

**FINDING OF NO SIGNIFICANT IMPACT
AND DECISION
IDI-36180
EA # ID-310-2008-EA-288**

Recommendation:

I recommend that the 40 acres of public land, as described below, located in Bonneville County, Idaho be offered to the proponent, Birch Creek Corporation, through a direct sale under the authority of Sections 203 and 209 of Federal Land Policy and Management Act of October 21, 1976, as amended October 1, 2000 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2710. The sale also qualifies for disposal through Federal Land Transaction Facilitation Act (FLTFA) (July 25, 2000).

The property is described as SW1/4SE1/4 of section 34, T. 3 N., R. 41 E., Boise Meridian, Idaho (As shown on Figure 2 of EA).

The patent will be made subject to a reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945). No other existing rights are known to exist.

This sale will be for no less than fair market value as determined by the Department Of Interior Appraisal Services Directorate staff.

Rationale:

This sale is in conformance with the Medicine Lodge Resource Management Plan (RMP), Record of Decision (ROD) (BLM 1985). The Birch Creek Ranch Parcel has been identified in the Medicine Lodge RMP for disposal through exchange and/or sale under Alternative C (Preferred Alternative) Multiple Use and Transfer Areas, T-1 and as shown on Map 5a (BLM 1984). This plan identifies a total of 8,129 acres of land that would be considered for sale under FLPMA authorities, which includes the 40 acres associated with the Birch Creek Ranch Parcel (BLM 1984, Map 5a). Due to the pending expiration date of the Federal Land Transaction Facilitation Act processing of this proposal has become a priority.

The 40-acre parcel is surrounded by the proponent's private land with no legal access, administrative or public, making the parcel difficult and uneconomical to manage.

The sale would not result in any undue or unnecessary environmental degradation of public land.

/s/ Becky Lazdauskas
Realty Specialist

3/23/2009
Date

/s/ Wendy Velman
NEPA Reviewer

3/23/2009
Date

Decision/Environmental Compliance

The recommendation and its rationale are adopted as my decision.

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment, I have determined that impacts are not expected to be significant and an Environmental Impact Statement is not required.

Approved by:

/s/ Wendy Reynolds
Field Manager

4/17/2009
Date

Implementation

The sale will be completed following the 45 day comment period which begins upon the publication of the final Notice of Realty Action and resolution of any protests that may be filed.

Appeal Information

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in office of the authorized officer at 1405 Hollipark Drive, Idaho Falls, Idaho, 83401, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) 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 standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

1. STANDARDS FOR OBTAINING A STAY

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall 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 a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, 960 Broadway Avenue, Suite 400, Boise, Idaho, 83706, not later than 15 days after filing the document with the authorized office and/or IBLA.

Environmental Assessment for the Sale of Public Land Birch Creek Ranch Parcel



April 2009

Prepared for:
Bureau of Land Management
Upper Snake Field Office
Idaho Falls, Idaho

Prepared by:
North Wind, Inc.
Idaho Falls, Idaho

EA Number: ID-310-2008-EA-288
Title of Action: Birch Creek Ranch Parcel Land Sale
BLM Serial Number: IDI-36180
BLM Office: Upper Snake Field Office

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1. INTRODUCTION

1.1. Background

In August 2007, the Bureau of Land Management (BLM) was approached by Jeffery Sanders of Birch Creek Corporation who expressed a desire to purchase approximately 40 acres of public land—hereafter referred to as the Birch Creek Ranch Parcel—located 10.5 miles southeast of Ririe, Idaho (Figures 1 and 2). The Birch Creek Ranch Parcel was classified for disposal in the 1985 BLM Medicine Lodge Resource Area Resource Management Plan (RMP). The Birch Creek Ranch Parcel is an aliquot parcel of land that is surrounded on all sides by private land.

The topography of the parcel is generally steep which precludes any substantial development. It is most likely to remain open space.

1.2. Purpose of and Need for Action

The BLM has identified parcels of land for disposal in the Medicine Lodge Resource Area (BLM 1985) which are currently administered by the Upper Snake Field Office (USFO). These parcels were identified for disposal due to the fact that they were isolated, difficult to manage, or have resource damage due to unauthorized uses. The Birch Creek Ranch Parcel is an isolated 40-acre parcel, with no legal access, near Ririe, Idaho in Bonneville County. The adjacent private lands have been subdivided for development which could result in unauthorized use and resource damage and, due to the isolation, would be difficult and uneconomical to manage. Location of Proposed Action is Township 3 North, Range 41 East, SW1/4SE1/4 of section 34, Boise Meridian, Idaho.

