

**United States Department of the Interior  
Bureau of Land Management**

U.S. Department of the Interior  
Bureau of Land Management  
Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352  
Telephone: (208) 732-7200  
FAX: (208) 732-7317]

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**Environmental Assessment  
DOI-BLM-ID-T030-2010-0005-EA**

**Buschhorn Sale  
IDI-35577**

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**Applicant: Todd and Bridget Buschhorn**

**Prepared for the Bureau of Land Management by  
Scott Webster  
Biologist  
North Wind, Inc.**

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## **INTRODUCTION**

### **BACKGROUND**

The Bureau of Land Management (BLM) Shoshone Field Office has received a proposal from Todd and Bridget Buschhorn to acquire approximately 7.45 acres of public land, through a direct sale, adjacent to their private property. The Buschhorns actively farm approximately 120-acres of private land that adjoins the subject parcel on the north and east side. The Buschhorns submitted a proposal to the BLM to acquire a portion of the subject parcel in August 2005 after unintentionally building a home in trespass on public land. However, due to workload priorities, staff and budget constraints the proposal was not processed at that time.

The Notice of Realty Action has been submitted and the land was segregated upon publication of the Notice of Realty Action in the Federal Register on April 29, 2010. The Buschhorns currently have an authorized Residential LUP (IDI-35320) to occupy the parcel of land that was renewed in September 2010, expiring December 31, 2013. The acquisition of the approximately 7.45-acre subject parcel in fee simple would allow the Buschhorns to legally gain clear title to their existing facilities and to acquire the land with the unauthorized improvements. This would resolve the existing trespass issues associated with the construction of the residential property and agricultural practices. The sale would allow the BLM to dispose of a part of an isolated parcel of public land, which is currently encumbered by improvements associated with the unauthorized development.

### **LOCATION OF PROPOSAL**

The parcel of land is located in the Boise Meridian, Township 10 South, Range 19 East, Section 25: Lot 10. The parcel is located approximately 2.6 miles north northwest of Murtaugh, Idaho and approximately 4.8 miles south southwest of Hazelton, Idaho (Appendix A Figures 1 and 2). The lands associated with this action are located in the BLM Shoshone Field Office and managed under the Monument Resource Management Plan (RMP), as amended (USDI BLM 1985).

### **PURPOSE AND NEED FOR ACTION**

BLM's purpose for this action is to respond to a proposal for direct sale of the subject parcel. The action is needed to resolve unauthorized development on the parcel by Todd and Bridget Buschhorn. The direct sale of the parcel is in compliance with 43 CFR 2710.0-3(a)(3) which states: the Secretary of the Interior is authorized by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1713), to sell public lands where, as a result of land use planning, it is determined that the sale of such tract meets any or all of the following disposal criteria:

- (3) Such tract, because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency.

This parcel meets this definition because it is part of a small isolated parcel and does not have legal access; also, the 2003 Amendments to the Shoshone Field Office Land Use Plans state that disposal of lands in Zone 4 is allowed.

## **CONFORMANCE WITH APPLICABLE RESOURCE MANAGEMENT PLAN AND PLAN AMENDMENT**

The area described contains approximately 7.45 acres in Jerome County. The 1985 BLM Monument Resource Management Plan, as amended, by the 2003 Amendments to Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern identifies this parcel of land to be within the adjustment area of land tenure Zone 4. Zone 4 lands are small to medium-sized blocks of public lands that are isolated from one another and from other public land tracts in the Field Office area. The general management philosophy of Zone 4 is to allow disposal of public lands through sale or exchange.

This parcel is available for disposal as described in the 2003 Amendment. The proposed plan amendment validates that the parcel has been screened according to the process outlined in the 2003 Amendment and has been found to meet the FLPMA criteria for sale. The plan amendment would apply if any alternative other than the No Action is selected. All action alternatives meet the FLPMA criteria for sales, under Sec. 203 (a)(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. This disposal involves an isolated federal parcel with no public access, primarily surrounded by private farmlands.

## **RELATIONSHIP TO STATUTES, REGULATIONS OR OTHER PLANS**

Disposal of public lands through sale actions is allowable on BLM-administered lands, per Title II of the Federal Land Policy and Management Act of October 21, 1976 as amended (FLPMA) and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer. Section 2711.3-3 allows for the use of a direct sale action when the public benefit would best be served by this type of disposal action.

The 2003 Amendment defined land management areas or “zones” (areas that contain common issues or planned actions) instead of identifying specific parcels by legal description, where public lands are emphasized for retention or can be considered for disposal. The parcel associated with this action is within an area identified as Zone 4 lands (USDI BLM 2003). Public lands in Zone 4 are potentially suitable for disposal primarily by exchange, however if land exchanges are not feasible, then land tenure adjustments via sale or Recreation and Public Purposes (R&PP) Act patent can be considered. These lands meet the Criteria for Land Ownership Adjustment because the parcel is isolated and difficult to administer.

