - Riparian-wetland areas are in properly functioning condition appropriate to soil type, climate, and landform to provide for proper nutrient cycling, hydrologic cycling, and energy flow.
- Standard 4 - Healthy, productive, and diverse native animal habitats and populations of native plants are maintained or promoted as appropriate to soil type, climate, and landform to provide for proper nutrient cycling, hydrologic cycling, and energy flow.
- Standard 7 - Surface and ground water on public lands comply with the Idaho Water Quality Standards.
- Standard 8 - Habitats are suitable to maintain viable populations of threatened and endangered, sensitive, and other special status species.

The Guidelines for Livestock Grazing Management contained in the Idaho Standards for Rangeland Health will be adhered to under all alternatives. These guidelines direct the selection of grazing management practices which promote significant progress toward or the attainment and maintenance of rangeland health standards (USDI, 1997).

The resource objectives for the North Allotment are to be meeting or moving towards meeting the Idaho Standards for Rangeland Health including maintaining or promoting proper functioning conditions in riparian areas.

***Livestock Grazing Management:***

The north and south pastures will be deferred alternately in the spring on the top of the mountain (Chatburn permit). This pasture rotation will be possible because the fire rehabilitation fences will remain to create these two pastures. The allotment will be monitored to determine if these changes are moving the North Cotterel Allotment towards meeting rangeland health standards and maintaining those that are already being met.

Grazing in the BYU use area (Brigham Young University permit) will occur in October with two weeks flexibility either side of on/off dates.

Adjustments to grazing season and livestock numbers will be coordinated and approved by the BLM through the annual grazing application process.

***Management Flexibility:***

Management flexibility allowing for annual changes in management due to natural occurrences such as drought, unusually wet years, and wildfire will be allowed so long as it is approved in advance in writing by the authorized officer. Flexibility will include making adjustments in on and off dates (two weeks either side of permitted dates) and/or numbers and/or rotations so long as permitted AUMs and annual indicator criteria are not exceeded. Any changes in rotations will adhere to the Idaho Guidelines for Livestock Grazing Management (USDI 1997). Increased flexibility allows permitted livestock to be managed in order to achieve long-term resource objectives and make annual adjustments in response to drought, fire, etc.

***Adaptive Management:***

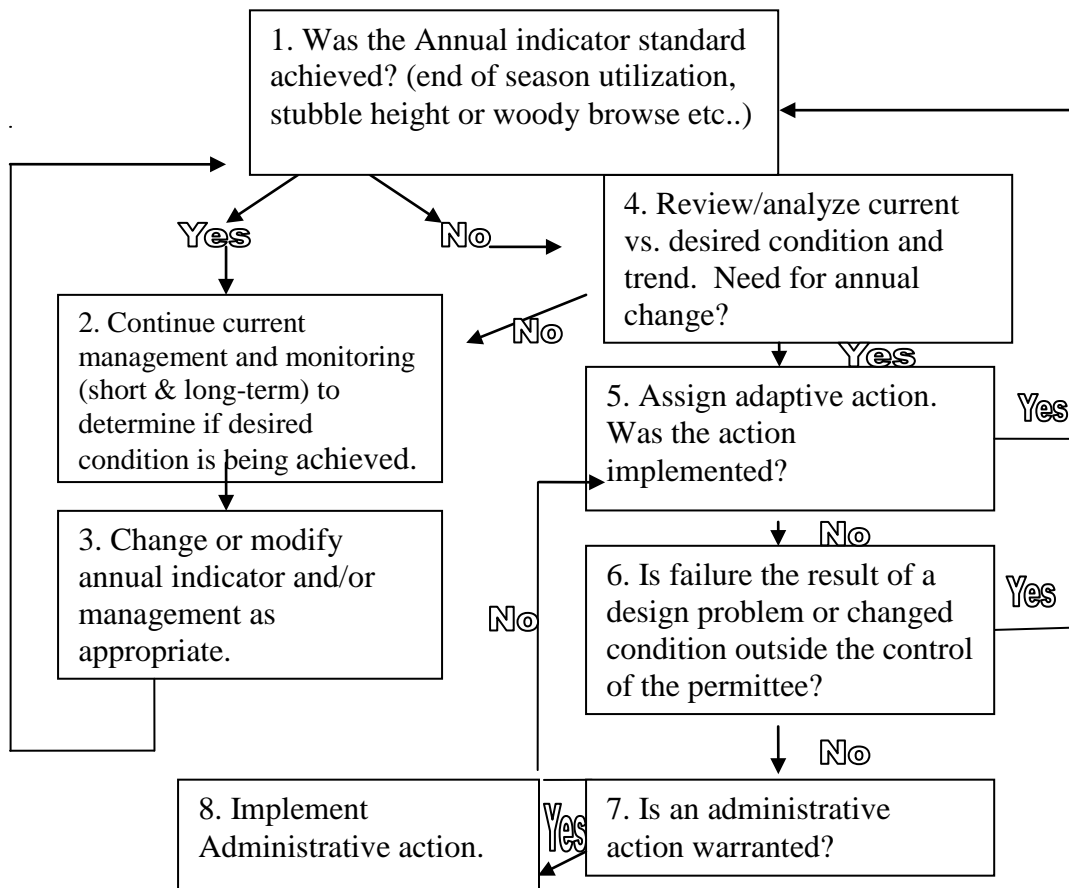
An adaptive management strategy will be utilized to ensure resource objectives are met on the North Cotterel Allotment. This strategy will utilize the annual decision process outlined in IM-ID-2005-074 (see Project Record). The purpose of this adaptive management process is to establish a relationship between annual use indicators and the achievement of long-term objectives.