1.3. Conformance with Land Use Plan

This action is in conformance with the Medicine Lodge Resource Management Plan (RMP), Record of Decision (ROD) (BLM 1985). The Birch Creek Ranch Parcel has been identified in the Medicine Lodge RMP for disposal through exchange and/or sale under Alternative C (Preferred Alternative) Multiple Use and Transfer Areas, T-1 and as shown on Map 5a (BLM 1984). This plan identifies a total of 8,129 acres of land that would be considered for sale under FLPMA authorities, which includes the 40 acres associated with the Birch Creek Ranch Parcel (BLM 1984, Map 5a).

1.4. Relationship to Statutes, Regulations or Other Plans

The action is authorized by Sections 203 and 209 of Federal Land Policy and Management Act of October 21, 1976, as amended October 1, 2000 (90 Stat. 2776; 43 U.S.C. 1761) and the current Bureau regulations found at 43 CFR 2700. This sale is eligible for disposal through Federal Land Transaction Facilitation Act (FLTFA) (July 25, 2000). As directed by FLTFA, 80% of the proceeds from this type of sale will go into a special account (BACA Fund) which Department of the Interior (DOI) agencies and the U.S. Forest Service (USFS) may use to purchase property. The remaining 20% is used to defer the cost of processing future sales.

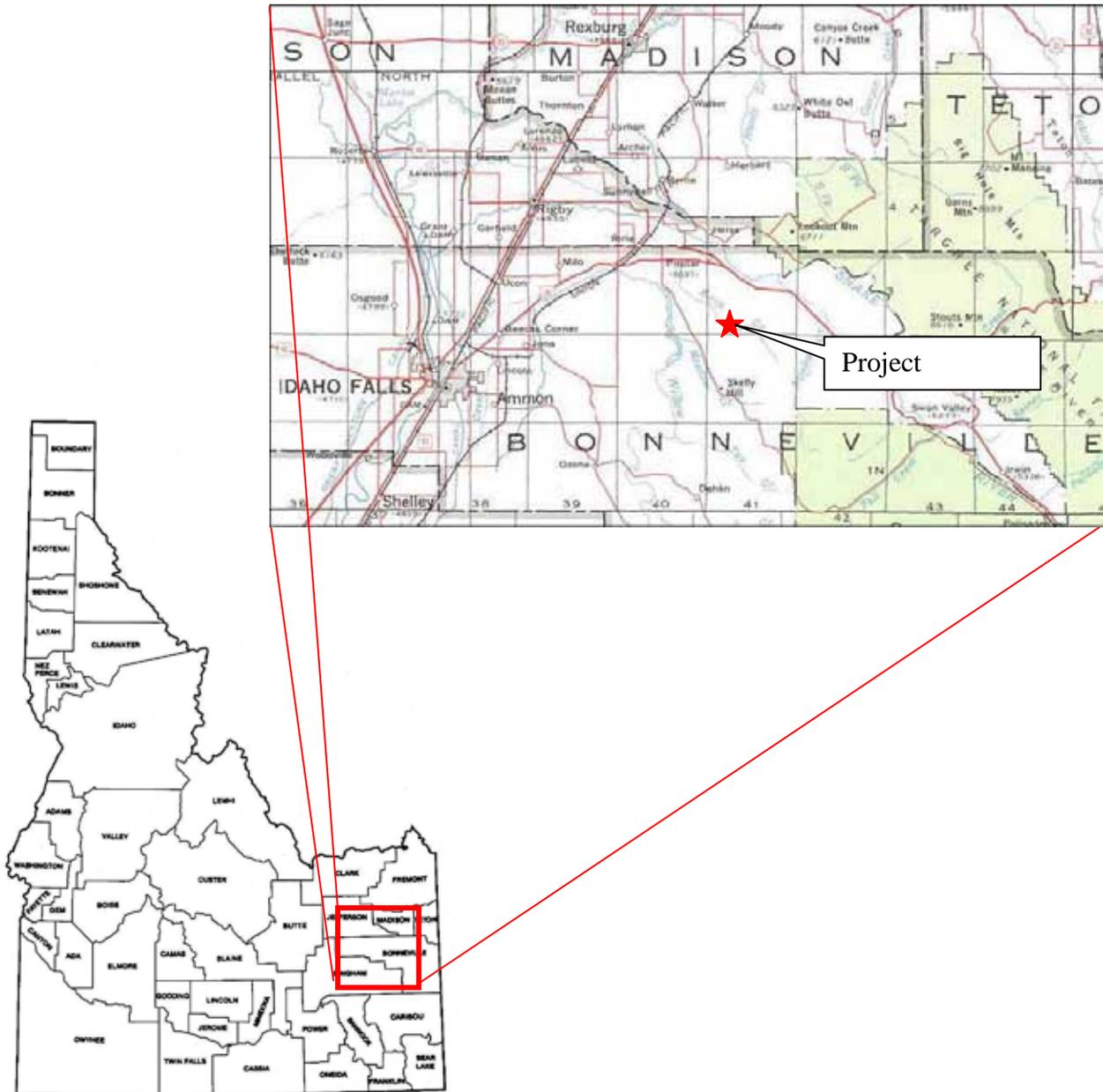


Figure 1. General project location.