The sale of the parcel has been reviewed for its potential to affect Endangered Species Act (ESA) listed species or their proposed or designated critical habitats which may occur within the project area. BLM determined that suitable habitat for ESA-listed species is not present within the project area and sale of the proposed parcel of public land is not likely to adversely affect ESA-listed species. No formal consultation with USFWS or National Oceanic and Atmospheric Administration (NOAA) for fisheries is necessary.

## **SCOPING, PUBLIC INVOLVEMENT, AND ISSUES**

This project was published in the Federal Register on April 29, 2010 as a Notice of Realty Action; Proposed Sale of Public Land, Idaho and Termination of a Multiple Use Classification on a Portion of These Lands (FR Vol. 75, No. 82, pp. 22625). A copy of this Notice was also published in the local newspaper on May 7, 2010, May 13, 2010, and May 20, 2010. A notice of the proposed action was sent to interested parties on February 24, 2010. A final Notice of Realty Action was published in the Federal Register on May 23, 2011 (FR Vol. 76, No. 99, pp. 29784).

A Notice of Intent to Prepare a Land Use Plan Amendment for the Shoshone Field Office, Idaho was published in the Federal Register on May 18, 2011 (FR Vol. 76, No. 96, pp. 28804). A single comment letter was received from Western Lands Project, and the comments presented in that letter have been incorporated into this document.

## **ALTERNATIVE(S)**

### **NO ACTION**

Under this alternative, the parcel of public land would not be sold and would remain under BLM management. The current use of the land may continue under existing LUP until its expiration in December 2013. If the BLM rejects the application for a LUP renewal the Buschhorns would be required to move their home off of public land and rehabilitate the area to a natural condition using a BLM approved seed mix after removing all foreign materials which were placed on public land in association with the construction and occupancy on the residence.

### **ALTERNATIVE 1 SALE OF 7.45 ACRES**

Alternative 1 includes the disposal of approximately 7.45 acres of public lands. Public lands associated with the disposal are divided into three separate parcels. One parcel contains the Buschhorn residence and drain field (approximately 3.3 acres), the second parcel is a segment of public land which has been converted to irrigated agricultural lands (1.6 acres), and the third parcel consists of a segment of public land which contains both irrigated cropland and undeveloped lands (approximately 3.1 acres). The undeveloped lands within the third parcel were included to square the corner of the parcel.

Under this alternative BLM would determine (in the Decision Record) whether to offer the entire 7.45 acres as a direct sale to the Buschhorns or to offer the minimum acreage as a direct sale and the other two parcels under a competitive bid which would be open to the general public.

The purchase price is still determined by a fair market value appraisal. There are no existing rights-of-way or other easements on the parcel save an existing Residential LUP held by the Buschhorns. Regardless of the sale method used, the entire 7.45 acre parcel would be sold.

If Alternative 1 were selected the RMP would be amended as described under the plan conformance section.

### **ALTERNATIVE 2 SALE OF MINIMUM ACREAGE**

BLM is proposing to dispose of only the parcel associated with the residence and associated drain field as described in Alternative 1. This area would encompass approximately 3.3 acres of public land and would be disposed of via a direct sale to Todd and Bridget Buschhorn. Under this alternative the Buschhorns would be required to stop all activities on the lands located to the east and southeast of the residential portion of the subject parcel which have been used for agricultural crop production under trespass. The Buschhorns would be required to rehabilitate these areas to a native state by removing the agricultural crops and reseeding the area using a seed mix approved by the BLM. Alterations to the existing irrigation system would also need to be made to prevent them from trespassing on this parcel as it waters the adjacent private lands.

If Alternative 2 were selected the RMP would be amended as described under the plan conformance section.

## **ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY**

An alternative was considered that would consist of disposing the 7.45-acres of public land through a competitive bidding method. This alternative was eliminated from detailed study because there is a need to recognize the existing authorized use of Todd and Bridget Buschhorn, who could suffer substantial economic loss if the parcel containing their residence was purchased by someone other than them. Also, there is no legal access to this parcel. If a party other than the Proponent was the successful bidder and acquired the subject parcel, the Buschhorns would need to remove all improvements associated with the current authorized residential use or make arrangements with the successful bidder for purchase.

A land exchange was considered, to resolve the trespass, but eliminated from detailed study because it was deemed to not be feasible and the proponent did not have anything to exchange.

Selling the entire 60-acre parcel was also eliminated from detailed study because it wasn't needed to resolve the encroachments on BLM and there isn't legal access for a competitive sale to be feasible.