The strategy would be implemented when monitoring indicates that resource conditions are not improving where progress is necessary. Changes requiring implementation of adaptive management must be measurable and observable based on photographs or monitoring data of the

resource which limits the ability to meet the objectives described above. Primary indicators that will be utilized to determine a trend from baseline conditions would be vegetative cover (uplands and riparian), and vegetative composition.

The following decision tree will be utilized annually.

### Implementation of Annual Grazing Adaptive Management



### Annual Indicator Criteria:

Annual use indicators will be established for uplands. This would entail identifying key areas and establishing endpoint indicators. Indicators will be based upon achieving resource objectives identified in the proposed action. In the beginning, the endpoint indicators will be the following:

- Uplands utilization guidelines will serve as end-point indicators for upland areas. These are up to 40% on key native species.

Triggers (utilization levels) that initiate livestock movement out of a pasture may be established after the first year of use if annual end point indicators are not met.

*Any of the following options may occur. These options will be used to manage livestock grazing to meet the resource objectives:*

- If conflicts are documented and substantiated between livestock grazing and wildlife (such as nesting sage grouse or mule deer), livestock would be relocated to other areas within the allotment or the timing of use could be altered to minimize or avoid potential impacts.
- Grazing rotations may be modified in the event of wildfire or to adapt to changes in resource conditions. Any change in rotation will consider the needs of upland and riparian systems and follow the Idaho Guidelines for Livestock Grazing Management.
- Pasture management will be evaluated using the Grazing Response Index for guidance for upland areas as well as utilization and actual use records. The Grazing Response Index considers three key concepts related to plant health: frequency, intensity, and opportunity. Frequency is the number of times forage plants are defoliated during the grazing period and is based on the amount of time in the pasture. Intensity is the amount of leaf material removed during the grazing period and opportunity refers to the amount of time plants have to grow prior to grazing or regrow after grazing. Indices having negative values could be used for evaluating current year's management and modifying subsequent use (*Riparian Area Management Technical Reference 1737-20*).

*Other:*

All projects would comply with seasonal grouse restrictions for construction and maintenance where projects occur within 0.6 mile of sage grouse leks. No new project work will be conducted from 6:00 pm to 9:00 am between March 15 to May 1 in the South Pasture.

***Monitoring:***

The above resource objectives will be monitored using the following protocols:

Utilization data will be collected at key areas. Key areas will be representative of the effects of grazing management within the pasture/use area.

- Implementation Monitoring

Upland utilization studies would be conducted using the Height-Weight method described in the *Interagency Technical Reference 1734-03 Utilization Studies and Residual Measurements*. Utilization will be collected after the growing season.