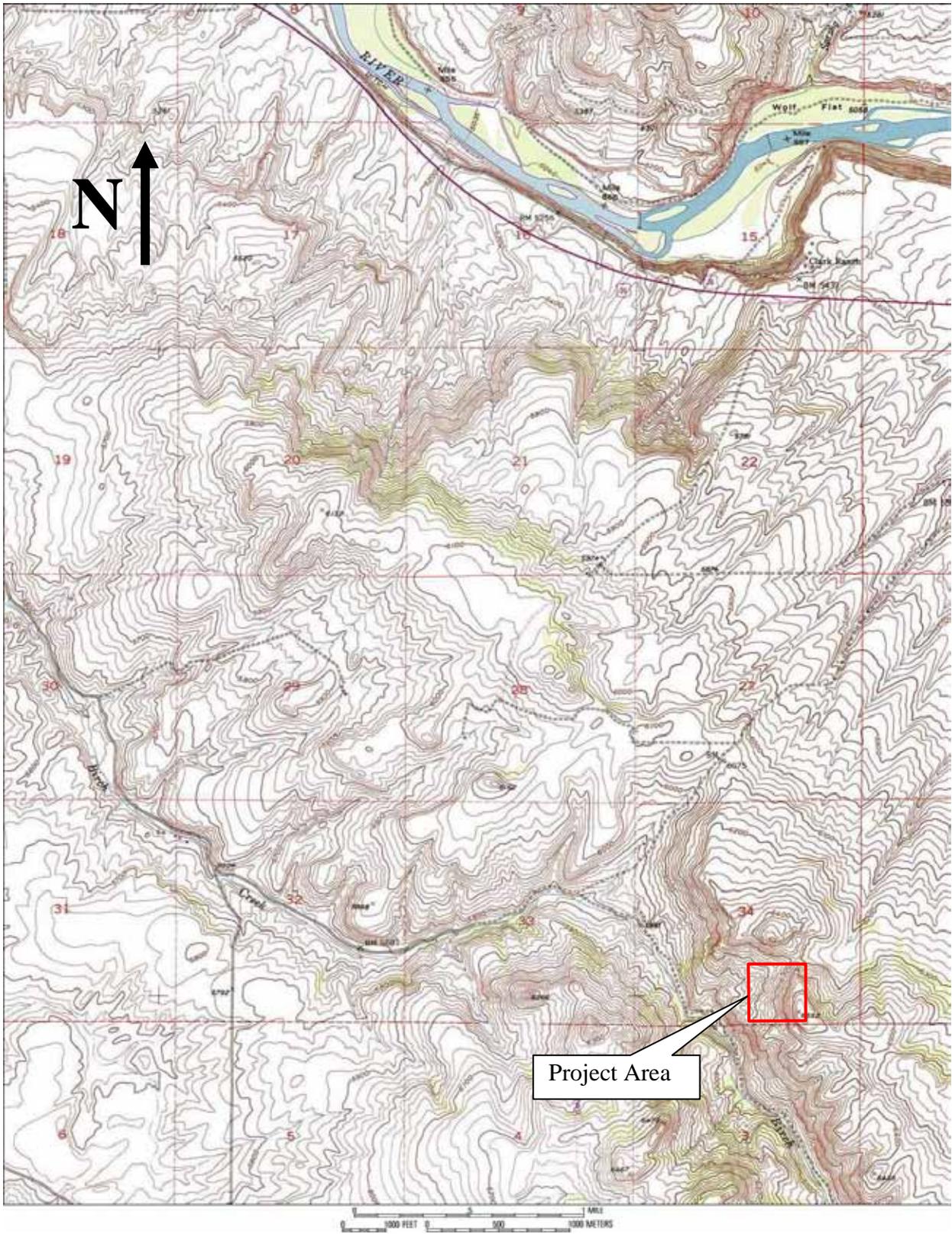


Figure 2. Land sale boundaries associated with the proposed action.

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2. THE PROPOSED ACTION AND NO ACTION ALTERNATIVE

2.1. Proposed Action

The Birch Creek Ranch Parcel would be offered for direct sale allowing Birch Creek Ranches to purchase 40 acres of public land managed by the BLM Upper Snake Field Office (USFO). This land would be purchased for a sum of money no less than the market value determined by an official appraisal. An appraisal of the parcel would be completed and approved by the Appraisal Services Directorate of the Department of the Interior. Upon completion of the sale process the BLM would issue a patent to the purchaser of the parcel described above including the mineral estate. A reservation to the USA for ditches and canals under the Act of August 30, 1890, would be subject to valid existing rights and encumbrances of record.