## **AFFECTED ENVIRONMENT**

### **GENERAL SETTING**

The project area is located approximately 3 miles south of U.S. Highway 84; approximately 2.6 miles north northwest of Murtaugh, Idaho; and approximately 4.8 miles south southwest of Hazelton, Idaho (Appendix A Figures 1 and 2). The project area is made up of a parcel of public land approximately 7.45-acres in size, used for residential property, agricultural, and undeveloped land. Developments on the parcel include the installation of a home, driveways, electricity and water. Landscaping includes grass and trees. The agricultural lands are farmed by the Buschhorns who also own the adjacent 120 acres of private land to the north and east of the parcel. The Buschhorns have farmed the adjacent land for approximately 7 years, prior to which the area was farmed by a different individual. The undeveloped land is a narrow strip of land that is located along the north and west sides of the residential.

### **RESOURCES CONSIDERED IN THE ANALYSIS**

During the analysis process, the BLM interdisciplinary team considered several resources and supplemental authorities that would potentially be affected by the proposed and no action alternatives. The project file contains a complete list of the resources and supplemental authorities that were considered and reasons why some resources are not analyzed in the EA (e.g., resource is not present in the project area). To assess the presence or absence of environmental resources which have the potential to occur within the project area, the area was surveyed, using a pedestrian survey, on December 3, 2009. This survey focused on identifying resources such as vegetation including federally listed species protected under the Endangered Species Act (ESA), BLM sensitive species, and general vegetation conditions; wildlife including federally listed species protected under the ESA, BLM sensitive species, and general wildlife species and habitats observed within and adjacent to the project area; hazardous materials; and cultural resources. Based on the survey results and analysis of BLM records and knowledge of the area by BLM specialists, the interdisciplinary team determined that the resources which have the potential to be affected by the proposed or no action alternatives are: vegetation including BLM special status plant species (there are no known ESA listed plant species which occur in Jerome County); wildlife including BLM special status wildlife species; prime farmland; and

tribal treaty rights. These resources are discussed below. Rationale for not analyzing minerals, cultural resources, and hazardous materials resources are also presented below. Site specific research and surveys for minerals, cultural, and hazardous materials were conducted and a summary of those findings are used to provide the rationale for not analyzing them further in this EA.

### ***Resources Potentially Impacted***

#### ***Vegetation***

Three dominant vegetation communities are present within the parcels of public land: irrigated agricultural field, residential landscaping, and undeveloped sagebrush/ grassland. The dominant vegetation within the area being used as agricultural cropland is anticipated to change annually with the planting of different crops (i.e., sugar beets, potatoes, barley, beans). The residential landscaping includes turf grass, ornamental and shade trees, and other small ornamental shrubs. The sagebrush/grassland habitat is dominated by basin big sagebrush with an understory of cheatgrass (*Bromus tectorum*), yellow sweetclover (*Melilotus officinalis*), bluebunch wheatgrass (*Pseudoroegneria spicata*), and scattered rabbitbrush (*Chrysothamnus* sp.). There is also a disturbed area that is infested with Canada thistle (*Cirsium arvense*), and Scotch (*Onopordum acanthium*) or musk thistle (*Carduus nutans*) (due to the time of year surveys were conducted it was difficult to discern between the two species). Cheatgrass is a state listed invasive species and Canada and Scotch (or musk) thistles are listed as noxious weeds for the State of Idaho. However, there are no known ESA listed plant species which occur in Jerome County.

#### ***Wildlife***

Wildlife habitat within the project area is closely related to the three vegetation communities. Habitats found in the areas associated with the residential property and the agricultural fields are in a degraded state due to the human influence and impacts experienced within these areas. However, some of the general wildlife populations discussed below may inhabit these areas seasonally or as yearlong residents. The sagebrush/grassland vegetation within the undeveloped portions of the parcels and on the public lands which border the parcel to the south and west is comprised primarily of annual grasses, such as cheatgrass, and forbs with scattered big sagebrush. The USFWS has identified three terrestrial wildlife species which are protected by the ESA as potentially occurring in Jerome County. These species include: Utah valvata snail (*Valvata utahensis*) (Endangered), Snake River physa snail (*Haitia (Physa) natricina*) (Endangered), and Bliss Rapids snail (*Taylorconcha serpenticola*) (Threatened). There is no suitable habitat within the project area for any of the three ESA-listed species, which are all found in the Snake River. Therefore, the proposed action would have “No Effect” on any of these species. In March 2010, the greater sage-grouse (*Centrocercus urophasianus*) was also found to be warranted for inclusion for protection under the ESA but is precluded at this time; it is currently identified as a candidate species. The sagebrush/grassland habitat on the parcel is too small and fragmented by development to provide suitable habitat for the sage-grouse. Connelly and Braun (1997) stated that habitat fragmentation is one of the main causes in the reduction in quantity and quality of nesting and early brood-rearing habitat used by sage-grouse. The BLM lists 35 wildlife species as sensitive within the Shoshone Field Office (4 mammals, 18 birds, 4 amphibians/reptiles, 4 fish, and 5 invertebrates). The habitats present within the project area are marginally suitable for sagebrush obligate species. There are no records of any BLM

