

# Snake River Birds of Prey National Conservation Area



## Resource Management Plan and Record of Decision

September 2008



*It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.*

Cover Graphic of Golden Eagle by: Jenay Law, 2005; Senior, Kuna High School



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office

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Boise, Idaho 83705

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In Reply Refer To:

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Dear Reader:

The Bureau of Land Management (BLM) is pleased to release the approved Record of Decision (ROD) and Resource Management Plan (RMP) for the Snake River Birds of Prey National Conservation Area (NCA). This document establishes the management framework for approximately 483,700 acres of public land extending along 81 miles of the Snake River. The NCA includes the 138,000-acre Orchard Training Area (OTA), which has been used by the Idaho Army National Guard (IDARNG) for military training since 1953. Within the NCA boundary are approximately 41,200 State acres, 4,800 private acres, 1,600 military acres, and 9,300 acres covered by water; however, these areas are not affected by the NCA designation or by RMP decisions. Note that this document is not a full reprint of the Proposed RMP/Final Environment Impact Statement (EIS).

The BLM appreciates the active role that many of you have taken in this process over the past several years; however, the planning process does not end with the ROD. We look forward to your continued involvement as we move on to route designations and other RMP implementation actions. The implementation of the plan, with its many elements, will require the continued support and efforts of the numerous individuals, organizations, and agencies that participated in the plan development.

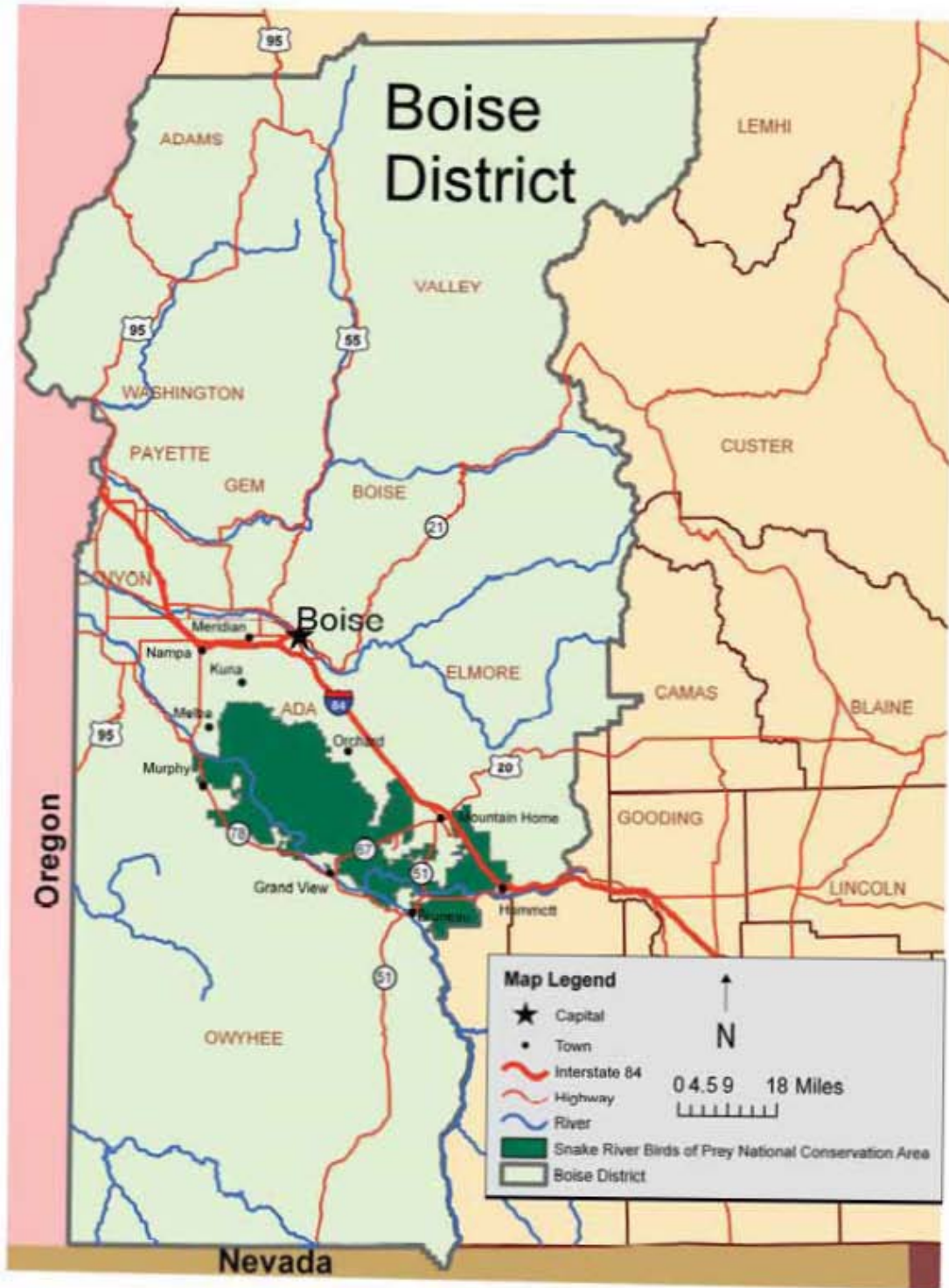
Thank you again for taking part in this important management decision-making process for the NCA. Your active participation will help the BLM achieve its mission to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. We look forward to working with all interested governments, agencies, organizations and individuals in implementing this plan for the management of one of our nation's special places. We will manage the NCA as a valued resource that has been entrusted to our care by the American people and in a manner that deserves your continued trust, while fulfilling the legislative intent to protect, conserve, and enhance raptor populations and habitats.

