

Director's Protest Resolution Report

**Cassia Resource
Management Plan
Amendment at Castle
Rocks**

November 19, 2013



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM) response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-CA-ESD-08-0020-10
Protest issue number

Organization: The Forest Initiative
Protesting organization

Protester: John Smith
Protester's name

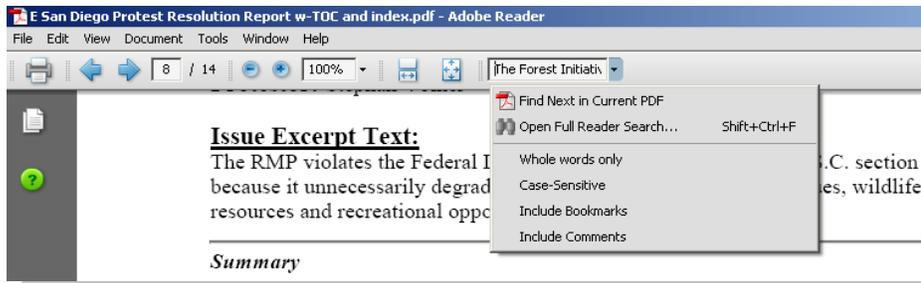
Issue Excerpt Text:
Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.
Direct quote taken from the submission

Summary
General statement summarizing the issue excerpts (optional).
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

Response
BLM's response to the summary statement or issue excerpt if there is no summary.
Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

BLM	Bureau of Land Management	NEPA	National Environmental Policy Act of 1969
CFR	Code of Federal Regulations	NHPA	National Historic Preservation Act of 1966, as amended
DM	Departmental Manual (Department of the Interior)	NPS	National Park Service
DOI	Department of the Interior	NOA	Notice of Availability
DR	Decision Record	NOI	Notice of Intent
EA	Environmental Assessment	NRHP	National Register of Historic Places
EIS	Environmental Impact Statement	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
EO	Executive Order	RMP	Resource Management Plan
EPA	Environmental Protection Agency	ROD	Record of Decision
ESA	Endangered Species Act	ROW	Right-of-Way
FLPMA	Federal Land Policy and Management Act of 1976	SHPO	State Historic Preservation Officer
FO	Field Office (BLM)	SO	State Office (BLM)
FWS	U.S. Fish and Wildlife Service	T&E	Threatened and Endangered
GIS	Geographic Information Systems	USC	United States Code
IB	Information Bulletin	USGS	U.S. Geological Survey
IM	Instruction Memorandum	VRM	Visual Resource Management
KOP	Key Observation Points		
MOU	Memorandum of Understanding		

Protesting Party Index

Protesters	Organization	Submission Number	Determination
R. D. Pascoe, Troy Neu, Brian Fedigan, Phil Powers	The Access Fund, Eastern Idaho Climbers Coalition, Boise Climbers Alliance, American Alpine Club	PP-ID-Cassia-13-01	Denied

Issue Topics and Responses

NEPA

Issue Number: PP-ID-Cassia-13-1-11

Organization: Access Fund

Organization: Boise Climbers Alliance

Organization: Eastern Idaho Climbers
Coalition

Organization: American Alpine Club

Protestors: R. D. Pascoe, Troy Neu,
Brian Fedigan, Phil Powers

Issue Number: PP-ID-Cassia-13-1-2

Organization: Access Fund

Organization: Boise Climbers Alliance

Organization: Eastern Idaho Climbers
Coalition

Organization: American Alpine Club

Protestors: R. D. Pascoe, Troy Neu,
Brian Fedigan, Phil Powers

Issue Excerpt Text:

Clearly, BLM never took a "hard look" at the Castle Rocks CMP alternative or less restrictive alternatives and thus failed to consider an important aspect of the problem. Further, BLM completely failed to explain or justify their conclusion that the Castle Rocks CMP has the potential to result in irrevocable and irretrievable damage to cultural and natural resources.