sensitive animal species occurring in the parcel. The area may support incidental use by species such as bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrines anatum*), prairie falcons (*Falco mexicanus*), ferruginous hawk (*Buteo regalis*), Brewer's sparrow (*Spizella breweri*), spotted bat (*Euderma maculatum*), Townsend's big-eared bats (*Plecotus townsendii*), long-nose snake (*Rhinocheilus lecontei*), and western ground snake (*Sonora semiannulata*).

Information maintained by the Idaho Conservation Data Center (IDFG CDC) of the Idaho Department of Fish and Game indicates that the project is located about 4 air miles from a historic bald eagle nest site that was last occupied in 1994 (IDFG CDC 2009). Bald eagles use the Snake River corridor for foraging during the winter, and the project area is adjacent to the Snake River. Peregrine falcon, prairie falcon, ferruginous hawk and Brewer's sparrow may use the area within the parcel and the general area surrounding the parcel for foraging during the spring, summer and fall seasons. Spotted bat and Townsend's big-eared bat individuals may roost and forage in the general project area. Yearlong use of the area may also occur by long-nose snake and western ground snake.

The area within and surrounding the parcels likely supports low populations of common wildlife species such as mule deer (*Odocoileus hemionus*), northern harrier (*Circus cyaneus*), American kestrel (*Falco sparverius*), horned lark (*Eremophila alpestris*), meadow lark (*Sturnella neglecta*), canyon wren (*Catherpes mexicanus*), sagebrush vole (*Lemmiscus curtatus*), and yellow-bellied marmot (*Marmota flaviventris*). Wildlife species that are known to occasionally occur within the parcels include coyote, badger, skunk, other small rodents, small songbirds, raptors, and game birds. Raptors are commonly seen in the general area foraging within the agricultural fields and gliding on the thermal up-drafts from the Snake River canyon. During the 2009 field survey of the area, two ring-necked pheasants (*Phasianus colchicus*) were observed adjacent to the parcels. There was also sign of use of the area by coyotes. Both of these species were identified by Mr. Buschhorn as regularly being seen within and around the project area.

Migratory birds – The parcels may provide habitat for three bird species of conservation concern that are not listed as BLM Sensitive species. The three migratory bird species are Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Speotyto cunicularia*), and long-billed curlew (*Numenius americanus*). Swainson's hawk may use habitat in the area during the spring, summer and fall for foraging activities. Western burrowing owl and long-billed curlew may use lands in the general vicinity of the proposed sale area for foraging activities.

### ***Prime Farmland***

Prime farmland, as defined by the Natural Resource Conservation Service (NRCS), is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. Prime farmland can be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. Because of irrigation, the water supply in the parcel is dependable and of adequate quality.

The parcel of public land within the project area occurs on soils that have been identified by the NRCS as Portneuf silt loam, 2 to 4 percent slopes and Trevino-Rock outcrop complex, 2 to 20 percent slopes. The Portneuf silt loam, soils are derived from a parent material which consists of silty alluvium and/or loess and/or lacustrine deposits and has a natural drainage class of well drained. The Portneuf silt loam soil type is identified as prime or unique farmland soils if irrigated (USDA NRCS 2010). The Trevino-Rock outcrop complex is derived from parent materials which consist of mixed alluvium and/or loess over bedrock derived from basalt. The natural drainage class for this soil type is also well drained.

### ***Tribal Treaty Rights***

The project area is located on federally managed lands outside of the ceded boundary, which is an area of land where the Shoshone-Bannock tribes relinquished their rights as part of the Fort Bridger Treaty of 1868. This treaty afforded Shoshone and Bannock tribal members the right to cut timber, pasture livestock, hunt and fish on unoccupied public lands. Therefore, tribal treaty rights, as defined within the 1868 Fort Bridger Treaty between the eastern band of the Shoshone and the Bannock Indian Tribes are applicable to the study area. The Shoshone-Paiute never had a ratified treaty, so they maintain they never gave up any rights.

### ***Resources not Analyzed Further in this EA***

#### ***Minerals***

A mineral potential report was completed for the project area by North Wind Inc. and reviewed by a BLM geologist. This report is located within the project file at the BLM Shoshone Field Office. The report concludes that there are no known mineral values for locatable, leasable or salable minerals in the parcel and that non-mineral development of the land is more appropriate than mineral development (North Wind, Inc. 2009). Therefore, BLM determined that the mineral interests of the proposed project area may be conveyed with the surface to the prospective surface owner, as provided by 43 USC 1719(b).