Sincerely,

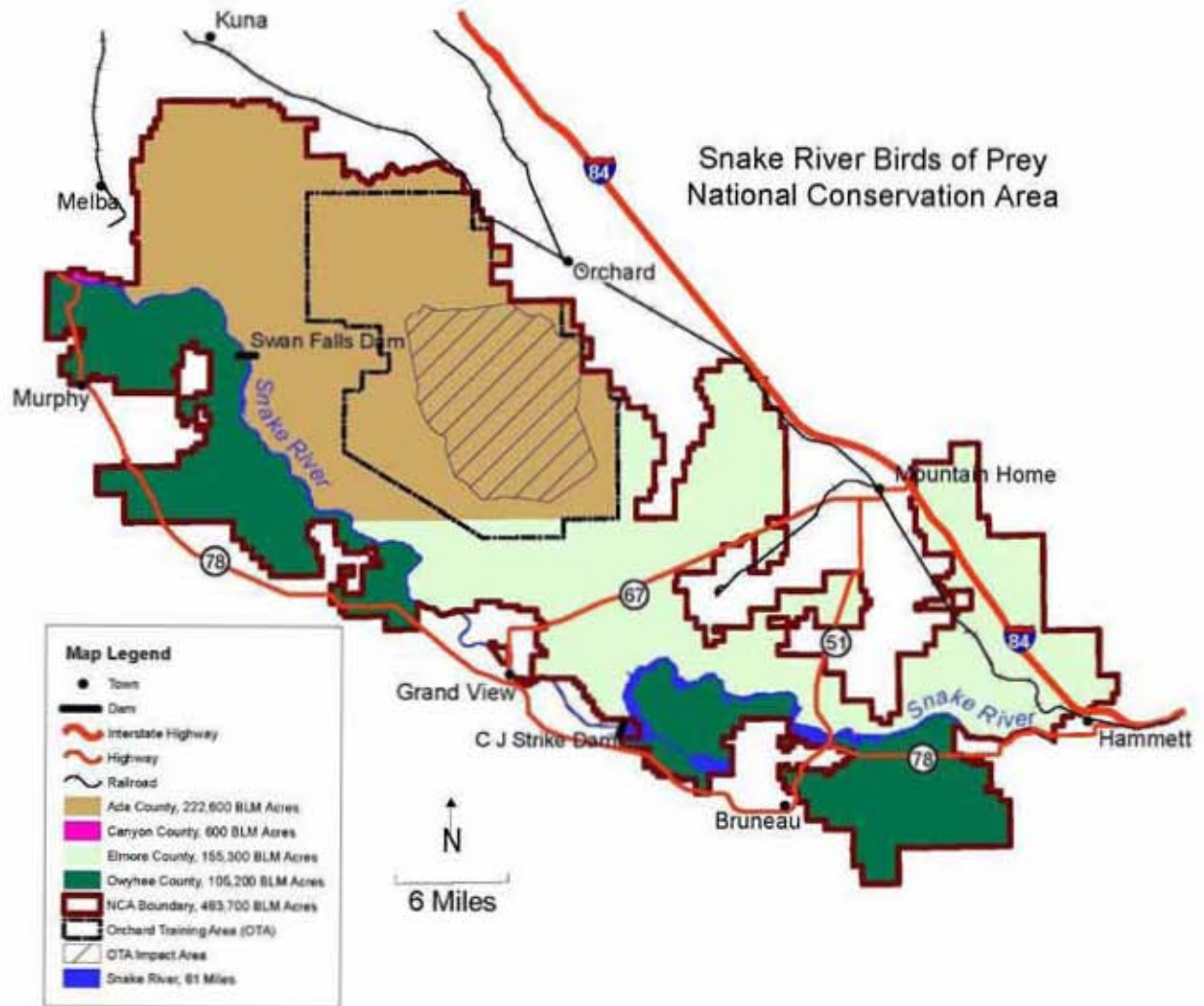
John Sullivan  
NCA Manager



