United States Department of the Interior
BUREAU OF LAND MANAGEMENT
High Desert District
Kemmerer Field Office
430 North Highway 189
Kemmerer, Wyoming 83101
www.blm.gov/wy

DECISION RECORD
North Trail Environmental Assessment
DOI-BLM-WY-D090-2015-0106-EA

Introduction
Permittees and other livestock operators frequently request permits to move livestock across Bureau of Land Management (BLM) lands for a variety of reasons. These reasons may include:

- Moving livestock to and from grazing allotments on BLM managed lands.
- Moving livestock to and from grazing allotments on state or other federally managed lands.
- Moving livestock from a private pasture across BLM to another private pasture.

Livestock operators must obtain a crossing (trailing) permit from the appropriate BLM jurisdiction prior to trailing livestock on public lands. Recent administrative appeals and a subsequent settlement agreement have re-emphasized that BLM must analyze and disclose to the public the effects of permitted trailing activities as required by the National Environmental Policy Act (NEPA).

As stated in Title 43, Code of Federal Regulations (CFR), subpart 4130.6-3, Crossing Permits:

> *"A crossing permit may be issued by the authorized officer to any applicant showing a need to cross the public land or other land under Bureau of Land Management control, or both, with livestock for proper and lawful purposes. A temporary use authorization for trailing livestock shall contain terms and conditions for the temporary grazing use that will occur as deemed necessary by the authorized officer to achieve the objectives of this part."*

The CFRs do not define "trailing" or "crossing" and seem to use the terms interchangeably. However, for the purposes of the EA and this decision, these terms are defined differently. The term "crossing" is a single use event that generally does not occur on established trails. A crossing is considered an event that occurs within eight hours with no overnight camps. The term "trailing" is an overnight on established trails, which occurs over multiple days and crosses one or more allotments

Background
Presently, the Kemmerer Field Office (KFO) administers 40 grazing allotments that intersect the North Trail system. Livestock trailing use occurs within the KFO generally in the spring and fall and usually takes from one day up to two weeks. Timing of trailing events may vary annually based on factors such as forage production, weather, resource conditions, wildfire, and individual

livestock operations. The approximate 170-mile North Trail system consists of multiple trail corridors that cross approximately 123 miles of BLM administered land

On April 4, 2015 a scoping letter was mailed to the interested publics concerning the issuance of trailing permits. Fifteen substantive comments were received from six interested parties (see Appendix B of the Environmental Assessment [EA] as incorporated by reference, for comment letters received). All comments received were considered during the preparation of the EA.

During the review process, the BLM determined to reduce the "no camping" area within the Airport Allotment as identified on Map 4 within the EA. Certain areas within the Airport Allotment will still have a "no camping" restriction for resource protection. The BLM also reduced the area of "no camping" within locations around Dempsey Ridge/Emigrant Spring, while still providing for resource protection as identified in the KFO Resource Management Plan.

Decision

BLM KFO's Final Decision is to approve the Proposed Action as described in the EA DOI-BLM-WY-D090-2015-0106-EA. Based on the EA and the attached Finding of No Significant Impact (FONSI) an Environmental Impact Statement is not required.

Rationale

BLM's decision is based on the following:

- The design features and mitigation measures are designed to mitigate any adverse impacts and are incorporated as part of the Proposed Action.
- This decision is based on the FONSI and is in accordance with applicable law and policy, including Federal Land Policy and Management Act (FLPMA) of 1976, as amended and Taylor Grazing Act (TGA) of 1934, as amended and supplemented.
- This decision conforms to the KFO Record of Decision and Approved Kemmerer Resource Management Plan approved May 24, 2010.
- The Resource Management Plan (RMP) for the Kemmerer Field Office has been amended by the Approved Resource Management Plan Amendments for the Rocky Mountain Region, approved 9/21/2015. The Proposed Action is in conformance with the RMP as amended.

Authority

The analysis of the Proposed Action and alternatives are in accordance with the following regulatory authorities, plans and agreements:

- 43 CFR 4100 – Grazing Administration
- Taylor Grazing Act of 1934, as amended and supplemented (TGA)
- Federal Land Policy and Management Act of 1976 (FLPMA)
- Public Rangelands Improvement Act of 1978
- Noxious Weed Act of 1974
- Endangered Species Act of 1973
- National Environmental Policy Act of 1969, as amended (NEPA)
- Wyoming Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management August 12, 1997

- Washington Office Instruction Memorandum No. 2012-096 Section Trailing Livestock Across Public Land dated April 10, 2012
- Consolidated Appropriations Act, 2014
- Greater Sage-grouse Executive Order 2015-4

Right of Protest and/or Appeal

"Pursuant to Section 125 of Division G, Title I. General Provisions, PL 113-76, the Consolidated Appropriations Act, 2014, this BLM final decision is not subject to protest and/or administrative appeal under subpart E of Part 4 of Title 43, Code of Federal Regulations and subpart 4160 of part 4100 of such title."

William A. Mier

Kemmerer Field Manager: William A. Mier

9/30/15

Date: