

APPENDIX 20. PUBLIC COMMENT LETTERS

The public comment letters do not include the attachments. Specific comments are included in the comment response Section of Chapter 6. To see the full comments, including the attachments, contact the Boise District BLM (208) 384-3300.

LETTER NUMBER CROSS REFERENCE			
Letter Number	Last Name	First Name	Organization
1	Nielsen	Rep. Pete	House of Representatives State of Idaho
2	Binder	Angelia M.	Mountain Home Air Force Base
3	Reichgott	Christine	U.S. EPA Region 10
4	Cook	Jeff	Idaho Department of Parks and Recreation
5	Swanson	John R.	Individual
6	Whitlock	Clair	Snake River Raptor Volunteers, Inc.
7	Taylor	Bill	Idaho State 4x4 Association
8	Richards	Jeff	PacifiCorp
9	Culver	Nada	The Wilderness Society
10	Steenhof Kochert	Karen Michael N.	USGS Snake River Field Station Forest and Rangeland Ecosystem Science Center
11	Taylor Davidson	Bill Nate	Idaho State 4x4 Association
12	Black	Doug	Joe Black and Sons
13	Nordstrom	Jenifer	Western Watersheds Project
14	Belt	Doug	Western Elmore County Recreation District
15	Turner	Terry	Military Affairs Committee
16	Smith	Bradley	Idaho Conservation League
17	Chatburn	John	Idaho Department of Agriculture



PETE NIELSEN
DISTRICT 22-B
ELMORE & BOISE
COUNTIES

HOME ADDRESS
3993 SOUTH 136 WEST
MOUNTAIN HOME, IDAHO 83647
(208) 832-4362
EMAIL: pnelsen@mta2.net
pnelsen@house.state.id.us



RECORDED AT
BOISE DISTRICT

2006 SEP -1 PH 2: 14

COMMITTEES
EDUCATION
HEALTH & WELFARE
JUDICIARY, RULES & ADMINISTRATION

**House of Representatives
State of Idaho**

8-31-06

To Snake River Birds of Prey NCA
C/O Content Analysis Group
P.O. Box 2000
Bountiful - Ut. 84011

+
Bureau of Land Management
Boise District Office
John Sullivan, Mike O'Donnell
3948 Development Ave
Boise - Id. 83705

To whom it may concern -

I, Pete Nielsen Representative 22B, do support Idaho State 4x4 Associations Request for management of Canyon Creek Sand Wash area. I also support their request of the Trail at Marble Canyon.

When I first became aware of possible closure to now I want to express my thanks to the above BLM personnel and Rose many thanks for their cooperation in this matter. Without their help this would be a difficult situation.

I have received verbal support from the Elmore County Commissioners, Elmore County Western Recreational Dist. and the U.S. Air Force, and the wild west off Roaders.

Thanks Again,
Pete Nielsen



BOP 2

From: Binder Angelia M Civ 366 CES/CEVA [Angelia.Binder@mountainhome.af.mil]
Sent: Thursday, August 17, 2006 12:09 PM
To: ID_birds_of_prey_rmp@blm.gov; srbp; jack_g_peterson@blm.gov
Cc: Dugger Pam A Civ 366 FW/JAG; Rowland Nathan E Civ 366 CES/CD; Brown Paula Jo J Civ 366 CES/CE/C; Mattoon-Bowden Snari L Civ 366 CES/CEV; Carl.Rudaeen.ctr@mountainhome.af.mil; Hamilton Lucille CIV 366 CES/CERR
Subject: Comments on Draft BOP RMP

Mike O'Donnell and the RMP team,

Thank you for the opportunity to review the Snake River Birds of Prey National Conservation Area Draft Resource Management Plan and Environmental Impact Statement, Volumes I & II, ID-111-2006-EIS-1740, April 2006. In general, the plan was well organized and easy to use. A lot of hard work went into the preparation of this draft and it shows in the quality of the writing and analysis.

Please accept our comments on the Draft RMP and EIS. We hope that they are helpful as you continue to modify and finalize your plan.

