United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer To: 90910 or 90904

CERTIFIED-RETURN RECEIPT REQUESTED

September 28, 2007

Proposed/Final Grazing Decision for the
Jerome Allotment & South Gooding Allotment
Grazing Permit Renewal
EA No. ID-230-2007-EA-3361

William F. Gulley

Dear Mr. Gulley:

Introduction

A Rangeland Health field evaluation was conducted in the South Gooding Allotment in May 2004 and in the Jerome Allotment in June 2004, both of which are included in this EA based on the fact that both allotments are in the same resource area. Findings of the field evaluations were documented in the Rangeland Health Assessment which were both sent out for public review and comment on March 4, 2005. No public comments were received for either allotment in regard to the Rangeland Health Assessment.

The Shoshone Field Manager has made a formal determination that Standard 1 (Watersheds) is being met. Standard 4 (Native Plant Communities) and 8 (Threatened and Endangered Plants and Animals) are not being met but current livestock grazing is not a contributing factor for the failure of these Standards. Standard 2 (Riparian Areas and Wetlands), Standard 3 (Stream Channel/Floodplain), Standard 6 (Exotic Plant Communities, Other than Seedings), and Standard 7 (Water Quality) were shown not to apply to either of the Jerome or South Gooding Allotments. Standard 5 (Seedings) may apply to the Jerome Allotment or the South Gooding Allotment in the future if the 2006 seedings are successful, but does not currently apply. Livestock management practices do conform to Guidelines for Livestock Grazing Management.

An Environmental Assessment (EA No. ID-230-2007-EA-3361) was prepared describing a Proposed Action which is the BLM preferred alternative as well as a No Action Alternative. On August 24, 2007, the BLM Shoshone Field Office posted a pre-decisional draft of this EA analyzing the environmental effects and documenting the findings of a proposal for a grazing permit renewal in the allotments on http://www.blm.gov/id/st/en/info/nepa.html. Included were the draft Determinations of whether or not the allotments were meeting the Standards for Rangeland Health.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s): 1985 Monument Resource Management Plan (RMP).

Reissuance of grazing permits would be in conformance with the 1985 Monument RMP because their reissuance would not result in a change in the scope of resource uses 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 Jerome Allotment & South Gooding Allotment Grazing Permit Renewal EA No. ID230-2007-EA-3361. 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 1985 Monument RMP. 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, which is the BLM preferred alternative, is anticipated to have beneficial impacts to range conditions which will improve conditions and aid this allotment to meet standards for rangeland health in the future. It was determined that livestock was not a contributing factor in the failure of Standard 4 (Native Plant Communities) and Standard 8 (Threatened and Endangered Plants and Animals). The Proposed Action includes a change in the season of use in both allotments to allow for a deferred fall use period and the inclusion of the grazing management objectives.

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 multiple use while improving 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.*

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 Concern within these two 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.*

The selection of the proposed action does not set 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 preferred alternative 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.

Plants: Picabo milkvetch, *Astragalus oniciformis,* a BLM Sensitive Species, has been documented to occur near the allotments and potential habitat might exist there; however, the state of the vegetation makes it unlikely that any sizeable populations exist. Livestock grazing in these allotments is not expected to alter or change potential habitats.

Animals: The proposed livestock grazing treatments are not expected to perceptively alter habitat suitability for the federally listed bald eagle, gray wolf or Canada lynx which may make incidental use of public lands in and around the Jerome Allotment or South Gooding Allotment. The suspected very low, incidental use level of the project area by these three listed animal species is expected to result in "No Effect" to the continued existence of the bald eagle, gray wolf or 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-230-2007-EA-3361 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 Jerome Allotment & South Gooding Allotment Grazing Permit Renewal Environmental Assessment EA No. ID230-2007-EA-3361 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.

Proposed Decision

This decision represents my selection of the Proposed Action as described in Environmental Assessment No. ID230-2007-EA-3361 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 is hereby incorporated into your grazing permit for the Jerome Allotment.

Under the proposed action, there would be a change to the season of use and a change to the current management practices in both the Jerome and South Gooding Allotments. This alternative refers to renewing the grazing permits with the inclusion of utilization standards for the new seedings if they are successful. This alternative would also consider a seasonal rotation in the allotments that would incorporate a fall use period one out of every three years beginning when the mandatory rest from the restoration project is complete in order relieve the pressures of spring use every year. It would tentatively resemble Table 1 if the allotments were reopened to grazing after the mandatory two growing seasons rest starting in September of 2008. Both the Jerome and South Gooding allotment grazing permits would be issued for a term of ten years. The new permit would authorize livestock use as specified in Table 2. No further AUMs are proposed to be suspended in either of these two allotments.