2.2 No Action Alternative

Under this alternative, the proposed public land parcel would be retained in public ownership and not sold at this time. The parcel would remain identified as a parcel available for sale in the Medicine Lodge RMP (1985), and could potentially be offered for sale at a later date.

3. AFFECTED ENVIRONMENT

3.1. General Setting

The project area is located in the Birch Creek Watershed approximately 10.5 miles southeast of Ririe, Idaho (Figures 1 and 2). It is located on the west-facing slope of the eastern side of the Birch Creek watershed. The Birch Creek area contains steeply sloped sidehills with rock outcrops and a variety of vegetation communities (see photographs in Appendix C).

The closest town to the project area is Ririe, which is located approximately 10.5 miles northwest. The town of Ririe has a population of 545 individuals. The private land surrounding the isolated parcel has recently been approved for a residential subdivision, with lot sizes ranging from 31 acres to 147 acres. The subdivision plat was recorded with Bonneville County on June 4, 2008 and is owned by the Birch Creek Corporation.

The vegetation within the Birch Creek Watershed consists of dry farmed cropland, pastures, and rangeland on private lands; and shrub/scrub, sagebrush associations on middle elevations and southern aspects; and mixed Douglas fir/aspen forest at middle to higher elevations on northern aspects and drainage areas. The riparian areas, primarily along Birch Creek and a few intermittent drainages, are dominated by willows, chokecherry, alder, red-osier dogwood, rose, aspen, and scattered Douglas fir.

Mountain shrub vegetation communities cover approximately one-half of the parcel. Sagebrush steppe vegetation communities cover the remainder of the parcel. The predominant species in the mountain shrub communities include snowberry (*Symphoricarpos albus*), serviceberry (*Amelanchier alnifolia*), bitterbrush (*Purshia tridentata*), Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), choke cherry (*Prunus virginiana* var. *melanocarpa*), creeping Oregon grape (*Berberis repens*), needle-and-thread grass (*Hesperostipa comata*), quackgrass (*Elymus repens*) and basin wildrye (*Leymus cinereus*). Dominant vegetation in the sagebrush steppe habitat includes Wyoming big sagebrush, low sagebrush (*Artemisia arbuscula*), phlox (*Phlox* sp.), bluebells (*Mertensia lanceolata*), larkspur (*Delphinium bicolor*), arrowleaf balsamroot (*Balsamorhiza sagittata*), needle-and-thread grass, and quackgrass. During the field survey, both habitat types appeared in good condition with variable stages of growth and minimal presence of

invasive and noxious weeds. However, cheatgrass and houndstongue were observed within the project area.

The Birch Creek Ranch Parcel occurs on soils identified as Paulson-Nielsen complex, 5 to 35 percent slopes, which is composed of parental materials of alluvium and colluvium derived from shale, quartzite, and sandstone (Web Soil Survey 2008).

In public land sale actions, the minerals are generally reserved to the United States, together with the right to prospect for, mine, and remove the minerals unless 1) there are no known mineral values in the land, or 2) the reservation of the mineral rights would interfere with or preclude appropriate non-mineral development of the land and that such development is a more beneficial use of the land than mineral development (43 USC 1719(b)). A mineral potential report was completed for the project area by the BLM geologist. The report concludes that there are no known mineral values for locatable, leasable or salable minerals and that non-mineral development of the land is more appropriate than mineral development. Therefore, it was 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).

The cultural history of the geographic area is primarily associated with historical agricultural practices such as ranching and dry farming. A Class III cultural resource survey of the area was performed in August 2008, by North Wind Inc archeologists. No cultural resource sites (historic or prehistoric) were identified during the field survey.

An Environmental Preliminary Assessment was conducted on the parcel in the summer of 2008. No hazardous or solid wastes were discovered.

Ute ladies'-tresses (*Spiranthes diluvialis*) is the only ESA-listed threatened plant species that occurs in Bonneville County; however, habitat for this species does not occur within the 40-acre parcel associated with the Birch Creek Ranch Parcel. Western sedge (*Carex occidentalis*) is a BLM sensitive plant species (BLM Type 3) that is known to occur in the Bonneville County (BLM 2006); however, it is only known for a population located more than 45 miles west of the project area. A survey of the project area was performed May 27, 2008 to determine the presence of habitat or individuals designated as BLM sensitive species within the USFO. None of the general habitat types that are associated with this species occur within the project area.

Wildlife habitat within the project area is limited to mountain shrub/sagebrush-steppe habitat. In accordance with the Endangered Species Act (ESA) of 1973, as amended, three terrestrial wildlife species are identified on the current USFWS Species List as potentially occurring in Bonneville County: gray wolf (*Canis lupus*) (Experimental non-essential), Canada lynx (*Lynx canadensis*) (Threatened), and yellow-billed cuckoo (*Coccyzus americanus*) (Candidate) (Appendix A). There is no suitable habitat for any of these species within the project area. Therefore, the proposed action is not likely to adversely affect any of the ESA-listed species and they will not be discussed further in this document.