- Effectiveness Monitoring

Riparian area condition and trend would be assessed through previously established photo points, Lotic Wetland Health assessments, and Multiple Indicators Monitoring Protocol (MIM) contained in *Idaho Technical Bulletin 2007-01 Monitoring Stream Channels and Riparian Vegetation-Multiple Indicators*.

Upland trend monitoring would continue to be conducted utilizing methodology contained in *Interagency Technical Reference 1734-04 Sampling Vegetative Attributes*.

## **Rationale**

My final decision is based on the findings of the interdisciplinary team on the North Cotterel Allotment Rangeland Health Assessments and associated Determination as well as analyses contained in EA #ID -220-2008-EA-223. I am implementing the change of season and number of livestock for permitted livestock from the Proposed Action. The change for the BYU permit is from summer long use to late fall use with no change in numbers of livestock. Grazing will occur when the native plants are dormant and have reached seed-ripe each year. This change will continue to improve recruitment and vigor of upland vegetation. Changing the permitted use to fall use reduces the risk of grazing occurring during the bird nesting season.

The Chatburn permit will be modified to run fewer cattle (498 cattle in May and June) in the spring than the current permit (645 cattle) and 198 cattle during July through September for a longer grazing season than the current permit. Current permitted use allows for 645 cattle in mid-May through mid-July. The changes in season dates are within the dates analyzed for North Cotterel in the Cassia Resource Management Plan. Along with these changes, my final decision will implement Adaptive Management. Following the decision tree and annual indicators, the allotment will be managed to assure that rangeland health standards are maintained and/or improved. If monitoring shows that utilization is frequently exceeded, or that trend is downward, adjustments will be made in the grazing season based on analysis by the Interdisciplinary Team. An example of this would be to decrease the length of the grazing season until utilization end point indicators have been met. My decision also designates the Horse Butte and Guinn Canyon fire rehabilitation fences as permanent to keep the two pastures needed for a rotation grazing system. These fences were built according to wildlife specifications and have been in existence for two or more years with no known problems. Adopting existing rehabilitation fences is expected to allow better livestock management. This is expected to indirectly affect sage grouse and other sagebrush obligates by increasing the amount of cover and food available and to improve the overall quality of the habitat. The maintenance of these fences will be the responsibility of the permittee.

This final decision also implements management flexibility (14 day flexibility on either side of on and off dates) which will allow for annual changes in management due to natural occurrences

such as drought, unusually wet years, and wildfire with approval by an authorized officer. An example of this flexibility might include an unusually cold spring causing a delay of turnout resulting in staying in the turnout pasture for an additional number of days equivalent to the delay.

The riparian areas, Potter Spring and North Saunders Spring were rated functioning-at-risk in 2004. The enclosure around North Saunders Spring, destroyed by wildfire, was rebuilt in 2004 after the assessment. Potter Spring, located in the south pasture, is partially excluded from livestock. This decision authorizes the Potter Spring Enclosure Project which would exclude the majority of the riparian area. This project would eliminate the altered surface flow patterns and improve reduced vegetation cover that were noted in the assessment and eliminate any associated water quality impairment. The implementation of this project will ensure progress toward proper functioning condition of Potter Spring.

### **Alternatives Considered and Not Selected**

After careful consideration, I am not proposing to authorize the re-development of the Mud Springs Reservoir Project in the Proposed Action, and the current grazing Alternative 1. Mud Spring Reservoir Project involves a spring which is currently dry. The Burley BLM has recently approved a project (Burley Aspen Restoration) designed to improve aspen stands. The area located around Mud Spring Reservoir is included in this project. The project would remove juniper trees growing within aspen or adjacent to it in order to reduce competition and allow for more aspen regeneration. It is possible after the implementation of this project that Mud Spring will again produce water.

Alternative 1 (current situation) was not selected because the fire rehabilitation fences would be removed continuing the situation that caused Standard 2 (riparian) to not be met. This could indirectly affect sage grouse and other sagebrush obligates by reducing the amount of cover and food available and reducing the overall quality of the habitat. Under Alternative 1, Brigham Young University would continue to graze summer long. This could affect plant vigor more than fall grazing selected in this decision. The Chatburns would continue to run larger numbers of livestock in June and July without deferment which may reduce plant vigor and recruitment. The Potter Spring Enclosure Project would not be constructed and approximately 1/3 of the riparian area within the allotment would not be expected to progress toward proper functioning condition.