Issue Excerpt Text:

The BLM Burley Field Office also received the required consultation letter from the Idaho State Historical Society, but this consultation was not at all referenced in the Castle Rocks Climbing Environmental Assessment or Decision Record.

Summary:

The BLM failed to take a "hard look" at the Castle Rocks Climbing Management Plan (CMP) alternative or less restrictive alternatives and completely failed to explain or justify its conclusion that the Castle Rocks CMP has the potential to result in irrevocable and irretrievable damage to cultural and natural resources.

The BLM did not reference the Idaho State Historic Preservation Officer (SHPO) consultation documentation in the EA or Decision Record (DR).

Response:

In reaching its decision to amend the Cassia Resource Management Plan (RMP) to provide for closure of the Castle Rocks area to traditional climbing, sport climbing, bouldering, camping, and new trail construction, the BLM did in fact take a "hard look" at a number of alternatives and effects on a variety of resources. As part of the Environmental Assessment's (EA) purpose and need statement the BLM notes that the Cassia RMP states that the Castle Rocks area "contains significant historic, geologic and scenic values" and that the RMP "includes an objective to preserve the geologic, historic, and scenic values" (DOI-BLM-ID-T020-2013-0010-EA, page 3). The analyses presented in the bulk of the EA address those and other resources and the effects of both the proposed alternative and the no action alternative on each. Those analyses are supported by the dozens of references cited. Evidence of the environmental impacts of climbing at a number of other climbing areas is also presented.

Moreover, the BLM had prepared a prior EA (ID-220-2009-EA-3768, cited in the 2013 EA) just four years earlier looking at the same issues, in the same area, and analyzing a greater range of alternatives. As part of that effort “[o]utstanding remarkable resources [were] discovered by BLM staff performing botanical, wildlife, and cultural clearance work throughout the 400 acres of BLM lands” such that the BLM recognized that “[s]ignificant resource effects were associated with the infrastructure necessary to implement [any of] these alternatives” (DOI-BLM-ID-T020-2013-0010-EA, page 2). The results of those previous analyses lead the BLM to reject implementing the Castle Rocks Interagency Recreation Area Climbing Management Plan, to complete DOI-BLM-ID-T020-2013-0010-EA, and subsequently propose the decision to amend the Cassia RMP to close the BLM-managed portion of the Castle Rocks area to staging, traditional climbing, sport climbing, bouldering, camping, and new trail construction (BLM FONSI 2013).

With respect to the citing of the Idaho State Historical Society, regulations at 36 CFR 800.3(c)(3) require the BLM to consult with the SHPO on proposed actions that may have effects on historic properties. The BLM has consulted with both the Idaho SHPO and the Advisory Council on Historic Preservation on this proposed action, as shown in Chapter 5 of the 2013 EA (DOI-BLM-ID-T020-2013-0010-EA, page 32). Actual reference to the SHPO concurrence letter will be included in the final DR for the proposed action implementing the Cassia RMP amendment.

Range of Alternatives

Issue Number: PP- ID-Cassia-13-1-7
Organization: Access Fund
Organization: Boise Climbers Alliance
Organization: Eastern Idaho Climbers Coalition
Organization: American Alpine Club
Protestors: R. D. Pascoe, Troy Neu, Brian Fedigan, Phil Powers

Issue Excerpt Text:

[The BLM’s] Proposed Action Alternative...fails to analyze other reasonable alternatives, i.e., implementing the Castle Rocks Interagency Recreation Area, Climbing Management Plan (Castle Rocks CMP).

Issue Number: PP- ID-Cassia-13-1-9
Organization: Access Fund
Organization: Boise Climbers Alliance
Organization: Eastern Idaho Climbers Coalition
Organization: American Alpine Club
Protestors: R. D. Pascoe, Troy Neu, Brian Fedigan, Phil Powers

Issue Excerpt Text:

Ultimately, this Decision Record and FONSI was a result of only two alternatives: 1) Ban climbing, camping, staging, and new trails; or, 2) allow climbing to continue unregulated.