The BLM lists 34 additional wildlife species as sensitive within the Upper Snake Resource Area (5 mammals, 22 birds, 2 amphibians/reptiles, 2 fish, and 3 invertebrates) (Appendix A). There is potential suitable habitat for Townsend's big-eared bat (*Plecotus townsendii*), a BLM sensitive

mammal species, although use of the habitats associated with the project area is anticipated to be minimal due to the lack of roosting habitat and open water which attracts insects, common prey for the bat. Ten of the 22 bird species are known to use the habitat types that occur within the project area. Large tracks of mountain shrub/sagebrush steppe habitat occur in the private and public lands in the vicinity of the project area. There is no suitable habitat within the proposed sale parcel for any sensitive amphibian, reptile, fish or invertebrate species that occur within the USFO.

3.2. Resources Considered in the Analysis

The results of a site-specific assessment indicate that not all of the resources considered are present or would be affected by the Proposed Action or alternative (Table 1). Only those resources that are present and affected are discussed in the following narrative:

Table 1. Resources Considered in the Analysis.				
Resource	Not Present	Present Not Affected	Present Affected	Rationale
Access	X			There is no legal access to the parcel.
Air Quality		X		The Proposed Action would not result in the production of emissions or particulate matter.
Areas of Critical Environmental Concern (ACECs)	X			The proposed project area is not located within or near an ACEC
Cultural Resource	X			The results of Class III inventory indicate that there are no cultural resources present in the proposed project area
Economic and Social Values			X	Impacts are disclosed under <u>Environmental Consequences</u>
Environmental Justice	X			There are no minority or low income populations residing near the proposed project area
Existing and Potential Land Uses			X	Impacts are disclosed under <u>Environmental Consequences</u>
Farmlands (prime and unique)	X			There are no prime or unique farmlands in the vicinity of the project area
Fisheries	X			There are no fisheries within or near the proposed project area
Floodplains	X			There are no floodplains in the proposed project area
Forest Resources	X			There are no forest resources in the project area
Invasive, Non-Native Species			X	Impacts are disclosed under <u>Environmental Consequences</u>
Mineral Resources	X			A Mineral Exam was completed for this action and the determination was made that there were no known mineral values for locatable, leasable or saleable.
Migratory Birds			X	Impacts are disclosed under <u>Environmental Consequences</u>
Native American Religious Concerns	X			There are no known ceremonial sites or resources associated with ceremonial practices in the proposed project area

Paleontological Resources	X			There are no paleontological resources located in the area
Soils		X		The Proposed Action would not result in any known soil disturbance because the land is impractical for any substantial development.
Threatened, Endangered, and Sensitive Plants	X			There are no threatened, endangered, or sensitive plants or their habitat within the proposed project area
Threatened, Endangered, and Sensitive Animals	X			There are no threatened, endangered, or sensitive animals or their habitat within the proposed project area
Threatened, Endangered, and Sensitive Fish	X			There are no waters in the area that support threatened, endangered, or sensitive fish
Range Resources		X		See Existing and Potential Land Uses
Recreational Use	X			There is no recreational use of the parcel because there is no public access.
Tribal Treaty Rights and Interests			X	Impacts are disclosed under <u>Environmental Consequences</u>
Vegetation		X		The Proposed Action would not result in disturbance to vegetation.
Visual Resources	X			No substantial development is planned and the parcel would retain its natural landscape character.
Wastes, Hazardous and Solid	X			There are no solid or hazardous wastes in the project area
Water Quality (Surface and Ground)	X			There is no surface water found on the parcel.
Wetland and Riparian Zones	X			There are no wetlands or riparian areas within or near the proposed project area
Wild and Scenic Rivers	X			There are not wild and scenic rivers near the project area
Wild Horse and Burro HMAs	X			There are no wild horse and burro HMAs in the region
Wilderness	X			There are no wilderness areas or WSAs within or near the proposed project area
Wildlife			X	Impacts are disclosed under <u>Environmental Consequences</u>

Revised 11/10/2008 Idaho Falls District

3.2.1. Economic and Social Values

The economic benefits and costs to the federal government are associated with management of the grazing allotment. The proponent currently pays \$6.50 annually (approximately \$1.35/AUM) to the BLM for use of the Birch Creek Grazing Allotment. The BLM currently expends approximately 10 work hours annually to monitor and maintain the grazing permit. Currently the BLM is not required to pay taxes to the county on the 40-acre parcel.

3.2.2. Existing and Potential Land Uses

Legal and physical access to the public land parcel is limited due to it being isolated and surrounded by private lands. There is a two-track road that is positioned in the drainage that bounds the northern extents of the project area; however, this is not legal access into the parcel.