<<366 CEV Comments on Draft SRBPA.doc>>

Very Respectfully,

Angelia M. Binder
Chief, Conservation
366 CES/CEVA
1100 Liberator St., Bldg 1297
Mountain Home AFB ID 83648
(208) 828-6668
Fax (208) 828-2194
angelia.binder@mountainhome.af.mil

8/17/2006





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

RECEIVED AT
BOISE DISTRICT

2006 SEP -1 PM 2:05

August 30, 2006

Reply To
Attn Of: ETPA-088

Ref: 01-056-BLM

Mike O'Donnell
Bureau of Land Management, Boise District
3948 Development Avenue
Boise, ID 83705

Dear Mr. O'Donnell:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for the **Snake River Birds of Prey National Conservation Area** (CEQ No. 20060220) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The draft EIS identifies three action alternatives for managing approximately 483,700 acres of public land in southwest Idaho. The Preferred Alternative (Alternative D) emphasizes the restoration and rehabilitation of all non-shrub areas outside the Orchard Training Area (OTA) to improve raptor and raptor prey habitat, while imposing moderate restrictions on recreation, military training, and commercial uses. Alternative B emphasizes restoring a moderate amount of raptor and raptor prey habitat in addition to those areas affected by emergency fire rehabilitation and fuels management projects. Alternative B would accommodate recreation, military and commodity uses. Alternative C, like the Preferred Alternative, would emphasize restoration and rehabilitation of raptor and raptor prey habitat. However, unlike the Preferred Alternative, recreation and military training would be substantially restricted and livestock grazing preference would be eliminated in order to support a higher level of habitat restoration.

We support the intended goals of the proposed project. In particular, we support the Bureau of Land Management's efforts to manage this area in a proactive manner to conserve, protect and enhance raptor populations and habitats including raptor prey habitats. We understand the need to balance resource uses and assure they are sustainable over the long-term even when some uses may be in conflict. The document demonstrates that raptor conservation, protection and enhancement can be in conflict with recreation, military training and livestock grazing activities in the National Conservation Area. Livestock grazing and recreation activities such as off-highway vehicles (OHV) increase erosion and sedimentation, reduce streambank stability and exacerbate the invasion of noxious species. Military training activities could affect raptors either by directly disturbing foraging behavior or indirectly by causing subtle habitat changes that adversely influence raptor prey. Because Alternative C would provide the most environmentally protective management measures for the National Conservation Area we recommend that BLM select this alternative for implementation.

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We have assigned a rating of EC-1 (Environmental Concerns - Adequate) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. A copy of the rating system used in conducting our review is enclosed for your reference.

Thank you for the opportunity to review this draft EIS. If you would like to discuss these comments in detail, please contact Mike Letourneau at (206) 553-6382 or myself at (206) 553-1601.

Sincerely,



Christine Reichgott, Manager
NEPA Review Unit

Enclosure





JAMES E. RISCH
governor

Robert L. Meinen
director

Dean Sangrey, Administrator
operations division

David M. Ricks, Administrator
management services division

IDAHO PARK AND
RECREATION BOARD

Steve Klatt
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August 28, 2006

John Sullivan, Conservation Area Manager
Snake River Birds of Prey NCA
C/O Content Analysis Group
PO Box 2000
Bountiful, UT 834011-2000

RE: Snake River Birds of Prey NCA Draft RMP/EIS

Dear Mr. Sullivan:

General Comments

The Idaho Department of Parks and Recreation (IDPR) reviewed the Snake River Birds of Prey NCA Draft RMP/EIS. This RMP provides the guiding management strategy for the National Conservation Area (NCA) for the next 20+ years.

