

BOISE DISTRICT (BD) RESOURCE ADVISORY COUNCIL (RAC) MEETING

October 7, 2009

Boise District Office (BDO)

Boise, Idaho

MINUTES

BD Council Members Present: Gilbert Green, Nate Helm, Brian McDevitt, Dr. Neil Rimbey, Donna Bennett, Gene Gray, Ted Howard, Richard Just, John Robison, Dr. Ted Hoffman, Rick Raymondi.

BD Council Members Absent: Nate Helm, Ralph Richardson, Grant Simonds and Brenda Richards.

BLM Advisory Present: Aden Seidlitz, Boise District (BD) Manager; MJ Byrne, BD RAC Coordinator.

Other BLM Staff Present: Buddy Green, Owyhee Field Office (OFO) Manager; Arnie Pike, Bruneau Field Office (BFO) Manager; Jim Johansen, Chief, Operations Office; Mike O'Donnell, Acting Four Rivers Field Office (FRFO) Manager; and Jon Beck, Planning Lead for the FRFO Resource Management Plan (RMP).

Other: Anne Briggs and Bob Firpo, Solicitor's Office, Matt Ellsworth of U.S. Senator Jim Risch's Office, and Ron Kay, Idaho Department of Agriculture.

Statements attributed to individuals are not direct quotes unless so indicated. Titles of handouts and/or other written presentations are listed in the appendix following the minutes, and detailed notes are not provided for these.

MJ Byrne, RAC Coordinator, passed out a revised agenda for approval that included time requested for a Litigation report. The **revised agenda was approved**. **Action Items** were reviewed, and **Minutes** were certified as corrected. A corrected copy is included herewith. MJ noted to the RAC members that there could not be any voting at the day's meeting, because the appointment process is still "a work in progress" in Washington, D.C. Therefore, a quorum is impossible to achieve despite the outstanding attendance at the meeting.

Mr. Seidlitz welcomed everyone and introduced Bob Firpo and Ann Briggs of the Department of the Interior Solicitor's Office, here in Boise. Mr. Seidlitz submitted a list of standard agenda topics he suggested the RAC use at for each meeting. They are:

- Welcome;
- Agenda/Action Items Reviews/Minutes Certified;
- Briefing Paper Review/Hot topics;
- Subgroup Reports/Discussion/Recommendations;
- Public Comment(s);
- Review of Action Items.

Review of Briefing Papers and Hot Topics: Aden Seidlitz, District Manager

Mr. Seidlitz: I agreed to get you copies of the General Management Evaluation (GME) Report. We have a few copies today and can provide additional copies or CD's if you prefer.

The Group discussed the briefing papers that MJ Byrne sent out before the meeting. They were:

- BDO ARRA Project Narrative Outline – Information Only - Our ARRA projects are proceeding fine except for the Baja Road – moisture is a critical element and it is now too late to get the work done before winter;
- Major Energy Projects Proposed or Projected on BLM-Managed Public Land in Idaho, updated 8/26/09 – Information Only. BFO Manager, Arnie Pike, made a couple of changes on the first page. Under Geothermal, Pending competitive lease nominations – The second sentence is changed to read: **Six (6) parcels are located in the Weiser Area (Washington County), six in Lower Castle Creek, 5 parcels in the Parma area, 1 on Targhee NF and 1 in the Raft River area.** Everything else in the paper remains unchanged.
- Boise District Office, Litigation Issues in 2009 – Information Only.
- Draft Preliminary Alternatives for Four Rivers Field Office (FRFO) Resource Management Plan (RMP) – Comments were invited when MJ sent this out. No further discussion occurred. The public meetings schedule was announced and RAC members were encouraged to attend and participate with BLM managers and staff to hear comments from the public.

Mr. Seidlitz introduced new BLM-Idaho Attorneys: Ann Briggs and Bob Firpo. Each gave a brief background of their careers and the steps they are taking (field trips, etc.) to become oriented to BLM and specifically, the Boise District. Bob and Ann encouraged members to call the Solicitor's Office at 373-3874. Ann said, "If we can get on the front end of issues, perhaps we can head off litigation."

Hot Topics – Aden Seidlitz:

- U.S. Fish & Wildlife Service (F&WS) announced the agency proposes to list Slickspot Peppergrass (LEPA), as a "threatened species" under the Endangered Species Act (ESA). The effective date will be 60 days after publication in the Federal Register. Publication date was October 8, 2009. This mainly impacts our Four Rivers FO in the Boise District, and the Jarbidge Field Office located in our Twin Falls District Office (DO). New restrictions could place restrictions on livestock grazing, limit energy and residential development, and military training on the Orchard Training Area. F&WS will issue the biological opinion late November/early December. On October 14, we are inviting the permittees to a meeting we will be hosting at AJ's Restaurant, on Highway 20, just off the Mountain Home Exit regarding the LEPA impacts. We hope to have one of our Solicitors there as well.
- New FY, 10/01/09 – No budget yet but Congress has passed a Continuing Resolution. We can spend 1/12 of the budget, which is the same figure as Fiscal Year (FY) 2009, each month. We might have a budget for FY2010, by the end of October.

- **Matt Ellsworth, State Director for U.S. Senator Jim Risch**, was asked, by MJ, for his perspective of what was happening in Congress related to passage of a budget and other priority legislation. Matt said, “The economy is taking up all the air in D.C. Congress did pass a Continuing Resolution (CR) to ‘keep the lights on in the government.’” The CR provides funding for all the agencies of government until March 1, 2010.
- Wild Horse Gather started this morning, (10/7) in the 4-Mile Herd Management Area (HMA) located in the Four Rivers Field Office (FO). Current plans are to then move to the second HMA, Sands Basin, which is located in the Owyhee FO by Thursday or Friday. Our aerial surveys are showing we are 200% over Appropriate Management Levels in both of these HMA’s.

Neil Rimbey commended those responsible for the Weanling 4-H Project. Acting BDO Wild Horse Specialist, Steve Leonard, was the individual who learned about this program that is being successfully used in Oregon and Washington. The University of Idaho is partnering with BLM through their 4-H Youth Leadership Program. Steve’s relationships with several 4-H councils, Friends of Mustangs, and other equestrian organizations is proving to be an asset to the BLM in its efforts to manage the wild horse herd numbers in the District. He worked so well with the 4-H’ers, their parents and all involved. The 4-H’ers also participated in an “In Hand” Trail class show project at the State Fair in Boise at the end of August. Then they took their weanlings through a 2nd class course the morning of the Wild Horse Adoption at the Boise Horse Corrals September 12-13. A total of 27 mustangs, including ALL the weanlings were adopted. The September 12-13 adoption resulted in ½ of the horses being adopted and the remaining were shipped to interim holding facilities for further adoption in Utah. We are considering asking the 4-H council to invite the youth to again adopt a weanling to help us with an adoption being planned for December 5-6, 2009.

MJ Byrne: Provided a slide show of photos she took while attending the first of two Juniper Mastication (mulching) project demo, being funded by a grant to the Owyhee Sage-Grouse Local Working Group from the State’s Sage-Grouse Advisory Council. RAC member Gene Gray attended the first demo. A second Juniper Mastication project demo will be held on Wednesday, 10/14. RAC Members were invited to contact MJ if they were interested in attending. Additional information can be obtained by calling Eric Morrison, Jordan Valley 541-586-3000.

Dr. Neil Rimbey: Sage STEP (Sagebrush Steppe Treatment Evaluation Project) – Neil distributed a one-page briefing paper, and a publication by the U.S. Geological Survey, entitled, “Western Juniper Field Guide: Asking the Right Questions to Select Appropriate Management Actions” (Circular 1321), 2007, on this project. Both sites are located on private property at Castlehead, in the OFO.

Andy Delmas, Fire Management Officer, Boise District & Lance Okeson, Boise District Fire Use Specialist: Reported feedback of the mastication process as well as other options (fire, etc.), cost comparisons, etc. They also discussed the feasibility of using cut juniper for biomass production.

Nate Helm: The Idaho Department of Fish & Game (F&G) is readying proposals to present to the Legislature for matching dollars. Contact Idaho F&G, Don Kimner (208-334-2920).

Ted Hoffman/Neil Rimbey/Cindy Salo: At the last RAC meeting, the need to address the issue of litigation was discussed. A new subgroup may be formed to look into this issue and provide BLM with advice on how to decrease the number of appeals, petitions and other legal actions taking up so much staff's and managers' time. Their report was the by-product of consultations with attorneys, senior agency personnel, BLM staff in other states facing the same issues and knowledgeable people in a diverse selection of interest groups that are affected by this issue. They also enlisted the help of a fellow member of the Idaho Section, Society for Range Management, Range Consultant Cindy Salo. We discussed their report entitled, "Legal Issues Facing the Bureau of Land Management's Boise District: Exploring the Issues and Searching for Solutions." It contained four recommendations.

Neil Rimbey: Continued lawsuits against ID-BLM's grazing decisions are preventing the Bureau from getting out into the field and working with permittees to manage the allotments of public land for grazing purposes. With this litigation and the NEPA process, it takes three or more years to get anything done.

In the first recommendation, the RAC requests Idaho State Office of BLM to provide what information they can regarding the diversion of money and staff from resource management to litigation and efforts to minimize litigation, Mr. Seidlitz said it would be difficult to "nail down" the dollars, per the first recommendation. This year's seasonals did an excellent job of monitoring, data collection, etc. He was concerned whether there would be adequate funding for personnel but will we be able to continue that level of monitoring, etc. every year. Many range decisions are not science based.

Buddy Green: Peer-reviewed science needs to be taken into account. Is there some legislation that might be appropriate?

Arnie Pike: I think some permittees need to do a better job of handling their cattle. Perhaps additional outreach and communication would improve the permittees' understanding of what BLM's expectations are of them and what is appropriate (permittee meetings, etc.) to educate them and reinforce our expectations of them.

Ted Hoffman: The local RAC's could go directly to the Secretary of the Interior to "lobby" this issue.

Subgroup Charter(s)

James R. (Rick) Just introduced Jeffrey F. Cook, Jr. Jeffrey works for the Idaho Department of Parks and Recreation, in Boise, and is interested in serving on the **OHV and Transportation Management Subgroup**. Mr. Cook's resume was distributed. Even though we couldn't vote on him today (no quorum due to lack of appointments/ reappointments of RAC members), those present agreed they would welcome Jeff to the subgroup.

Energy Development and Utility (formerly Alternative Energy. . .) Subgroup Charter – The charter was reviewed with minor corrections. We will vote on the re-written charter at the January meeting.

Sage Grouse – Twelve (12) working groups in Idaho now. Gene Gray reported on the subgroup's activities and progress – they are a very influential group and work with Idaho Fish & Game and F&WLS. There's some overlap with other Local Working Groups (LWGs) but each plays a vital role in their respective areas of the state. F&WL will issue a decision on whether they feel a listing of the Sage-Grouse is warranted per the ESA. Their decision is anticipated in February, 2010.

Brandon Knapton: It may be in the distant future, but we could use a functioning group in the Mountain Home area as we have no working group there.

Donna Bennett: We have been working for years to get a LWG organized out in the Mountain Home area, but have not succeeded for many reasons.

Aden Seidlitz: Owyhee Management Act (OMA) Implementation Update - Crews on the ground are marking boundaries, signing, etc. Maps are on our website now. The site address is: www.blm.gov/id/st/en/prog/blm_special_areas/owyhee_initiative.html. Some of you attended our Wilderness and Scenic Rivers Workshop in July. Folks from D.C. were here. The two-day workshop and one-day tour were very well attended.