### **Authority**

The authority under which this decision is made can be found in the following 43 CFR 4100 citations:

4100.0-8	Land use plans
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

4130.3-3	Modifications of permits or leases
4130.4	Approval of changes in grazing use within the terms and conditions of permits and leases
4160.1	Proposed decisions
4160.3	Final decisions
4180	Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

## Appeal Procedures

Any applicant, permittee lessee or other person whose interest is adversely affected by the final decision may file a written appeal 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 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 on the Office of the Solicitor as follows:

Office of the Solicitor  
U.S. Department of Interior  
University Plaza  
960 Broadway Avenue, Suite 400  
Boise, Idaho 83706

The appellant must also serve a copy of the appeal by certified mail on each person named in the Copies sent to section of this decision and on the party the decision is addressed to as per 43 CFR 4.421(h).

The appeal shall state the reason(s), clearly and concisely, why the appellant thinks the final decision is in error. The appeal must comply 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 served in accordance with 43 CFR 4.471.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Office of Hearings and Appeals a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. The address for the Office of Hearings and Appeals is:

Office of Hearings and Appeals  
Interior Board of Land Appeals  
405 South Main Street Suite 400  
Salt Lake City, Utah 84111

Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the solicitor, and any other person named in the decision (43 CFR 4.472(b)).

If you have any questions or concerns, feel free to contact Nancy Ady at (208) 677-6685 or me at (208) 677-6635.

Sincerely,

/s/ Jim Tharp (for)  
Michael Courtney  
Burley Field Manager

Attachments: Permit Renewal EA for the Cotterel Allotments ID- 220-2008-EA-223 (Amended)  
Field Manager’s Determination of Achieving Standards for Rangeland Health for  
North Cotterel Allotment  
Attachment A: Responses to WWP Comment Letter Studies

cc:

Brigham Young University Skaggs Ranch.....7008 3230 0001 2115 7066  
% Dave Andreason  
700 South Hwy. 81  
Declo, ID 83323

Chairman, Land Use Policy Commission..... 7008 3230 0001 2115 7073  
Shoshone – Bannock  
P.O. Box 306  
Fort Hall, ID 83203

Marc Brackett (RAC Chairman)..... 7008 3230 0001 2115 7080  
Antelope Springs  
Rogerson, ID 83302

Idaho Dept. of Agriculture.....7008 3230 0001 2115 7097  
 Ron Kay  
 P.O. Box 7249  
 Boise, ID 83707

Idaho Dept. of Fish & Game.....7008 3230 0001 2115 7103  
 319 South 417 East  
 Jerome, ID 83338

Prairie Falcon Audubon..... 7008 3230 0001 2115 7110  
 c/o Julie Randall  
 780 Falls Ave. #315  
 Twin Falls, ID 83301

Chad Coulter..... 7008 3230 0001 2115 7127  
 Fish & Wildlife Dept.  
 Shoshone - Bannock  
 P.O. Box 306  
 Fort Hall, ID 83203

Idaho Dept. of Lands.....7008 3230 0001 2115 7134  
 c/o Tim Duffner  
 319 South 417 East  
 Jerome, ID 83338

Idaho Dept. of Parks and Rec.....7008 3230 0001 2115 7141  
 P.O. Box 83720  
 Boise, ID 83720-0065

Western Watersheds Project.....7008 3230 0001 2115 7158  
 c/o Jon Marvel  
 P.O. Box 1770  
 Hailey, ID 83333

Katie Fite.....7008 3230 0001 2115 7165  
 P.O. Box 2863  
 Boise, ID 83701

Idaho Dept. of Environmental Quality.....7008 3230 0001 2115 7172  
 1363 Fillmore Street  
 Twin Falls, ID 83350

Alliance for the Wild Rockies Ecosystem Defense.....7008 3230 0001 2115 7189  
 P.O. Box 505  
 Helena, MT 59624

Western Watersheds Project.....7008 3230 0001 2115 7196

c/o Ken Cole  
P.O. Box 2863  
Boise, ID 83701