Current authorized uses on the Birch Creek Ranch Parcel consist of livestock grazing. The public land parcel identified for disposal makes up the Birch Creek (4294) Grazing Allotment. This allotment has been designated for cattle grazing and currently supports 5 animal unit months (AUMs) within the 40 acres of public land that make up the parcel. The allotment has one permittee, Birch Creek Ranches. No other current uses of the parcel are known or expected due to the steep nature of the terrain and the parcel being surrounded by private land.

3.2.3. Invasive, Non-native Species

The state of Idaho has identified 57 noxious weeds, 23 of which are known to occur within Bonneville County. During the field investigation of the project area houndstongue (*Cynoglossum officinale*) was observed within the 40-acre proposed parcel and on adjacent private lands. Cheatgrass (*Bromus tectorum*) an invasive grass species, was also observed within the parcel and adjacent private land.

3.2.4 Migratory Birds

Migratory bird species are known to occur within the USFO and are protected under the Migratory Bird Treaty Act of 1918. Many of these species are known to make temporary use of the habitat type present within the project area. There are 22 bird species on the Idaho BLM Sensitive List (Appendix A) known or suspected to occur within the USFO area, the majority of which are migratory bird species. The public lands associated with the Birch Creek Ranch Parcel were assessed for presence of habitat for these species on May 27, 2008. Mountain shrub/sagebrush (i.e., sagebrush steppe) habitat dominates the majority of the project area. The general terrain of the project area is steeply sloped hillside. The mountain shrub/sagebrush habitat within the project area provides potential habitat for four BLM special status species: northern goshawk (*Accipiter gentilis*), Columbian sharp-tailed grouse (*Tympanuchus phasianellus columbianus*), calliope hummingbird (*Stellula calliope*), Virginia warbler (*Vermivora virginiae*). The sagebrush steppe habitat provides potential habitat for seven BLM special status species that are known to migrate seasonally. These are peregrine falcon (*Falco peregrinus anatum*), prairie falcon (*Falco mexicanus*), Black-throated sparrow (*Amphispiza bilineata*), ferruginous hawk (*Buteo regalis*), loggerhead shrike (*Lanius ludovicianus*), sage sparrow (*Amphispiza belli*), and Brewer's sparrow (*Spizella breweri*).

3.2.5. Tribal Treaty Rights and Interests

The 1868 Fort Bridger Treaty, between the United States and the Shoshone and Bannock Tribes, reserves the Tribes' right to hunt, fish, gather, and exercise other traditional uses and practices on unoccupied federal lands. In addition to these rights, the Shoshone Bannock have the right to graze tribal livestock and cut timber for tribal use on those lands of the original Fort Hall reservation that were ceded to the Federal government under the Agreement of February 5, 1898, ratified by the Act of June 6, 1900.

The federal government has a unique trust relationship with federally-recognized American Indian Tribes including the Shoshone-Bannock Tribes. BLM has a responsibility and obligation to consider and consult on potential effects to natural resources related to the Tribes' treaty rights

or cultural use. Resources or issues of interest to the Tribes that could have a bearing on their traditional use and/or treaty rights include: tribal historic and archaeological sites, sacred sites and traditional cultural properties, traditional use sites, fisheries, traditional use plant and animal species, vegetation (including noxious and invasive, non-native species), air and water quality, wildlife, access to lands and continued availability of traditional resources, land status, and the visual quality of the environment.

The project area would be located on unoccupied federal lands outside of the ceded boundary. Therefore, tribal treaty rights, as defined, are applicable to the study area.

3.2.6. Wildlife

The project area contains habitat for big game such as mule deer (*Odocoileus hemionus*), Rocky Mountain elk (*Cervus elaphus*) and moose (*Alces alces*). Moose and mule deer are year round residents and elk seasonally use the area during migration between summer and winter habitat. The Birch Creek Ranch Parcel is situated between two mule deer and elk migratory corridors and areas designated as critical winter habitat for mule deer. Suitable habitat is also present for small rodents (e.g., rabbits, badgers, skunks, mice, and voles) and song birds.

4. ENVIRONMENTAL CONSEQUENCES

4.1. Proposed Action

4.1.1. Economic and Social Values

If the sale were to be completed, the United States would no longer receive the approximate \$6.50 annual grazing allotment use payment. However, there would be an estimated annual savings to the BLM of 10 work hours which would have been devoted to processing and monitoring the grazing allotment use. If the parcel is in private ownership the owner would be required to pay property tax increasing the revenue for Bonneville County.

4.1.2. Existing and Potential Land Uses

Limited physical access to the property would remain. No legal access to the public parcel exists; therefore the disposal of this parcel would not impact this right. As Birch Creek Corporation currently holds the grazing privileges on this parcel, no impacts would be associated with this authorized use.