Summary:

The EA for the Cassia RMP Amendment at Castle Rocks fails to analyze a range of reasonable alternatives.

Response:

The NEPA directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources,” (NEPA Sec 102(2)(E)). The range of alternatives explores alternative means of meeting the purpose and need for the action. For the 2013 Cassia RMP Amendment at Castle Rocks EA (DOI-BLM-ID-T020-2013-0010-EA), the purpose for action is to amend the Cassia RMP to preserve and protect significant cultural resources in the Castle Rocks area. The need for the action is to ensure that the significant historic, geologic, and scenic values that occur in the Castle Rocks area are protected and preserved, and to reduce imminent threats and resolve conflicts to ensure irreplaceable cultural resources that occur in fragile granite soils within the Castle Rocks area are protected (DOI-BLM-ID-T020-2013-0010-EA, page 3).

If alternatives relevant to the proposed action have been described and analyzed in a previous environmental document, they can be incorporated by reference in the current NEPA analysis. The 2013 EA incorporates by reference the analysis of alternatives already considered in a 2010 (EA ID-220-2009-EA-3768) NEPA document (DOI-BLM-ID-T020-2013-0010-EA, page 5). The purpose for EA ID-220-2009-EA-3768 was to address the permitting and establishment of new climbing routes, placement of fixed anchors, and construction of new trails in the Castle Rocks Interagency Recreation Area on public lands administered by the Bureau of Land Management. The need for EA ID-220-2009-EA-3768 was to manage climbing use on public lands in the Castle Rocks area to protect cultural and natural resources. The purpose and need for EA ID-220-2009-EA-3768 are therefore relevant to the proposed action in the 2013 EA (DOI-BLM-ID-T020-2013-0010-EA).

Public comments received during the comment period for the 2013 EA included the options to eliminate off-road vehicle use and grazing (DOI-BLM-ID-T020-2013-0010-EA, page 5). Off-road vehicle use is not permitted in the area of Castle Rocks under Idaho Department of Parks and Recreation (IDPR) management since 2003, and other points of entry to Castle Rocks public lands offer minimal access to off-road vehicles; therefore, the potential impacts from off-road vehicle use are negligible. Additionally, the grazing allotment in the area (Almo Creek) has not been grazed since 2001, and therefore, there are no impacts associated with grazing to be considered. The final DR will make further note of these points.

Administrative Procedures Act

Issue Number: PP- ID-Cassia-13-1-6

Organization: Access Fund

Organization: Boise Climbers Alliance

Organization: Eastern Idaho Climbers
Coalition

Organization: American Alpine Club

Protestors: R. D. Pascoe, Troy Neu,
Brian Fedigan, Phil Powers

and bouldering; (2) prohibit overnight camping and the construction of new trails; and (3) remove bolts from existing bolted climbing routes from BLM-managed lands. I have decided to select the Proposed Action Alternative because the other alternative does not address the purpose and need for action and has the potential to result in irrevocable and irretrievable damage to cultural and natural resources;" is arbitrary and capricious because it is not supported by logic or necessary facts.

Issue Excerpt Text:

BLM's decision to: "(1) close the BLM managed lands in the Castle Rocks area to staging, traditional climbing, sport climbing,

Summary:

The EA Decision is arbitrary and capricious as it is not supported by logic or necessary facts.

Response:

The EA-supported decision to close the BLM-managed portion of the Castle Rocks geologic area to climbing-related activities by amending the Cassia RMP is not arbitrary and capricious and is, in fact, supported by thorough factual analyses of a range of local resources and potential impacts from a variety of authorized uses. The purpose of the proposed action is to amend the Cassia RMP to preserve and protect significant cultural resources in the Castle Rocks area. The need for the proposal is to ensure that the significant historic, geologic, and scenic values that occur in the Castle Rocks area are protected and preserved (DOI-BLM-ID-T020-2013-0010-EA, page 3).