#### ***Cultural Resources***

A Class III cultural resource survey of the area was performed in November 2006 by BLM Archaeologists. No cultural resource sites (historic or prehistoric) were identified during the field survey and the transfer of public lands to private ownership would not impact cultural resources.

#### ***Hazardous Materials***

An Environmental Site Assessment was completed to assess the presence of any hazardous materials located within the parcel. This report is located within the project file at the BLM Shoshone Field Office. To assess potential presence of hazardous materials an on-site survey was conducted on the parcel as well as a data base search to determine if there has been any reported spills or releases of hazardous materials in the area. During the field survey one area was found to have stained soils associated with the spilling of motor oil during the servicing of a vehicle at the residence. The quantity of oil spilled, the type of soil, and the presence of bedrock close to the ground surface were found to prevent the spilled oil from contaminating ground water. The only other hazardous material present within the parcel included a large propane tank associated with the residential structure on the parcel (North Wind, Inc. 2010). BLM determined

that this resource, even though present, would not be impacted by the implementation of either alternative.

## **ENVIRONMENTAL CONSEQUENCES**

The No Action alternative reflects the current situation within the project area and will serve as the baseline for comparing the environmental effects of the Proposed Action and other alternatives.

### **VEGETATION**

#### ***No Action***

Under the No Action alternative the sale of the parcel would not be completed. As a result the Buschhorns would be required to remove the residential structure from public land and rehabilitate the disturbed areas. Associated with these rehabilitation efforts, the portion of the parcel which is being used as agricultural lands would need to be replanted with native vegetation species. The area associated with the residential property would be cleared and replanted with native vegetation. The clearing of the parcel would require that the parcel be returned to its natural condition with no remnants of the residential structure or infrastructure (electric, septic, landscaping, etc.) remaining on the property. Treatment of noxious and invasive weed species would remain the responsibility of the BLM upon implementation of the No Action alternative.

#### ***Alternative 1 Sale of All Parcels***

Implementation of Alternative 1 would keep the vegetation within all three parcels in its current altered state, if the Buschhorns are the successful bidder under the competitive bidding process or purchase the land through direct sale. Farming is anticipated to continue within the parcels that are currently farmed, landscaping vegetation would be maintained around the residence, and the remaining areas would continue to support areas of sagebrush/grassland habitat in their current state. Over time these sagebrush/grasslands have the potential to be altered or converted to residential landscaping. The treatment of noxious and invasive weed species would be transferred to the private land owner upon implementation of Alternative 1. If the competitive bidding process is won by another individual it is not possible to determine the impacts to vegetation on the two eastern parcels, but it is possible that the existing land use would be converted to residential use with conversion to landscaped vegetation provided that the owner could acquire legal access.

#### ***Alternative 2 Sale of Minimum Acreage***

Alternative 2 would consist of the sale of the parcel containing the private residence only. BLM would require the two remaining parcels be rehabilitated back to a natural state by removing the existing agricultural crops and reseeded the area with a BLM approved seed mix. This alternative would result in alteration of the existing vegetation communities (primarily cropland) to a more natural state.

### **WILDLIFE**

#### ***No Action***

Impacts to wildlife associated with the No Action alternative include the fragmentation of habitat associated with both natural features (i.e., the Snake River canyon) and human activity (i.e., agricultural fields and roads), the small isolated nature of the parcel, the degraded nature of the existing sagebrush/grassland habitat, and potential impacts associated with rehabilitation of the parcel if the Buschhorns are required to remove the residential structure, associated developments, and domestic animals from the parcel. Under the No Action alternative the causes of habitat fragmentation and the small isolated nature of the parcel would remain unchanged. If the Buschhorns are required to remove the residence and rehabilitate the area, the quality of the habitat present within the project would improve over the long term as sagebrush/grassland habitat is restored from current agricultural practices and residential development. This would benefit both BLM sensitive animal species and the general wildlife that occur in the area. The rehabilitation actions would restore nesting and brood rearing habitat for bird species as well as provide increased cover for small rodents and other animals such as yellow bellied marmots and coyotes. The removal of domestic animals would remove potential threats to wildlife species.

### ***Alternative 1 Sale of All Parcels***

The transfer of land from public to private ownership following the sale of the parcels would remove the parcels from management by BLM. The presence of human activity over the past five years associated with the residence, and conversion of a segment of the land to agriculture has resulted in the degradation of wildlife habitat on the parcel. Due to the shallow nature of the soils within the portion of the parcel which remains undeveloped, no additional lands are anticipated to be converted into agricultural croplands beyond the acres which have already been converted under the previous unauthorized action. The portion of the parcels which remains undeveloped has the potential to be converted to residential landscaping following the sale of the parcel.