The State of Idaho proposed a land exchange about a year ago – BDO has finished our comments and sent on for Washington's review.

We have established our account in which the \$2.4M will be deposited. These funds are the proceeds from a land sale in the Four Rivers FO a year or two ago.

We have been finishing our work on the Wilderness Area Travel Management Plan even though we did not receive any new funding for it with passage of the Act. The Act has deadlines identified requiring certain work be completed. We are strategizing how to get the work completed, while at the same time trying to get additional funding. U.S. Senator Mike Crapo is working to secure additional funding for this added workload in FY2010.

Field crews are documenting range improvements as they GPS routes and boundaries and are working with Operations staff to block off roads and trails not used for maintaining range improvements in allotments located within the wilderness boundaries.

Ted Hoffman: “The faster we go on the processes, the less the public can be involved. The Travel Management Plan process might be the perfect time to slow down so the public can provide their input.”

Owyhee Field Office (OFO) Update – Buddy Green

There are two appeals pending before the Interior Board of Land Appeals on the Decision Record for the Murphy Travel Management Plan.

- Karen Steenhof's appeal is based largely on the adequacy of mitigation for golden eagles.
- Owyhee County's appeal raised over 80 appeal points but is focused on (FLPMA, Omnibus, RS-2477 and other items). The County's appeal included a Petition to Stay the Decision.

Murphy TMP Implementation – Moving forward slowly with implementation of this project due to the appeals and the loss of deferred maintenance money. We have, however, supplemented some of that lost funding with grant money through Idaho Parks and Recreation (IDPR) and ARRA (stimulus) money.

To date we have completed the following:

- Graveled the Chalky Butte and Kane Springs parking areas along Reynolds Creek Road.
- Installed stiles at the "45" and Fossil Creek Trailheads in preparation for fencing the perimeters of these two areas.
- Began signing motorcycle, ATV, and 4x4 routes with an employee working for Great Basin Institute (GBI). GBI is a group out of Nevada whom the Owyhee Field Office teamed up with in applying for grant money through IDPR to implement the Murphy travel plan. The grant money was awarded to GBI in July and since then they have hired a recreation technician who is now based out of the Owyhee Field Office. This employee will coordinate with OFO and lead teams of 4-8 people (GBI employees) in the signing of routes, single track trail maintenance, kiosk installation, and fencing projects. GBI staff will be in place until project work is completed or until the grant money is exhausted.

Update on Grazing Permit Renewal – Trout Springs is our primary focus. We got extensive feedback from WWP on this and the Pole Creek allotment. We hope to get the Pole Creek allotment grazing decision completed by November 30 when Jake Vialpando, Supervisory Range Management Specialist departs OFO for a new position with BLM in Wyoming.

We are working on trespass issues in the Trout Springs allotment.

And, last but not least, another issue that has great impact on us is that of personnel turn-over. During 2009, seven of 17 permanent full-time positions are/will be vacant.

Bruneau Field Office (BFO) Update - Arnie Pike

Camas Creek Pocket allotment and Nahas FFR allotment: The Allotment Assessments and Evaluation is completed for both allotments. Both allotments are meeting the Standards for Rangeland health. An Environmental Assessment (EA) is being prepared to issue new ten-year grazing permits. The proposed schedule is to have the proposed decision issued in November, 2009.

What is next?

- Finalize Assessment and Evaluation;
- Send Evaluation and assessment out for public scoping;
- Develop alternatives (including proposals from permittees and interested public);
- Send Alternatives out for public scoping;
- Finalize alternatives and analyze in EA;
- Issue a proposed determination with a proposed decision; and
- Address any protests and issue final grazing decision in July 2010.

The current schedule is to have the proposed decision issued in November, 2009.