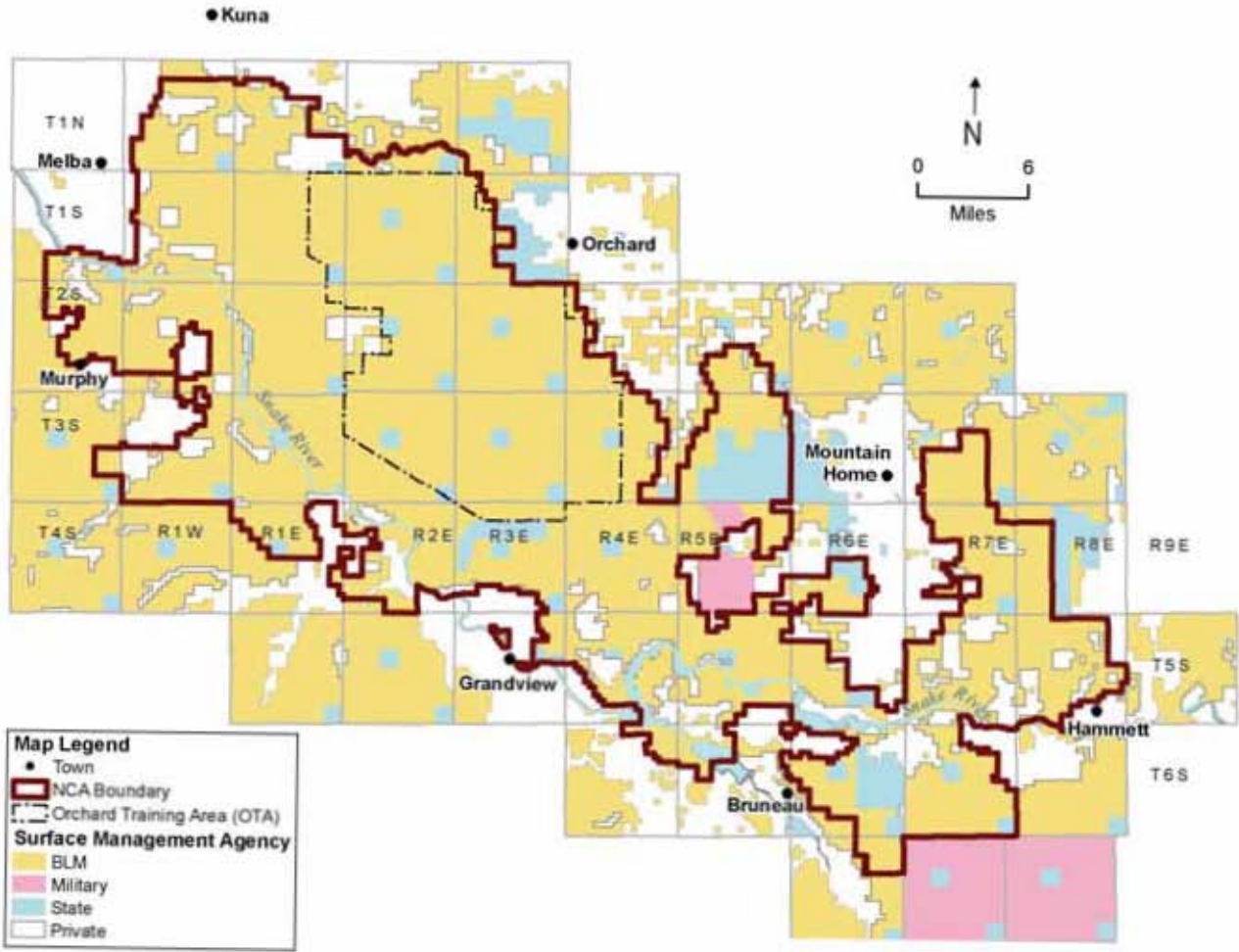
**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BOISE DISTRICT OFFICE**