Until 2003, access to Castle Rocks public lands was limited to a difficult and lengthy hike from Steins Pass. The Castle Rock Ranch Acquisition Act of 2000 authorized the National Park Service (NPS) to purchase a private ranch that provided convenient public access on the east side of the geologic area. The NPS then exchanged this ranch with the Idaho Department of Parks and Recreation (IDPR). Since May 25, 2003, IDPR has provided park facilities and managed recreation at Castle Rocks. Climbers are the largest user group, and they can pass through the State Park to climb the higher granite towers on lands administered by the Bureau of Land Management (BLM) and the USDA Forest Service (DOI-BLM-ID-T020-2013-0010-EA, 2013, page 1).

Since 2003, the 400-acre BLM parcel has been closed to rock climbing, camping, staging, and trail building through a series of temporary closure orders. The unique ownership pattern and geography of the lands surrounding the BLM parcel have preserved resources on the BLM lands that are rare and of great importance to the Shoshone-Bannock Tribes of Fort Hall and the Shoshone-Paiute Tribes of Duck Valley. Both Tribes consider the area a sacred site and have requested the Burley Field Office's help in nominating the area to the National Register of

Historic Places as a Traditional Cultural Property (TCP) (DOI-BLM-ID-T020-2013-0010-EA, 2013, page 2).

Please refer to the response to the Range of Alternatives Protest Issue for citations and further discussion of resource impacts due to recreational climbing. An Environmental Impact Statement (EIS) would have to be completed to analyze and disclose potential adverse cumulative effects to historic properties before climbing on BLM lands in the Castle Rocks area could be authorized. The Cassia RMP is scheduled for a revision beginning in 2015. The plan revision process will result in decisions related to allowable uses of resources, and may result in decisions regarding intensity and limits of use. The upcoming land use plan revision will consider resource uses in the Castle Rocks area. Because of the upcoming Burley Field Office land use plan revision process, an EIS for climbing uses in the Castle Rocks area will not be prepared at this time (DOI-BLM-ID-T020-2013-0010-EA, 2013, page 2).

The cultural resource inventory was initially completed as Section 106 compliance associated with the proposed BLM adoption of the Castle Rocks Interagency Recreation Area Climbing Management Plan (CMP). As with any proposed undertaking, the BLM must consider potential cumulative effects to historic properties in its decision. These “adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative” (CFR 800.5(a)(1)). Although there were no indications that hiking, horseback riding, etc., were having an adverse effect on historic properties at the time of the inventory, it would have been irresponsible not to acknowledge to the Idaho SHPO that recreational activities, in general, have the potential to damage cultural resources. However, the intensity of use associated with activities such as hiking, horseback riding and hunting is significantly lower than that associated with climbing (if the CMP had been adopted, as proposed in the original EA). On page 22 of the 2010 EA, it states: “The City of Rocks is internationally recognized as a climbing area and Castle Rocks has become recognized as a climbing area as well. This recognition has brought more climbers into the area and visitation to the area by recreationists in search of new climbing areas has increased. Between 2006 and 2009, available information for the Castle Rocks State Park indicates there has been a 20% increase in visitation, from roughly 22,000 to 27,000 people, during this 3-year period.” This potential increase in climbing activity was the primary basis for the adverse effect determination. There is currently no evidence to suggest that hiking, horseback riding and hunting will increase significantly on BLM managed lands in the near future.

Public comments received during the comment period included the options to eliminate off-road vehicle use and grazing (DOI-BLM-ID-T020-2013-0010-EA, page 5). Off-road vehicle use is not permitted in the area of Castle Rocks under IDPR management since 2003, and other points of entry to Castle Rocks public lands offer minimal access to off-road vehicles; therefore, the potential impacts from off-road vehicle use are negligible. Additionally, the grazing allotment in the area (Almo Creek) has not been grazed since 2001, and therefore, there are no impacts associated with grazing to be considered. The final DR will make further note of these points.