The presence of domestic animals (dogs and cats) and year-long human presence in the area over the last five years of occupancy has likely resulted in some wildlife abandoning the area. However, some wildlife individuals (e.g., pheasants, small rodents, and songbirds) remain present on the parcel.

The closest known sage-grouse populations are approximately 10 miles from the parcel (Wright pers. com. 2010). Due to the distance from known sage-grouse habitat and the degraded nature of the sagebrush community on the parcel, Alternative 1 would have no effect on sage-grouse. There is the potential for BLM sensitive bird species to occur within the agricultural fields as well as within the portions of the parcel that are currently undeveloped. Use of these areas by birds would likely be limited to foraging activities due to human and domestic animal presence. During the field survey no burrows were observed; the shallow nature of the soils within the undeveloped area would likely preclude these areas from being used by burrowing owls.

Implementation of Alternative 1 has the potential to impact wildlife species including BLM sensitive species. The impacts have already occurred during the unauthorized development of the land as a residential property and agricultural lands. These impacts would continue and potentially increase with any further modification of the undeveloped parcels.

### ***Alternative 2 Sale of Minimum Acreage***

Impacts to wildlife would be less under Alternative 2 than Alternative 1 due to the reduction in acreage of public land that would be sold. Reclamation of the agricultural lands associated with Alternative 2 would restore native habitat to an area where it has been lost due to human alterations. However, the presence of human activity and domestic animals directly adjacent to the public lands would likely continue to deter use of the area by wildlife species.

#### **PRIME FARMLAND**

##### ***No Action***

Under the No Action alternative the prime farmland would be lost as the area would no longer be irrigated. The portion of the parcel which has been converted to agricultural land is only considered as prime farmland as long as it is irrigated. Under the No Action alternative the irrigation system would cease to irrigate this section of land removing its prime farmland.

##### ***Alternative 1 Sale of All Parcels***

The parcels which are currently farmed and irrigated by a center pivot system are anticipated to remain irrigated, allowing soils in the area to maintain their prime farmland designation. However, there is the potential for the two irrigated parcels to be sold to another party other than the Buschhorns under a competitive bidding process, in which case the irrigation system may be removed from these parcels, removing the prime farmland designation.

##### ***Alternative 2 Sale of Minimum Acreage***

Impacts to prime farmland under Alternative 2 would be the same as those presented under the No Action alternative. The removal of the irrigation system from these parcels would remove prime farmland designation of the area.

#### **TRIBAL TREATY RIGHTS**

##### ***No Action***

Under the No Action alternative the parcel would remain under BLM management. In doing so the parcel would remain under the existing residential LUP until its expiration date of December 2013. At that time, if the permit is not renewed, the land would become available for use by the Shoshone-Bannock Tribes under their current treaty rights. The Shoshone-Paiute Tribes do not recognize any ratified treaties and claim to have never given up rights to any lands.

##### ***Alternative 1 Sale of All Parcels***

Under Alternative 1 approximately 7.45 acres of public land would be transferred to private ownership through a combination of direct sale and competitive bid sale, removing this public land from those available for tribal treaty rights under the Fort Bridger Treaty Act. This would have direct impacts to the Shoshone-Bannock Tribes. The Shoshone-Paiute tribes do not recognize a ratified treaty and claim to have never given up rights to any lands.

##### ***Alternative 2 Sale of Minimum Acreage***

Under Alternative 2 approximately 3.3 acres of public land would be transferred to private ownership through a direct sale, removing this public land from those available for tribal treaty rights under the Fort Bridger Treaty Act. This would have direct impacts to the Shoshone-

Bannock Tribes. The Shoshone-Paiute tribes do not recognize a ratified treaty and claim to have never given up rights to any lands.

### **CUMULATIVE IMPACTS**

There are currently no other actions proposed to occur that would affect prime farmland within or adjacent to the parcel proposed for disposal. The portions of the parcels containing prime farmland would continue to be used for agricultural practices maintaining its prime farmland characteristics if Alternative 1 is selected. The continued presence of the residential property, domestic animals, and agricultural practices within the parcel would result in the continued avoidance or reduced use of the area by wildlife. This avoidance would continue indefinitely for many wildlife species, while other species may be found in the area on a seasonal or temporary basis. The wildlife habitat within and adjacent to the area is designated as isolated parcels and, with the presence of human activity and invasive vegetation, is in a degraded state which limits the desirability of the area for wildlife species. The continued use of the parcels for agricultural lands would result in seasonal disturbances to the area during spring and fall field work.

