

Herd Creek Allotment
Grazing Permit Renewal

EA Number: ID-040-9041

Date of Preparation: 10/99

*Revised per
Ingram & Bennett
Protects Final deliverables
Sent 11/22/99 for
G. J. Ingram & Bennett*

INTRODUCTION

Background:

The 1975 Allotment Management Plan (AMP) coordinated with the Salmon-Challis National Forest (NF) describes management for the Herd Creek Allotment as a three pasture rest rotation grazing system. The system outlines an early use treatment, a late use treatment, and a complete rest treatment through a three year cycle. The three pastures each include intermingled BLM, State of Idaho, and NF lands. Turn-out is in mid to late June. Livestock move upslope onto NF land at upper elevations in each unit as the season progresses and are moved from the late season pasture back to private lands in late October. Requirements of the Endangered Species Act have necessitated changes to management on the allotment to comply with the law and to protect critical fishery habitat. In addition, grazing regulations affecting public lands administered by the BLM require meeting the fundamentals of rangeland health and standards and guidelines for grazing administration (43 CFR subpart 4180).

BLM-administered acreage in the Herd Creek Allotment incorporates approximately 21,502 acres. Approximately 30,000 acres of the Herd Creek Allotment are managed by the Salmon-Challis National Forest, and 2,740 acres are State of Idaho lands. Historically, 990 AUMs have been permitted on the BLM administered land between two permittees. The BLM issues separate permits for use of BLM lands, and the Forest Service does the same for use on NF lands. Both of the BLM grazing permits are expiring in 1999. The Allotment Management Plan (AMP) currently in place for the entire allotment is still in effect through a Memorandum of Understanding between BLM, Forest Service, and the Idaho Dept. of Lands.

A Watershed Analysis was done in 1997 in the Herd Creek watershed, which includes the Herd Creek Allotment (see bibliography in References Appendix). A copy of this analysis is available for review at the Salmon BLM Office.

In 1998 a determination was made on the Herd Creek Allotment in accordance with 43 CFR subpart 4180. The determination indicated achieving or making significant progress towards achieving the standards for rangeland health and conforming with guidelines for livestock grazing management. The assessments leading to this determination were obtained through the watershed analysis, upland ecological site inventories, monitoring data, and riparian habitat surveys.

Applicants: Gary & Jackie Ingram, James Bennetts.

Type of Action: Livestock Grazing Permit renewal for two permittees on the Herd Creek

Allotment.

Purpose and Need: To authorize appropriate livestock grazing management on the Herd Creek Allotment located in Custer County, Idaho, consistent with applicable laws and regulations.

Location of Proposed Action: T. 9 & 10 N., R. 18, 19, & 20 E. Boise Meridian (see attached Map). Herd Creek Allotment is bordered on the north by the East Fork Salmon River and the Road Creek watershed, on the east by the Sage Creek watershed, and on the south and west by the Salmon-Challis National Forest. The allotment is approximately ten miles south of Clayton, Idaho.

Conformance with Applicable LUP: The proposed action is in conformance with the Challis Resource Management Plan (RMP)(July 1999).

Relationship to Statutes, Regulations, or Other Plans: The proposed action is in conformance with the 1975 AMP developed in coordination with the Salmon-Challis National Forest. Permitting requirements for the Clean Water Act have been met and appropriate water rights claims have been filed with the State of Idaho. Consultation in accordance with the Endangered Species Act has been completed with a "may affect, not likely to adversely affect" concurrence from the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Consultation under the National Historic Preservation Act of 1966 (as amended) has been conducted in accordance with BLM's National Programmatic Agreement and the implementing protocol agreement between Idaho BLM and the Idaho State Historic Preservation Office.