# OVERVIEW OF THE NATIONAL CONSERVATION AREA (NCA)



# LAND OWNERSHIP WITHIN THE NCA





## INTRODUCTION

The Bureau of Land Management (BLM) prepared this Record of Decision (ROD) on the *Snake River Birds of Prey National Conservation Area (NCA) Proposed Resource Management Plan/Final Environmental Impact Statement*. The ROD includes a statement of the decisions made, the basis for the decision(s), synopses of alternatives considered, description of the environmentally preferable alternative, and an overview of public involvement in the decision-making process.

## DECISION

The attached plan is hereby approved as the Resource Management Plan (RMP) for the public lands and resources within the NCA, which are managed as a part of the BLM Four Rivers Field Office (FRFO). The NCA contains approximately 483,700 acres of public land in the Idaho counties of Ada, Canyon, Elmore and Owyhee. Public Law (PL) 103-64 established the NCA in 1993 for the "...conservation, protection and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith..." This Plan was prepared under the regulations implementing the Federal Land Policy and Management Act (FLPMA) of 1976 (43 CFR Part 1600), as well as in conformance with requirements of the NCA-enabling Act. An Environmental Impact Statement (EIS) was prepared for this plan in compliance with the National Environmental Policy Act (NEPA) of 1969.

This RMP will replace portions of the 1983 Kuna Management Framework Plan (MFP), 1983 Bruneau MFP, 1987 Jarbidge RMP, 1988 Cascade RMP, and 1999 Owyhee RMP that cover the NCA, and replace the 1996 NCA Management Plan. The RMP is nearly identical to the one set forth in the NCA Proposed RMP and Final EIS, published February 29, 2008. Specific management decisions for the public lands under the jurisdiction of the FRFO are presented in Chapter 2. Major decisions include:

- Protecting remaining shrub communities through aggressive wildfire suppression;
- Restoring up to 130,000 acres of shrub habitat;
- Completing up to 100,000 acres of fuels management projects;
- Modifying Idaho Army National Guard (IDARNG) training activities by limiting vehicular maneuver training to non-shrub communities to protect existing shrub communities, and by providing 4,100 acres of additional training area to enhance military maneuvers impacted by restrictions;
- Area and use designations for livestock grazing, off-road vehicle use, rights-of-way, visual resource management, and energy corridors.

## OVERVIEW OF THE ALTERNATIVES

The BLM developed four RMP alternatives, including a No Action (Current Management) Alternative, and analyzed them in detail in an EIS. Each alternative emphasized a different combination of resource uses, allocations and restoration measures to address issues and resolve conflicts among uses so program goals are met in varying degrees and timeframes across the alternatives. The four alternatives considered are summarized below.



**Alternative A (No Action—Continue Current Management)**

This No Action Alternative would continue present practices based on existing land use plans and amendments. It depicts current management, and also serves as a baseline for comparison with the other alternatives. The habitat restoration program would be driven primarily by emergency fire rehabilitation processes, resulting in a minimal increase in the acreage of shrub communities.

**Alternative B**

The emphasis of this alternative is the restoration of a moderate amount of raptor and raptor prey habitat in addition to those areas affected by emergency fire rehabilitation and fuels management projects. This alternative would accommodate recreation, military and commodity uses that are compatible with the purposes of the NCA.

**Alternative C**

This alternative emphasizes the restoration and rehabilitation of all non-shrub areas outside of the Orchard Training Area (OTA) to improve raptor and raptor prey habitat. To support this level of habitat restoration, recreation and military training would be substantially restricted, and livestock grazing preference would be eliminated.

**Alternative D (Proposed Action)**

This alternative emphasizes the restoration and rehabilitation of all non-shrub areas outside the OTA to improve raptor and raptor prey habitat while imposing only moderate restrictions on recreation, military training and commodity uses.

**NOTICE OF MODIFICATIONS**

The Approved RMP is identical to Alternative D of the Proposed RMP/Final EIS (PRMP/FEIS) with minor modifications and clarifications resulting from changes in the status of federally listed threatened and endangered species. In addition, the area known as Pasture 8B of the Battle Creek Allotment is no longer listed as closed to grazing. These minor modifications and clarifications did not result in substantial changes to the proposed action, which related to environmental concerns; therefore, a supplemental FEIS is not needed.