In the past, we had a Categorical Exclusion to renew grazing permits in allotments where the Standards are met, but it has been discontinued based on a Stipulated Settlement Agreement between WWP and BLM dated July 17, 2009.

Big Springs Allotment - Work on this allotment has been set aside to complete the EA for the Camas Creek Pocket and Nahas allotments. The current status is the allotment assessment and evaluation has been reviewed internally and is being edited. As mentioned at the last RAC meeting, this project is complex because of the size of the allotment (205,464 acres – broken down: BLM, 186,421; State, 10,120; and Private, 8,923). The allotment was split into three separate grazing use areas in 1989 that are permitted to three permittees. The operations of the three permittees vary so there is a separate section for each use area. Issues identified include: Special status species – sage grouse, Redband trout, pygmy rabbits and Riparian conditions.

What is next?

- Finalize Assessment and Evaluation;
- Send Evaluation and assessment out for public scoping;
- Develop alternatives (including proposals from permittees and interested public);
- Send Alternatives out for public scoping;
- Finalize alternatives and analyze in EA;
- Issue a proposed determination with a proposed decision; and
- Address any protests and issue final grazing decision in July 2010.

West Castle Creek Allotment - Field monitoring was collected during the summer of 2009 except for some additional utilization monitoring. Our team lead on this project has taken another job so we are reassigning it to another staff member. The assessment which pulls the monitoring data together is in an outline form.

What is next?

- Complete an allotment assessment;
- Prepare an evaluation;
- Send evaluation out for public scoping;
- Develop alternatives (including proposals from permittees);
- Finalize alternatives and analyze in EA;
- Issue a proposed determination with a proposed decision; and
- Address any protests and issue final grazing in September of 2010.

East Castle Creek Allotment - The Final grazing decision that renewed grazing permits in this allotment was appealed to the Interior Board of Land Appeals by the permittees. They did not petition for a Stay so the decision was implemented. The case is to be heard on January 23, 2010.

ACTION ITEMS

BDO – RAC - Wednesday, October 7, 2009

<u>ACTION</u>	<u>RESPONSIBLE</u>	<u>DUE DATE</u>
Host a meeting of RAC Chairpersons to discuss Issues common to all the RACs/Districts, including Litigation Issue	Aden Seidlitz/ Peter Ditton, Acting ID BLM State Director	3/24/2010
Juniper Fuels Presentation to RAC at the Jan. meeting	Lance Okeson, BDO	January RAC
<u>Legal Issues Facing the BLM:</u>		
Report from Ted Hoffman, Neil Rimbey, Cindy Salo Present the report to the ISO and other ID RAC chairs	Aden Seidlitz	12/1/09 & 3/24/10
<u>Sub-Group Charters – Final Review & Revise for presentation</u>		January RAC
<ul style="list-style-type: none">• Energy Development & Utility• Sage Grouse Habitat Management (Consider changing the name to: Sage Brush Obligates)• River Recreation Management - RAC will consider whether to sunset this subgroup. Will need to consider increasing interest by recreationists in the Owyhee and Bruneau River systems. Note this is NOT the same as the Recreation RAC Subcommittee created by statute in 2006.• Fire & Fuels Management Sub-group – This group met only once – RAC agreed to sunset this subgroup• RMP – Gil Green, Neil Rimbey, Brenda Richards, Gene Gray, Ted Hoffman, Brian McDevitt	Rick Raymondi, Gil Green, Brian McDevitt, Neil Rimbey, Donna Bennett	
	Rick Raymondi, Donna Bennett, Brenda Richards, Nate Helm, Neil Rimbey, Gene Gray	

Doug McConnaughey/Ted Howard – Tribal Advocate/Mediator – Hand-out “The Cultural Preservation Office of the Shoshone-Paiute Tribes of Duck Valley, Idaho and Nevada.” Notes on Doug’s presentation have been requested.