The IDPR is a duly-established executive department of the State of Idaho. Idaho Code §§ 67-2402(1) and 67-4222(a). The IDPR, acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs of the State of Idaho. Idaho Code §§ 67-4221 and 67-4222. The IDPR is authorized by state statute to prepare and keep current a "Statewide Comprehensive Outdoor Recreation and Tourism Plan" referred to as "SCORTP," for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological, or scientific interest for the enjoyment of the people. Idaho Code §§ 67-4219 and 67-4223(h). Consistent with these authorities, the Department participates in BLM land management planning and project planning to further the public interest in recreational, scenic, and historical/archeological values.

This Resource Management Plan (RMP) is somewhat unique compared to other RMPs. The Snake River Birds of Prey NCA is mandated by its enabling legislation to "provide for the conservation, protection, and enhancement of raptor populations and habitats". This legislation gives BLM more specific direction that the Federal Land Management Planning Act (FLMPA).

We have been involved in the planning process since August 2001. Our staff has provided scoping comments, attended Intergovernmental Coordination Group (ICG) meetings, helped BLM staff, and attended field trips. The IDPR appreciates the public involvement efforts that BLM has made with this planning process. We believe that this will make a better RMP with fewer protests and court challenges.



Snake River Birds of Prey NCA Draft RMP/EIS
August 28, 2006
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We are somewhat concerned with the draft RMP's planning time frame. Scoping for this project started in 2001. The Final RMP may not be approved until late summer or the fall of 2007. A six-year planning period can put the BLM at risk of using outdated information (which we will outline in our specific comments). It is critical for the planning team to review and update the draft information to reflect current conditions in Chapter 2, Affected Environment.

We are also concerned with the draft RMP's proposed implementation. A 20-year time frame for a comprehensive plan is a long time. Natural and social conditions can significantly change in 20 years. Adaptive management requires monitoring. These monitoring reports really determine whether an RMP needs to be amended or revisited.

We are pleased that BLM has finally released a draft RMP. This draft gives the public an idea of what the BLM is looking to do in the NCA for the next 20 years.

Specific Comments

Chapter 2 Affected Environment

On Page 2-3 the draft states, "The Jarbidge Wilderness Area, located in Elko County, Nevada, is the closest PSD Class I designated area." This statement is true for the Bruneau Planning Area, but not for the Snake River Birds of Prey NCA. The Jarbidge Wilderness Area is located 70 miles from the NCA. The Sawtooth Wilderness, which is also a PSD Class 1 designated area, is only 60 miles from the NCA.

Under the Fish and Wildlife section on Page 206, the draft states, "The IDF&G manages navigable waters in the State." The Idaho Department of Fish and Game does not manage Idaho's navigable waters. The Idaho Department of Lands (IDL) is mandated to manage navigable waters. IDL Public Trust Lands are the submerged lands lying below the natural ordinary high water line of navigable streams and rivers within the State. Title to these lands is held in trust and is managed for the public good.

In Section 2.29, Water Quality, Riparian, and Wetlands, the draft references lotic and lentic conditions. Lotic and lentic are technical terms that many members of the general public don't understand. We suggest that the headings be listed as "Lotic (moving water) Condition and Trend" and "Lentic (still water) Condition and Trend".

On Page 2-68 in Section 2.2.16, Recreation Sites, the draft declares that the NCA only has two developed recreation sites (Cove and Dedication Point), however, the draft lists three sites (Cove, Dedication Point and Rabbit Creek). Celebration Park is also another developed recreation site within the NCA, but is managed by Canyon County Parks and Waterways.

In Section 2.2.22.1 Economic Conditions on Page 2-76, draft references Idaho population growth between 2000 and 2003. The United States Census Bureau has released the 2005 census figures and this data should be used to describe the existing conditions.

The Socio-Economic Table 2.5 on Page 2-81 references IDPR's Motorbike/ATV Registration figures from 1998-2003. We have posted our latest registrations figures (2005) on our website at



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http://www.parksandrecreation.idaho.gov/datacenter/recreation_statistics.aspx. Table 2.5 needs to be updated to reflect the current figures.