The modifications and clarifications are:

- The bald eagle and the Idaho springsnail were recently de-listed, and are no longer Federal endangered and threatened species. They remain BLM special status species and will continue to be managed to preclude the need for their re-listing as endangered or threatened.
- Slickspot peppergrass (*Lepidium papilliferum*) was listed as a proposed endangered species in response to a June 4, 2008 court order. The U.S. Fish and Wildlife Service (USFWS) is currently scheduled to issue a final listing decision by October 2009. This



RMP identifies management actions and conservation measures based on the 2003 Slickspot Peppergrass Candidate Conservation Agreement (CCA) and a programmatic Conservation Agreement (CA) signed by the BLM and USFWS in August 2006 which were designed to minimize adverse effects. If the final decision is to list the plant as either threatened or endangered, the BLM will initiate Section 7 consultation with the USFWS as required.

- Pasture 8B (3,040 acres) will not be allocated preference grazing; however, it may be grazed at BLM's discretion, under contract or as temporary non-renewable forage, for the purpose of meeting specific NCA resource management objectives, including weed reduction, hazardous fuels management, and ecological improvement (Grazing Map 1). Prior to grazing, an environmental analysis will be completed to identify impacts and develop appropriate mitigations.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

A Record of Decision is required under Council on Environmental Quality (CEQ) regulations to identify the environmentally preferred alternative. The CEQ has defined the environmentally preferred alternative as the one that will promote the national environmental policy, as expressed in Section 101 of NEPA. Alternative C would be more protective of many natural and cultural values than the other alternatives, but would provide for fewer and more restricted uses, resulting in the greatest economic and social impacts. Also, the emphasis on minimal active management under this alternative could result in undesired conditions, especially, increased wildland fire potential.

The BLM determined Alternative D, the approved RMP, to be the preferred alternative when considering both the human (social and economic) environment and the natural environment. Section 101 of NEPA lists six broad policy goals for all Federal plans, programs and policies. It states in pertinent part that "...it is the continuing responsibility of the federal government to...

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. ensure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences;
4. preserve important historical, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
5. achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities;
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."



Identifying the preferred alternative involves balancing current and potential resource uses, resource impacts and mitigation to maintain a healthy environment while meeting human needs.

## **MANAGEMENT CONSIDERATIONS/DECISION RATIONALE**

Approval of the attached RMP considers a number of factors, including input from Native American Tribes, the Idaho Army National Guard, State and County governments, other Federal agencies, BLM Boise District Resource Advisory Council (RAC), interested organizations and the public.

Approval of the RMP is the best approach to addressing the planning issues identified through scoping, meeting the purpose and need of the planning process and providing an optimal balance in managing resource uses while considering potential impacts to public lands.

## **MITIGATION MEASURES**

The Approved RMP contains appropriate mitigation and management actions to avoid or minimize environmental impacts, where practicable, while meeting the purposes for which the NCA was established. Mitigation may also be developed during site-specific activity and project level analysis.

## **PLAN MONITORING**

Planning regulations (43 CFR 1610.4-9) require continuous monitoring of RMPs and periodic formal evaluations. The BLM will monitor the Approved Plan to determine whether the objectives set forth in this document are being met, and if the land use plan direction is effective. In addition to the program-specific monitoring, the plan identifies landscape-level monitoring and triggers that could result in change, should monitoring show that progress towards objectives is not being achieved or, ultimately, the Desired Future Conditions (DFC) are not being realized.

The BLM may modify or adjust management to meet objectives without amending or revising the plan, as long as assumptions and impacts disclosed in the analysis remain valid and broad-scale goals and objectives are not changed. In those instances where BLM considers taking or approving actions that alter or do not conform to the overall direction of the plan, BLM will prepare a plan amendment or revision with appropriate public involvement and environmental analysis.