Table 1: Proposed Grazing Season Rotation

Allotment	YEAR			
	2008	2009	2010	2011
Jerome	Fall Use Period	Spring Use Period	Spring Use Period	Fall Use Period
South Gooding	Fall Use Period	Spring Use Period	Spring Use Period	Fall Use Period

It should be noted that the spring use period in the Jerome Allotment will be from April 15 to June 14 and the spring use period in the South Gooding Allotment will be from April 15 to May 20. The fall use period for both allotments will be from September 15 to October 31 and the start date for this new grazing schedule will be subject to the reopening of these allotments from the seedings that occurred in 2006.

If the 2006 seedings are successful and the seeded native plants establish, Management Guidelines would include:

- Utilization of seeded grasses would be limited to 40% of current growth in key areas, i.e., up to one half mile from water features, including perennial/intermittent streams, springs, ponds, canals, or troughs. Utilization would be conducted based on the Height-Weight methodology described in Interagency Technical Reference 1743-3, *Utilization Studies and Residual Measurements*. The grass species that will be monitored will be determined after the mandatory two growing seasons of rest have been completed in order to see what seeded grasses have become established successfully.
- If the seeded native plants do not establish but the Siberian wheatgrass does, the utilization in the allotments would be limited to 50% of current growth in key areas, i.e., up to one half mile from water features, including perennial/intermittent streams, springs, ponds, canals, or troughs.

Table 2: Proposed Authorized Use in the Canal Allotment

Allotment		Livestock		Grazing	Period	%	Active	Suspended	Total
Number	**Name**	**Number**	**Kind**	**Begin**	**End**	**PL**	**AUMs**	**AUMs**	**AUMs**
90910	Jerome	45	cattle	4/15	10/31	100	91	29	120
90904	South Gooding	37	cattle	4/15	10/31	100	44	14	58

Terms & Conditions:

Grazing must conform to the grazing plan set forth in the Jerome Allotment & South Gooding Allotment Grazing Permit Renewal Environmental Assessment No. ID230-2007-EA-3361 as implemented by the Field Manager's Final Decision dated September 28, 2007.

The permittees would be able to graze up to 45 head of cattle in the Jerome Allotment and 37 head of cattle in the South Gooding Allotments from 4/15 to 10/31 as long as total AUMs used do not exceed the 91 Total Active AUMs established for the Jerome Allotment or the 44 Total Active AUMs established for the South Gooding Allotment.

No livestock use will be authorized outside the dates shown above unless there is prior authorization by the Authorized Officer.

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

The closing dates may be moved forward, shortening the season, if any of the following conditions apply: 1) The allotment has reached full permitted use, 2) The allotment has reached an average utilization level of 40 percent on seeded native grasses if the seeding is successful, and 3) Removal of livestock is necessary to protect vegetative resources.

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.

Livestock use in these allotments will not occur outside of the grazing season and will not exceed the dates listed in either allotment. Using the maximum number of days shown would require a shorter season of use in order to stay within the authorized AUMs. The spring use period in the Jerome Allotment will be from April 15 to June 14 and the spring use period in the South Gooding Allotment will be from April 15 to May 20. The fall use period for both allotments will be from September 15 to October 31 and the start date for this new grazing schedule will be subject to the reopening of these allotments from the seedings that occurred in 2006. The seasonal rotation for each allotment is summarized in the following table.

Rationale

An Environmental Assessment (ID230-2007-EA-3361) for the Jerome Allotment and South Gooding Allotment Permit renewal was prepared describing a proposed action and a range of alternatives. The BLM preferred alternative is the Proposed Action. Under this alternative, there would be a change to the season of use and a change to the current management practices in both the Jerome and South Gooding 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, feel free to contact either Joanna Tjaden, Rangeland Management Specialist, at 732-7292, or myself at 732-7227.

Sincerely,
/s/ Lori A. Armstrong

Lori A. Armstrong
Field Manager
September 28, 2007

Enclosures:
Environmental Assessment ID230-2007-EA-3361
Jerome Allotment Determination
South Gooding Allotment Determination
Map 1
Map 2