### **TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED**

Todd and Bridget Buschhorn's proposal to acquire public land through a direct sale was posted on the Idaho BLM internet NEPA project list on December 18, 2007. Western Lands Project contacted BLM and requested to be an interested party for this action. No other responses or comments were received by the BLM in response to the posting.

A letter was sent to interested parties dated February 24, 2010. These interested parties included Todd and Bridget Buschhorn (Proponent), Idaho Department of Fish and Game (State Government), Jerome County Commissioners (Local Government), Jerome County Planning and Zoning (Local Government), Doug Carlquist (Adjacent Landowner), and Western Lands Project. The BLM briefed the Shoshone-Paiute tribal environmental staff on January 28, 2010, April 1, 2010, May 27, 2010, July 22, 2010 and August 11, 2010.

## LIST OF PREPARERS AND REVIEWERS

<b>BLM Reviewers</b>	
<b>Name</b>	<b>Title</b>
Lisa Claxton	Realty Specialist / Team Lead
Lisa Cresswell	Archeologist / Field Office NEPA Coordinator
Katherine Farrell	District Planning & Environmental Coordinator
David Freiberg	Recreation and Wilderness
Gary Wright	Wildlife Biologist
Danelle Nance	Natural Resource Specialist
John Kurtz	Outdoor Recreation Planner

<b>Non-BLM Preparers</b>	
<b>Name</b>	<b>Title / Company</b>
Scott Webster	Biologist, North Wind, Inc.

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**APPENDIX A**  
**FIGURES**

