

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Shoshone Field Office
400 West F St.
Shoshone, Idaho 83352

**Decision Record
For the
North Rim Vegetation Treatment Project
NEPA No. ID-230-2007-EA-3343**

DECISION

I have decided to select Alternative A-No Chemical Seedbed Treatment for implementation as described in the North Rim Vegetation Treatment EA. Based on my review of the EA and project record I have concluded that the analysis provided sufficient detail to allow me to make an informed decision. I have selected the No Chemical Seedbed alternative proposed action because the proposed treatments will meet the overall purpose and need for the project and provide for adequate public safety. The overall purpose of the North Rim Vegetation Treatment project is to reduce hazardous fuel conditions in the Wildland Urban Interface, create a more natural and resilient vegetation complex, restore sagebrush steppe habitat important for sagebrush obligate species, and create conditions that allow progression toward increased rangeland health on the North Rim of the Snake River Canyon.

RATIONALE FOR DECISION

Relationship to Planning

The proposed action conforms with the *1985 Monument Resource Management Plan and Final Environmental Impact Statement, as amended* by the *2008 Fire, Fuels, and Related Vegetation Management Direction Plan Amendment and Final Environmental Impact Statement*. The *2007 Vegetation Treatments Using Herbicides on BLM lands in the 17 Western States Programmatic EIS* fully analyzed and approved use of certain herbicides on public land. The *1992 Shoshone District Noxious Weed EA* further analyzed the use of herbicides at the local level. The proposed action also contributes towards meeting Idaho Standards for Rangeland Health.

Relationship to the Environmental Assessment

The proposed action will reduce non-native annual vegetation that create hazardous fuel conditions utilizing prescribed burning followed by seeding treatments. Prescribed burning will prepare the seedbed for seeding treatments. Establishment of perennial vegetation will reduce the potential for large and frequent fires and create a more natural and resilient plant community on the North Rim.

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 Rim Vegetation Treatment project. I have also reviewed the project record for this analysis. The EA disclosed the effects of the proposed action and alternatives in the Alternatives and Environmental Consequences sections of the EA. I have determined that reducing non-native annual vegetation dominance by implementing the treatments in the No Chemical Seedbed alternative that include prescribed burning, spot herbicide treatment for noxious weeds, drill seeding and aerial and hand planting of sagebrush will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because there will not be any significant impact, the preparation of an Environmental Impact Statement is not required.

In making this determination, I considered the following factors:

1. The activities described in the proposed action do not include any significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)).

The EA described and analyzed the expected environmental consequences of proposed action treatments. The EA disclosed that there will be short-term adverse effects from these treatments primarily in relation to smoke and dust from prescribed burning and dust and noise from drill and aerial seeding activities that affect recreational opportunities and wildlife habitat. Treatments will displace wildlife species that utilize plant communities dominated by annual vegetation. However, the amount of habitat loss is not significant given the abundance of this annual type in close proximity to the project area. Once treatments are completed, recreation opportunities will resume with the quality of the recreation experience increased with the establishment of perennial vegetation.

2. The activities included in the proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).

This decision will have no affect to public health and safety. The project area will be closed to public use during the prescribed burning treatment operations. This action will be coordinated with Jerome County, Idaho State Patrol and BLM law enforcement personnel. Implementation of spot herbicide treatments are conducted only with BLM approved herbicides that are known to be safe to the public. Herbicide treatment activities will follow BLM standard operating procedures.

3. The proposed activities will not significantly affect any unique characteristics (40 CFR 1508.27(b)(3)) of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, designated wilderness areas, wilderness study areas, or areas of critical concern.

None of these unique characteristics occurs in or near the proposed project area.

4. The activities described in the proposed action do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).

Prescribed burning, spot herbicide treatments and seed treatments are common treatments utilized repeatedly across the Field Office area. Effects of these activities are fully analyzed in the EA. Effects disclosed in the EA are not significantly different from what

has been experienced in past treatments. The Shoshone Field Office has extensive experience implementing these types of activities and are not likely to be highly controversial.

5. The activities described in the proposed action do not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).

The implementation of the proposed action, as described in the EA, will not produce effects that are highly uncertain or involve unique or unknown risks. The Shoshone Field Office routinely implements similar proposed treatments across thousands of acres on a yearly basis. Based upon extensive experience with implementing vegetation treatments BLM fully understands the effects and are disclosed in the EA.

6. My decision to implement these activities does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).

The decision to conduct vegetation treatment on the North Rim project area does not establish a precedent for future actions or present a decision in principle about future considerations. The proposed action and alternatives and analysis of impacts considered only the public land along the North Rim of the Snake River canyon and are similar to other vegetation treatments in the Shoshone Field Office. Successful implementation and establishment of perennial vegetation on the North Rim project provides for improved planning and actions that will lead to success of future vegetation treatment proposals.

7. The effects of implementing the proposed action will not be significant, individually or cumulatively, when considered with the effects of other actions (40 CFR 1508.27(b)(7)).

The analysis of cumulative effects conducted in the EA identified no significant cumulative impacts. The EA disclosed no other connected or cumulative actions that will cause significant cumulative impacts. In addition, the proposed action includes design features to lessen the environmental impacts of the proposed action.

8. I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)).

Standard BLM procedures and the National Historic Preservation Act require a site-specific, cultural resource inventory and State Historic Preservation Office consultation prior to surface-disturbing activities. The North Rim project area has been inventoried for the presence of cultural resources. Inventoried sites potentially eligible for listing on the National Register of Historic Places will be flagged and protected from ground disturbing activities.

9. The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).

There are no known populations or designated critical habitat for endangered or threatened species within the proposed treatment areas. The EA identified three listed

snail species which may inhabit the Snake River that lies south of the project area within the Snake River canyon. On September 24, 2010 the U.S. Fish and Wildlife Service published a Final rule in Federal Register removing the Utah (Desert) *Valvata* snail from the Federal List of Endangered and Threatened Wildlife. The EA determined that there will be no affect on the listed snail species.

10. The proposed activities will not threaten any violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

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. The proposed action is in conformance with all applicable land use plans as stated on page 11 and 12 of the EA, and will not violate federal, state, or local law.

OTHER ALTERNATIVES CONSIDERED

The EA (p. 21 and 22) described three alternatives, the proposed action, the Public Land OHV Closure alternative and the No Action alternative.

I did not select the No Action alternative because it does not reduce hazardous fuel conditions and move vegetation conditions to the proposed desired future conditions.

The proposed action provided for increased control of non-native annual vegetation but due to the North Rims unique characteristics, high public use in the spring, and in the interest of public safety, I did not select this alternative. Aerial herbicide spraying operations and logistics for the application of *Glyphosate* during peak recreation activity in the spring were the main issue with public safety.

The Public Land OHV Closure alternative closes public lands temporarily to Off Highway Vehicle (OHV) use until establishment and recovery of vegetation. OHV use will be displaced from the treated areas of North Rim until the recovery of the vegetation resource. During the closure, other adjacent areas of public land will have to absorb the use that occurs on the North Rim. This could have a negative effect on adjacent areas of public or private land that will receive increased visitation. I chose not to implement this alternative due to the negative effects of displacement on adjacent lands.

The ID team also considered an Alternative Considered but Dropped from Further Analysis. This alternative consisted of a spring prescribed burn followed by the *Glyphosate* herbicide treatment. This alternative was unfeasible due to unpredictable weather and operational constraints during the springtime period.

PUBLIC INVOLVEMENT

The BLM posted the North Rim Vegetation Treatment EA on the Idaho NEPA Register in May of 2010. The BLM notified interested publics and agencies of the posting on May 21, 2010. The notification letter asked for comment on the proposed action and alternatives analyzed in the EA. A presentation on the North Rim project was also given to the Twin Falls District Resource Advisory Council in July 2010. The BLM received three comment letters. Substantive comments are addressed below.

Idaho Department of Lands (IDL)

The IDL was supportive of the proposed action and Alternative A-No Chemical Seedbed Alternative as described in the EA. The IDL provided a comment on the requirement that EHM Engineers, Inc. to fence the State Trust Land boundary within the Canyon allotment. The IDL is willing to facilitate construction of a permanent fence on the north boundary of the State Trust Land in the Canyon allotment. There is no requirement of the State Trust Land leasee to fence the boundary unless the leasee wants to continue grazing the State Trust Land during the livestock closure on public land due to the vegetation treatment. It would be the responsibility of the leasee to fence the boundary.

The IDL also commented on plans for management of OHV use during vegetation recovery and beyond. Jerome County currently has management responsibility of recreation activities and future development under a Recreation and Public Purposes lease on the public land in the North Rim area. A plan is in place that guides management and future development.

Idaho Department of Environmental Quality (DEQ)

The DEQ believes project should be beneficial in the long-term to the North Rim of the Snake River Canyon. They would like the BLM to coordinate prescribed burning activities with the DEQ. The BLM coordinates prescribed burning activities through the Idaho and Montana Airshed Group and DEQ.

Idaho Conservation League (ICL)

ICL's comments focused on the management of noxious weeds. The ICL encouraged the BLM to consider a region-wide program for proactive management of noxious and invasive weeds. The BLM should consider reduction of activities that contribute to the spread of noxious weeds such as roads, irresponsible OHV use, and grazing. The ICL also commented on aerial herbicide drift and impacts to aquatic environments and amphibians.

Under the No Chemical Seedbed Treatment alternative, there will be no aerial application of herbicide to control non-native annual species. Noxious weed spraying will be limited to ground based spot spraying.

BLM will coordinate with Jerome County public education outreach efforts to limit OHV activities during the vegetation treatment process. Jerome County currently has management responsibility of recreation activities and future development under a Recreation and Public Purposes lease on the public land in the North Rim project area.

The current plant community found on the North Rim project area has little correlation to the potential natural plant community. Vegetation is primarily comprised of undesirable non-native annual vegetation. Wildfires and the invasion of cheatgrass have altered the potential natural plant community. The goal of the North Rim project is the successful conversion of the current annual dominated plant community to a perennial-based one that will provide resilience that competes against invasion of non-native annuals and reduces wildfire potential. A perennial plant community provides a competitive base for multiple use activities on the North Rim. Proper management of these activities, including grazing, will prohibit the invasion of noxious and invasive species.

APPEALS

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with me, the Field Manager, Shoshone Field Office, 400 West F St., Shoshone, ID 83352. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Shoshone Field Office, Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision (see 43 CFR 5003.1(b)). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

/s/ Ruth A. Miller _____
Ruth A. Miller
Field Manager
Shoshone Field Office

12/21/2010 _____
Date