Also on this page, the draft states, "Socio-economic Tables 2.5 and 2.6 show that off-highway motorbikes and ATV registrations have had the largest increase compared to snowmobiles (22.7%)". The Idaho snowmobile registration increase has been driven by the non-resident registration requirement. Resident snowmobile registrations increased 10.1% between 1998 and 2002. Resident snowmobile registrations decreased 9.1% between 2001 and 2005. The 2004-2005 snow season was below average that decreased registration sales.

Chapter 3 – Alternatives Including the Proposed Action

The draft RMP references semi-primitive non-motorized opportunities several times in this chapter, starting on Page 3-55. The NCA does not contain any semi-primitive non-motorized opportunities. The Recreation Opportunity Spectrum (ROS) is defined " as the combination of physical, biological, social, and managerial conditions that give value to a place."¹

BLM ROS definitions define semi-primitive non-motorized as: "This setting consists of about 2,500 acres lying at least ½ mile from the nearest point of motor vehicle access. The area is predominantly a natural landscape. Where there is evidence of others, interaction is low, and few management controls exist. Activities include backpack camping, nature viewing, back country hunting (big game, small game, and upland birds), climbing, hiking, and cross-county skiing. The experience provides for minimal contact with others, a high degree of interaction with nature, and a great deal of personal risk and challenge."²

The bulk of the non-motorized areas within the NCA are in the Snake River Canyon between Swan Falls Dam and Celebration Park. This stretch of river receives powerboat use that diminishes the semi-primitive non-motorized setting. The IDPR recommends that semi-primitive be deleted from the RMP and just use non-motorized to describe these areas.

On Page 3-55 under 3.2.16 Recreation the RMP states, " Recreation activities not specifically mentioned would be evaluated on a case-by-case to determine their compatibility with management objectives." The RMP needs to address Geocaching. This is a recreation activity that is rapidly growing and has the potential to impact the NCA resources. We would be happy to work with the NCA in developing standards and guidelines for geocache use.

Recreation Table 3.1 on Page 3-60 shows that Alternative D would not recommend any Wild & Scenic Rivers (Recreational River) under the Wild & Scenic Rivers Act (WSA). It is our guess that these recommendations were not carried forward under this Alternative because the NCA enabling legislation provides some level of protection. Does the NCA enabling legislation protect the Snake River from additional dam construction? If not, a WSA designation may be warranted for the Snake River.

¹ The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research by Roger N. Clark and Gecege H. Stankey, U.S. Department of Agriculture Forest Service Pacific Northwest Forest and Range Experiment Station General Technical Report PNW-98 December 1979

² www.nm.blm.gov/aufo/el_malpais_stand_alone/ApdxCfinal.mso11-12-01.pdf



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In the Transportation Section 3.2.18 on Page 3-66 outlines the transportation options offered under Alternative D. This alternative closes 4,400 acres to motorized use, sets a route density standard of 2 miles per square mile, and designated 428,000 acres as limited to designated routes for motorized vehicles. Is the route density standard an overall standard for the NCA or is it broken into different areas?

Some areas in the NCA currently have more than 2 miles of road per square mile. We are concerned that this standard could be used to prevent motorized access. In general, the IDPR is supportive of eliminating duplicate routes or dead-end routes that don't lead to a recreation destination. We encourage the NCA to work closely the National Guard, State agencies, Counties, and the public to develop a travel plan that provides adequate motorized access.

Alternative D would create up to 20 miles of non-motorized trails and Alternative C would create up to 40 miles of non-motorized trails over the lifetime of the plan. We assume that the additional mileage is needed because of the additional closed areas under Alternative C. The IDPR supports the creation of additional non-motorized opportunities.

Economics Table 3.1 on Page 3-74 outlines additional recreation facilities to be created during the lifetime of the plan. Alternatives C and D creates the most recreation facilities while Alternative B creates fewer recreation facilities. We support Alternative D is this matter, but, this RMP should not limit recreation facility development in other areas of the NCA as the needs arise over the next 20+ years.

Chapter 4 Environmental Consequences

We focused our review of this chapter on the Recreation subsection 4.2.16 starting on Page 4-101. For the most part, we agree with the draft RMP conclusions, but some items need updating.