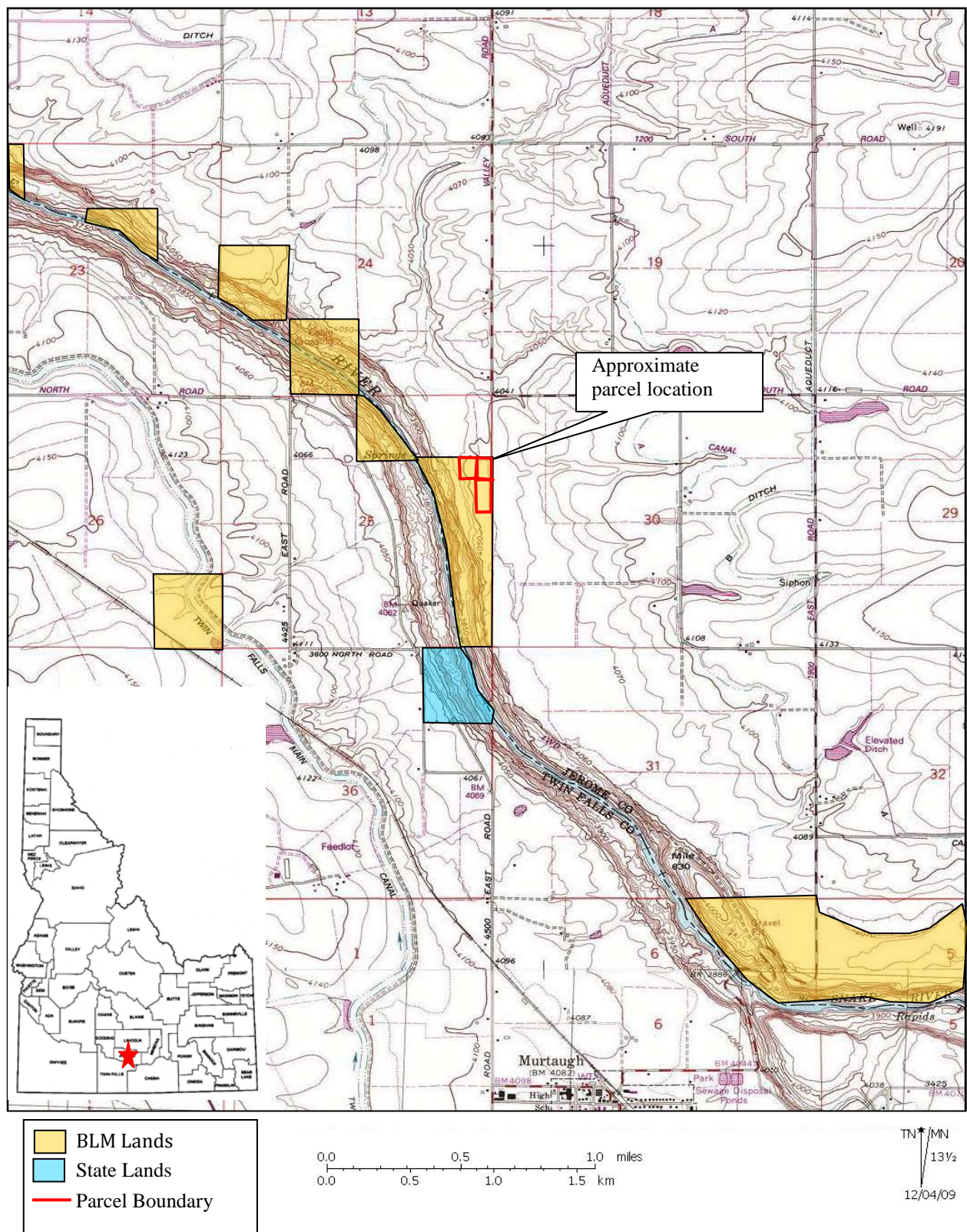


Figure 1. Parcel location (Legal description: T 10 S, R 19 E, Sec. 25: Lot 10, Boise Meridian).

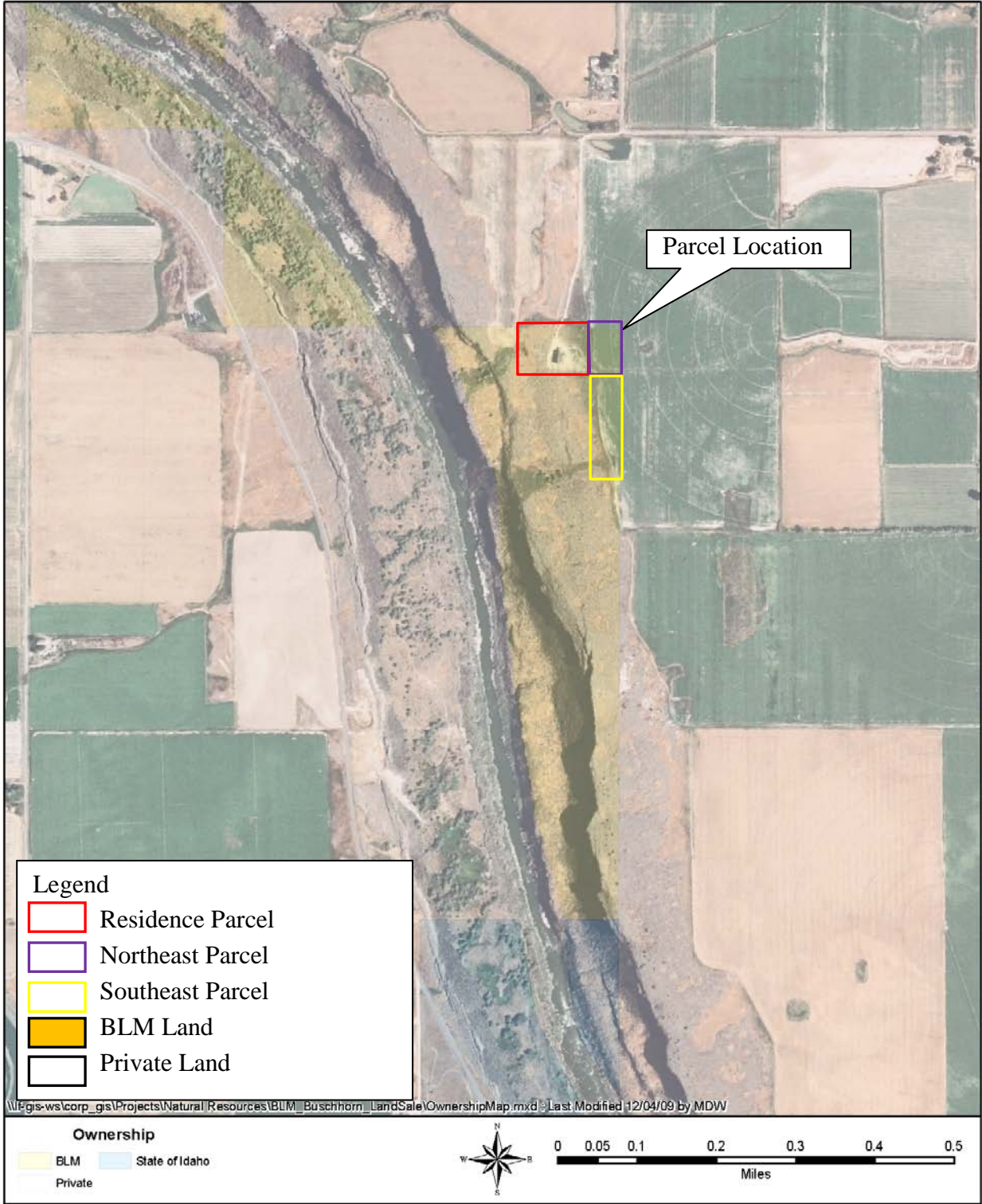


Figure 2. Aerial photograph of parcel.