PROPOSED ACTION (ALTERNATIVE 2) AND ALTERNATIVES:

Alternative 1: Continuation of Existing Permit Authorization

Livestock grazing would be permitted from June 16 through October 31 for an active grazing preference of 990 AUMs, distributed among two permittees. Grazing would be authorized in accordance with the 1975 AMP outlining a three pasture rest rotation system that consolidates the Forest, State, and BLM administered lands. Grazing treatments are described as early (before seed ripe), late (after seed ripe) and complete rest. The typical move date from the early use pasture into the late use pasture is between August 10 and 15. The actual move dates between pastures, and moves off of the allotment would be determined by mitigation grazing standards (items 2, 3 and 4 below). These standards would be applied to grazing actions as a result of consultation with the National Marine Fisheries Service, and the Fish and Wildlife Service. The following terms and conditions would apply:

- 1) This permit incorporates all terms and conditions of the 1975 Herd Creek AMP which are listed below. All grazing use must be in accordance with Annual Operating Instructions developed each year for the Herd Creek Allotment.

- 2) A minimum 6" stubble height on herbaceous vegetation within the riparian floodplain along BLM portions of Herd Creek and Lake Creek must be maintained at the end of the grazing season.
- 3) Browsing intensity will be monitored in Lake Creek using frequency of use (number of nipped current year's leaders) on seedling and young age class woody species. A frequency of use of no more than 50% is expected to maintain a normal growth form and promote a diverse age structure.
- 4) No cattle use along Herd Creek is allowed after August 15, or when spawning salmon are present.
- 5) As provided in the Code of Federal Regulations (CFR) 4130.3-2(d), the permittee(s) is required to submit an actual use report within 15 days after completion of their annual grazing. Failure to comply could result in the cancellation of the permit in whole or in part.

Individual permits would be issued for use as follows:

<u>Permittee</u>	<u>Number/Kind</u>	<u>Season of Use</u>	<u>%PL</u>	<u>Active AUMs</u>	<u>Susp. AUMs</u>	<u>Total Preference</u>
Ingram, Gary & Jackie Bennetts,	206 cattle	06/16 to 10/31	100%	936	216	1152
James R.	30 cattle	06/16 to 10/31	40%	<u>54</u>	<u>- -</u>	<u>54</u>
	BLM allotment total =			990	216	1206

Although Ingram's current permit reflects only 206 cattle at 100% PL, the permit authorized a maximum of 636 head for the Herd Creek Allotment, which divides the forage base between BLM and F.S. on a 40/60 split respectively. Bennetts permit would authorize 50 head licensed at 40% public lands forage use. State Lands under lease to Gary & Jackie Ingram would also provide 127 AUMs of forage use through an Exchange-of-Use Agreement. Both permittees would be required to combine livestock into one herd, and follow the three pasture rest rotation grazing sequence outlined in the original AMP.

PROPOSED ACTION Alternative 2-- Modify Permit with Terms and Conditions

Permit levels of livestock grazing use in the Herd Creek Allotment to coincide with an integrated allotment grazing sequence, where season of use is variable from late spring to early fall, and includes periodic yearlong rest. The allotments involved in the integrated allotment grazing sequence are Warm Springs, Road Creek, Pine Creek, and the Forest Service-administered Herd Creek and Warm Springs Creek allotments. In addition to the current terms and conditions listed in alternative 1, grazing use standards and guidelines would be further applied through incorporation of the following terms and conditions into the

grazing permits:

1. Upland utilization on bluebunch wheatgrass during the critical growth period (boot to flower) would be limited to 40% of current growth. Grazing outside the critical period (usually ending June 20) would not exceed 60% utilization. Prescribed utilization for all other key forage species on this allotment will be 50% (*Challis RMP, Livestock Grazing: Goal 1, #7*).
2. Livestock grazing use within the riparian floodplain along BLM-administered portions of Herd Creek and lower Lake Creek will be managed to assure that a minimum of 6" stubble height on herbaceous vegetation remains along the green line at the end of the growing season. To accomplish this, a minimum 4" median stubble height will be applied to cattle use along the green line during the spring/early summer grazing period (prior to July 10). A minimum 6" median stubble height will be applied to cattle use along the green line during any summer or fall grazing or trailing periods. Manage livestock use on upper Lake Creek above Herd Lake to maintain a 4" median stubble height during the scheduled grazing period. (*Challis RMP, Riparian Areas: Goal 1, 5b, c*).
3. Manage livestock use on Herd Creek and lower Lake Creek so that no more than 10% of the streambank is sheared by livestock hoof action, and manage livestock use on upper Lake Creek above Herd Lake so that no more than 20% of the streambank is sheared by livestock hoof action (*Challis RMP, Riparian Areas: Goal 1, #6*).
4. Manage livestock use so that no more than 50% frequency browsing by livestock, of current year leaders on seedling and young age class woody riparian species occurs along BLM-administered portions of Lake Creek and Herd Creek to protect growth form and age class distribution.
5. No cattle use along Herd Creek is allowed after August 10, or when spawning salmon are present. Late season grazing use elsewhere on the allotment will avoid important spawning reaches through exclusion, non-use, or pushing cattle away from spawning areas within designated critical habitats.
6. The Herd Creek Allotment is subject to the requirements of 43 CFR 4180-- Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The assessment that was done in 1998 determined that these standards were being met or making significant progress toward being met.

Authorized livestock grazing use for the BLM permit under Alternative 2 would be specified as follows:

<u>Permittee</u>	<u>Livestock number/kind</u>	<u>season of use</u>	<u>%PL</u>	<u>active AUMs</u>	<u>susp. AUMs</u>	<u>total AUMs</u>
Gary and Jackie.	608 cattle	06/15 to 09/30	38%	821	51	872
Ingram	200 cattle	10/01 to 11/15	38%	115	165	280
Jim Bennetts	125 cattle	07/01 to 08/02	40%	<u>54</u>	<u>--</u>	<u>54</u>
allotment total =				990	216	1206

The percentage public lands (PL) listed above for each permittee reflects the amount of use made on BLM-administered lands: 38% for Ingram, (balance is 60% F.S. and 2% State) and 40% for Bennetts (balance is 60% F.S.). The Forest Service and State will permit for the remainder of forage use within the jointly administered allotment.

The maximum permitted level of use on the BLM portion of the Herd Creek Allotment would remain at 990 AUMs. Herd size and duration of grazing use would vary, depending upon an analysis of resource conditions and recommendations of an interdisciplinary team. These recommendations would be in accordance with prescriptive management described in the Challis RMP, and would detail actions designed to meet the rangeland health standards and/or follow guidelines for livestock grazing management developed for Idaho by the BLM Idaho Resource Advisory Councils. Early/Rest/Late rotational grazing would be employed on the allotment, and would be coordinated with rotation systems employed on other Ingram allotments on an annual basis. Two herds would use separate pastures or use areas. Fall use (after Sept. 30) would be made after weaning, with "dry" cows only, and perennial streams that are occupied habitat for spawning bull trout would not be scheduled for fall grazing.

Public land uses, including livestock grazing as proposed in this alternative, within Wild and Scenic River corridors of river segments present on this allotment would be managed to maintain the level of development that resulted in the segments' tentative classifications, to ensure non-degradation of outstandingly remarkable (OR) values, and to protect free-flowing characteristics.

Alternative 3: Livestock Controlled Timed Grazing

This alternative would authorize a use area deferment system. The BLM administered portions of the three existing pastures would be divided into numerous (approximately 6) use areas (paddocks) based on topographic features ranging in size from 1000 to 6000 acres. These paddocks would be grazed with the entire herd for a period of 5 to 14 days depending upon the size of the paddock, productivity, season of use, and other resource issues and concerns. Paddock rotations are not cycled in a defined system but rather are developed through an annual operating plan in response to site specific resource needs and conditions. Plan development is through inter-agency, collaborative work group, and interested public coordination.

The short duration grazing provides for extensive rest each year (350+ days) with additional rest (periodic, growing season or yearlong) the following year. It provides maximum