The draft assumes that recreation use will increase in correlation with the regions population growth. Recreation use may or may not be in correlation with population growth. For instance, ATV use has greatly outstripped the population growth over the past twenty years. For the next twenty years, we see this growth slowing down, mainly because this recreation activity is maturing.

Other new recreation activities such as geocaching and river surfing can increase much faster than the general population growth. The RMP needs to be adaptive enough to address new and emerging recreation activities over the next 20+ years.

The DEIS states "Alternative C would provide the greatest diversity of recreation opportunities." on Page 4-108. Alternative C does not provide the greatest diversity of recreation opportunities. Alternative D provides more diversity because it provides on and off route non-motorized (hiking and equine use) travel. Alternative C greatly restricts existing motorized access in the NCA. Alternative D provides a balance between motorized and non-motorized access.

The Future Anticipated Trends on Page 4-139 needs to be updated. The DEIS states " Population growth projections to 2025 in the Ada County area are from 13% in Kuna". Kuna's population has already grown 66% in the past four years according to Census Bureau statistics. This is an average growth of 16% per year. The Community Planning Association of Southwest Idaho



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completed a forecast of population, housing, and employment in 2005. This data should be used for the analysis. This data can be downloaded at <http://www.compassidaho.org/prodserv/demo-forecasts.htm>.

The DEIS also references semi-primitive non-motorized opportunities on Page 4-140. The NCA does not offer any semi-primitive non-motorized opportunities. The term should be changed to non-motorized opportunities.

In the Transportation Cumulative Impacts on Page 4-141, the DEIS states "Route designations in the Bruneau, Owyhee, and NCA could initiate or accelerate route designations on State and other land ownerships.". This statement is inaccurate.

The United States Forest Service is further along in its route designation process than the BLM is. For instance, the Mountain Home Ranger District has designated routes 73% of its area and is currently designating the remaining 27%. Our department has already designated our routes within our State Parks System at Bruneau Dunes and Three Island State Park. The Idaho Department of Fish and Game also strongly regulates vehicle use within its Wildlife Management Areas. Only the Idaho Department of Lands has not designated routes on its lands.

Also on this page, the DEIS states "Overall the USFS and State Parks have begun to develop route designation processes, which could further limit opportunities in the region for cross country ORV use." The IDPR is not developing a route designation process, though we are working cooperatively with federal and state agencies in their travel planning processes.

Chapter 5 Implementation and Monitoring

Monitoring is a very important step in the implementation process. Monitoring tells decision makers whether progress is being made towards desired future conditions or not. It is absolutely critical that indicators be provided in the implementation plan, so monitoring can be adequately measured.

In Table 5-2 on Page 5-6, the recreation objective is covered. The plan will monitor use estimates from other state agencies (IDPR, IDF&G) and private entities (Idaho Power) on an annual basis. Use estimates are only one portion to an effective monitoring plan.

The RMP objective for Recreation is to provide a diversity of quality, resource based recreation opportunities. Use estimates do not measure quality. In order to measure quality, the BLM needs to set up visitor surveys like we do in our park units.

We are also concerned that the indicator/trigger for adaptive management is "Limits of Acceptable Change (LAC)". The Limits of Acceptable Change process was developed to determine recreation carrying capacity in Wilderness areas. The LAC process is very in-depth, requiring extensive consultation, which we highly doubt that the NCA will undertake to fulfill this monitoring requirement.

It also is very unlikely under the lifetime of the RMP that the NCA's recreation carrying capacity will ever be reached. A better indicator/trigger for adaptive management would be to ask, Are



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quality recreation opportunities on a downward trend? A visitor survey could help answer this question.

We are including a copy of our short survey and long survey that we do in our parks. Setting a visitor-monitoring program that includes human dimensions research would go a long way towards providing a quality recreation opportunity while protecting resources.