## **PUBLIC AND GOVERNMENT INVOLVEMENT**

The BLM conducted an extensive public outreach program to encourage broad public participation during the development of this RMP. Over 30 public meetings were held during development of the Proposed RMP/Final EIS. In addition to the public scoping meetings, BLM attended meetings with non-governmental organizations and agencies. Participation by the public, Native American Tribes, local governments, and State and Federal agencies enhanced BLM's understanding of their various viewpoints during development of the alternatives for analysis, identification of the preferred alternative based on public comments on the Draft EIS/RMP, selection of the proposed alternative for the Final EIS and Proposed RMP, and the final decision implementing the RMP. The BLM Boise District RAC helped with public outreach and understanding of the public issues and concerns. The



Idaho Army National Guard and Owyhee County were cooperators in the development of the RMP/EIS.

## **SCOPING**

The BLM published the Notice of Intent to Plan (NOI) in the *Federal Register* (FR) on August 7, 2001. It conducted formal public scoping from November 27, 2001 to January 9, 2002. During the scoping period, BLM held six public meetings, sent a newsletter to interested parties, established a project web site and published notices in local newspapers. Throughout the scoping and issue identification process, 52 individuals and/or organizations provided 1,031 distinct written comments. The BLM analyzed these comments and used the results to identify the planning issues, Desired Future Conditions, alternatives, and conduct environmental analysis of the alternatives.

## **DRAFT RMP/EIS**

On May 19, 2006, BLM published the Draft RMP/EIS with a 90-day public review and comment period. Copies of the document were distributed upon request, and it was available for viewing on the Idaho BLM web site and at the Boise District Office. Prior to the release of the Draft RMP, BLM held a number of “Coffee Shop” style meetings to discuss with interested parties the preliminary alternatives. During the comment period, BLM conducted four additional public meetings and sent out another newsletter. As a result of the extensive public outreach, BLM received only 17 letters from individuals and/or groups commenting on the Draft RMP.

## **PROPOSED RMP/FINAL EIS**

Public comments on the Draft RMP/Final EIS, and review by and consultation with the Shoshone-Paiute and Shoshone-Bannock Tribes and the U.S. Fish and Wildlife Service, were considered and incorporated into the Proposed RMP/Final EIS. The Proposed RMP/Final EIS was published on February 29, 2008 and contained responses to all substantive comments received on the Draft. The BLM distributed copies upon request, and made the document available on its web site and at the Boise District Office. It also published a Notice of Availability (NOA) in the *Federal Register*, which initiated a 30-day protest period.

## **RECORD OF DECISION/APPROVED RMP**

Copies of this ROD and Approved RMP are available upon request, can be viewed on the Idaho BLM web site, at the Boise District Office, or at the BLM Idaho State Office in Boise.

## **PROTESTS AND APPEALS**

The BLM policy for land use planning specifies the types of decisions that are considered land use planning decisions, and those that are considered implementation-level decisions. This policy is outlined in the BLM Land Use Planning Handbook. Land use planning decisions are subject to protest in accordance with land use planning regulations (43 CFR 1610.5-2). Implementation level decisions are not subject to protest, but may be appealed as described by 43 CFR 4.4.



All decisions covered by this ROD are land use planning decisions that were protestable upon publication of the Proposed RMP. In accordance with 43 CFR 1610.5-2, the decision of the BLM Director regarding protests is the final decision for the Department of the Interior and is not subject to further administrative appeal.

## RESULTS OF PROTEST REVIEW

The BLM received two protest letters on the proposed land use plan decisions contained in the Proposed NCA RMP/Final EIS.

One letter was submitted by Simplot Land and Livestock. The main protest point in this letter was that:

- Closing Pasture 8B of the Battle Creek Allotment will not allow for the use of grazing to improve the undesirable resource conditions that currently exist there.

Western Watersheds Project submitted the other protest letter. The primary concerns expressed in this letter were that:

- The proposed RMP contained an inadequate range of alternatives.
- The proposed RMP provided inadequate protections for slickspot peppergrass and microbotic crusts.
- Management actions did not address grazing as the principal agent causing vegetative degradation and habitat fragmentation.
- BLM did not use the most current vegetation data.

The BLM Director addressed all protest points without requiring significant changes to proposed RMP decisions.

## APPEALABLE DECISIONS AND PROCEDURES

Opportunity for administrative appeal of the proposed decisions ended on March 31, 2008, with the close of the RMP protest period.

## APPROVAL

Having considered a full range of reasonable alternatives, associated effects, and public input, I approve the Snake River Birds of Prey National Conservation Area Resource Management Plan.



Thomas H. Dyer  
Idaho State Director  
Bureau of Land Management

9/30/08  
Date



**DEAR READER LETTER**

**RECORD OF DECISION** ..... R-1

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