4.1.3. Invasive, Non-native Species

The field investigation identified that cheatgrass and houndstongue occurs on the public land parcel as well as the adjacent private land. Potential future development of the parcel, though impractical, because of steep slopes, could cause the increase of invasive, non-native species in the area. If the 40 acre parcel is disposed of, the private land owner would be responsible for the prevention and eradication of those species.

4.1.4. Migratory Birds

The sale of the Birch Creek Ranch Parcel would remove from Federal management 40 acres of public land that contains suitable habitat for migratory species. Suitable habitat for these species occurs on both private and public lands adjacent to the Birch Creek Ranch Parcel and the sale of the parcel is not anticipated to cause any of the species to trend toward Federal listing. The steep nature of the topography within the parcel will also limit the private land owner from certain

development actions which would remove migratory bird habitat.

4.1.5 Tribal Treaty Rights

Opportunities for the Shoshone-Bannock Tribes to exercise their tribal treaty rights on the 40-acre parcel would be lost because it would no longer be under public ownership.

4.1.6 Wildlife

The sale of the proposed parcel would remove 40 acres of wildlife habitat from Federal management. Big game species that occasionally use the area during migration between summer and winter habitat, and sporadically during other times of the year would likely avoid the area if there is an increase in human activity. Due to the steep nature of the terrain within the parcel, development activities are anticipated to be minimal which would preserve much of the existing habitat in the area. The initial sale of the land would not reduce habitat for small mammals, rodents, song birds, or other migratory species that may use the project area.

4.1.7 Cumulative Impacts

Reasonably foreseeable actions are anticipated to include the incorporation of the parcel into the subdivided private land which surrounds the project area. The proposed project area would be included into the proponent's current private land. However, since the surrounding private land is divided for sale as private residential properties, livestock use of the parcel would likely not change much from current levels and little change to the vegetation in the project area associated with grazing is anticipated. The steep nature of the terrain within the parcel is anticipated to limit development of the parcel, which would limit the amount of vegetation that would be disturbed.

Overall cumulative impacts resulting from the sale of the Birch Creek Ranch Parcel are anticipated to be minimal. Development of the parcel in association with the inclusion in the subdivision could potentially have an effect on wildlife and migratory birds by reducing their available habitat and causing further habitat fragmentation. In the case of the Birch Creek parcel the development of the surrounding area would render the 40-acre parcel as marginal wildlife habitat at best due to the close proximity to human development. Other than the development, there are no current or future activities that would have additional cumulative impacts associated with the sale of proposed parcel of public land.

4.2. No Action Alternative

Under the No Action Alternative the Birch Creek Ranch Parcel would be retained in public ownership. The public land would remain on the list of disposal properties as outlined in the Medicine Lodge RMP. Other disposal actions would continue to be considered, for either sales or other exchanges, to accomplish resource objectives and to consolidate and block ownership.

4.2.1. Economic and Social Values

If the sale was not completed, the United States would continue to receive \$6.50 in annual fees for lease of the Birch Creek Grazing Allotment. There would be an estimated annual cost to the BLM of 10 working hours which would be devoted to processing and monitoring the grazing allotment use. Under this alternative the proponent would continue to pay the annual grazing permit fee. Also no private property taxes would be paid to Bonneville County.

4.2.2. Existing and Potential Land Uses

Physical access to the parcel would remain unless the private landowner blocked the access. The

parcel would continue to be grazed in accordance to the permitted use for the Birch Creek Allotment with its associated stipulations. If the parcel remains in Federal ownership and the adjacent private land is developed there would potential for unauthorized use associated with the subdivision, especially if the property was not fenced. Examples could be unauthorized grazing, OHV use, or development.

4.2.3. Invasive, Non-native Species

The parcel was found to have both invasive and noxious weed species present during the May 2008 survey. Under the No Action Alternative, weed control would continue to be the responsibility of the BLM. Due to the limited presence of both houndstongue and cheatgrass, the priority of treatment is anticipated to be low which could allow the infestations to spread.

4.2.4. Migratory Birds

Activity on the parcel would continue at the current level and would not have any impact on migratory birds in the project area.

4.2.5. Tribal Treaty Rights

The public land would be retained and would still be available to the Shoshone-Bannock Tribes for exercising their treaty rights. The parcel would continue to be designated for disposal or sale in the RMP and may be sold at a later date.

4.2.6. Wildlife

Activity on the parcel would continue at the current level and would not have direct or indirect effects associated with this alternative.

4.2.7. Cumulative Impacts

Currently there are no planned actions proposed for the public land parcel associated with the project area. The parcel would remain as public land identified for disposal and may be exchanged or sold at a later date. Current land use actions such as grazing would continue to occur within the project area.

5. CONSULTATION AND COORDINATION

Person and Agencies Consulted

Shoshone-Bannock Tribes

List of preparers

Becky Lazdauskas, Realty Specialist, BLM USFO

Theresa Mathis, Wildlife Biologist, BLM USFO

Chuck Horsburgh, Geologist, BLM USFO

Jan Parmenter, Realty Specialist, BLM USFO

Scott Minnie, Rangeland Management Specialist, BLM USFO

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7. SIGNATURES

Prepared by: /s/ Scott Webster January 5, 2009
Scott Webster
North Wind, Inc. Date

Reviewed by: /s/ Wendy Velman February 26, 2009
Wendy Velman
BLM Planning & Environmental Coordinator Date

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APPENDIX A

Special Status Species within the Upper Snake Field Office Resources Area.

Type 1

Gray wolf	<i>Canis lupus</i>
Grizzly bear	<i>Ursus arctos</i>
Canada lynx	<i>Lynx canadensis</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
Bull trout	<i>Salvelinus confluentus</i>
Bliss Rapids snail	<i>Taylorconcha serpenticola</i>

Type 2

Pygmy rabbit	<i>Brachylagus idahoensis</i>
Greater sage grouse	<i>Centrocercus urophasianus</i>
Northern leopard frog	<i>Rana pipiens</i>
Westslope cutthroat	<i>Oncorhynchus clarkii lewisi</i>
Yellowstone cutthroat	<i>Oncorhynchus clarki bouveri</i>
St. Anthony sand dune tiger beetle	<i>Cicindela arenicola</i>
Blind cave leiodid beetle	<i>Glacivicola bathyscoides</i>

Type 3

Townsend's big-eared bat	<i>Plecotus townsendii</i>
Piute ground squirrel	<i>Spermophilus mollis artemisiae</i>
Wolverine	<i>Gulo gulo luscus</i>
Trumpeter swan	<i>Cygnus buccinator</i>
Peregrine falcon	<i>Falco peregrinus anatum</i>
Prairie falcon	<i>Falco mexicanus</i>
Northern goshawk	<i>Accipiter gentilis</i>
Ferruginous hawk	<i>Buteo regalis</i>
Columbian sharp-tailed grouse	<i>Tympanuchus phasianellus columbianus</i>
Black tern	<i>Chlidonias niger</i>
Flammulated owl	<i>Otus flammeolus</i>
Calliope hummingbird	<i>Stellula calliope</i>
Lewis' woodpecker	<i>Melanerpes lewis</i>
Williamson's sapsucker	<i>Sphyrapicus thyroideus</i>
Willow flycatcher	<i>Empidonax trailii</i>
Hammond's flycatcher	<i>Empidonax hammondii</i>
Olive-sided flycatcher	<i>Contopus borealis</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Sage sparrow	<i>Amphispiza belli</i>
Brewer's sparrow	<i>Spizella breweri</i>
Common garter snake	<i>Thamnophis sirtalis</i>
Western toad	<i>Bufo boreas</i>

Type 4

Uinta chipmunk	<i>Tamias umbrinus</i>
White-faced ibis	<i>Plegadis chihi</i>
Virginia's warbler	<i>Vermivora virginiae</i>
Black-throated sparrow	<i>Amphispiza bilineata</i>

BLM Sensitive Plant Species that occur in the Upper Snake Field Office

Type 1

Ute ladies'-tresses

Spiranthes diluvialis

Type 2

Lemhi milkvetch

Welsh's buckwheat

Saint Anthony evening-primrose

Obscure phacelia

Alkali primrose

Rolland's bulrush

Astragalus aquilonius

Eriogonum capistratum var. *welshii*

Oenothera psammophila

Phacelia inconspicua

Primula alcalina

Scirpus rollandii

Type 3

Two-headed onion

Lost River milkvetch

Meadow milkvetch

Tufted milkvetch

Payson's milkvetch

Western sedge

Sepal-toothed dodder

Chatterbox orchid

Spreading gilia

Marsh felwort

Small flowering ricegrass

Green needlegrass

Allium anceps

Astragalus amnis-amnis

Astragalus diversifolius

Astragalus gilviflorus

Astragalus paysonii

Carex occidentalis

Cuscuta denticulata

Epipactis gigantea

Ipomopsis polycladon

Lomatogonium rotatum

Piptatherum micranthum

Stipa Viridula

Type 4 Species of concern

Rush aster

Two-grooved milkvetch

Drummond's milkvetch

Winged-seed evening-primrose

Aster junciformis

Astragalus bisulcatus var. *bisulcatus*

Astragalus drummondii

Camissonia pterosperma

APPENDIX B
Photographs of the Project Area



Photograph 1. Overview of the project area from the middle of the western boundary of the project area facing east.



Photograph 2. Overview of the project area from the middle of the western boundary of the project area facing north.



Photograph 3. View from the center of the project area facing south showing the slope of the area (photo taken mid-slope).



Photograph 4. View of northwestern extents of the project area facing northwest from mid-slope.



Photograph 5. Top of hill located in the southeastern corner of parcel facing south.