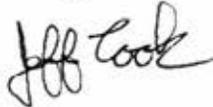
Conclusion

The Idaho Department of Parks and Recreation appreciates the opportunity to participate in the RMP planning process. The Snake River NCA and the Boise District Planning Staff have done a great job of both involving the public and other affected agencies.

The preferred alternative D gives the NCA the tools to effectively resource the lost vegetative resources that are hampering raptor populations. This alternative also tries to accommodate increasing and diversifying recreation uses. We encourage the BLM to tweak this RMP to better accommodate this use by using our comments and instituting visitor research in its monitoring efforts.

If you have any questions about our comments, please contact me at (208) 334-4180 ext. 230.

Sincerely,



Jeff Cook, Outdoor Recreation Analyst
Comprehensive Planning, Research, and Review

Enclosures



Appendices

John R Swanson
3400 Edmund Blvd
Minneapolis, MN 55406-2942

RECEIVED AT
BOISE DISTRICT

24 August 2006

2006 AUG 29 AM 11:21

Bureau of Land Management

3948 Development Ave.

Boise, Idaho

83705

Dear Sirs:

Please accept my following comments concerning the
Snake River Birds of Prey National Conservation Area:
Drift Resource Management Plan and Drift Environmental Impact Statement.

I urge that this area be established as a wildlife fish and plant habitat and Turkey Preserve.

To designate each of the following streams as a National Wild and Scenic River:

Dand Creek

Rabbit Creek

Condon Creek

Spaw Creek

Canyon Creek

Rattlesnake Creek

Bennett Creek

and to Enlarge the Snake River Birds of Prey National Conservation Area to 726,813 acres
with a wilderness of 618,192 acres.

To preserve this great biological, scenic and wilderness resources.

Sincerely,

John R. Swanson



Snake River Raptor Volunteers, Inc.
P.O. Box 7773
Boise, ID 83707
August 21, 2006

RECEIVED

AUG 31 2006

LOWER SNAKE RIVER DISTRICT

2:45 pm
M. Jones

Mr. Mike O'Donnell
Boise District
Bureau of Land Management
3948 Development Ave.
Boise, ID 83705

Dear Mr. O'Donnell:

We have reviewed the Draft RMP and EIS for the Snake River Birds of Prey National Conservation Area and find it to be a very comprehensive and high quality product. The description of the affected environment is very good and will serve as an excellent reference as the RMP is executed. As to the Alternatives, it is our conclusion that the Preferred Alternative for most resources will have the least adverse environmental impact while meeting the Desired Future Condition. The following comments point out some Rational, Objectives and Management Actions that on which we have suggestions and/or that we think need some clarification:

Cultural and Tribal Table 3.1 Last Management Action:

We think Alternative A is too passive and would select Alternative B to be the one that is preferred. We believe education of the public regarding cultural resources to be very important. We think interpretation can be done in a manner that will not jeopardize the integrity of sites while still relating the relevance of sites to today's world. This can be done regardless of whether the site/resource is pre-historic or historic.

Fish and Wildlife Table 3.1 Management Actions:

Since the work started on this RMP the Bureau has acquired the property near Grandview temporarily known as the Bull Pasture. The acres of woodland to be planted should be increased from 100 to include the acres envisioned for this site. Also there is an existing pond that will be renovated which should be reflected in this management action.

Special Status Plants Table 3.1 Management Actions:

In this table as well as several others that follow discuss fire protection for vegetation. In this case twelve miles of new fire breaks are proposed. There is however no mention of new Green Strips. Is green stripping not contemplated or will some of these new fire breaks actually be green strips? We believe that green stripping is an important for any fire protection plan where Cheat Grass is a major component of the landscape.



Another concern is that Winterfat doesn't show up as a particularly important shrub. It is our view that the blocked up patches of this plant in the NCA may be unique this far north in Idaho.

Upland Vegetation 3.1 Management Actions:

With the Management action regarding allocation of AUMs we are concerned that we find no explanation of the S&G guidelines and processes any where in the document.

We also wonder if the Management Action concerning camp fires may be too stringent considering the limited availability of developed camping facilities. We recommend you're considering seasonal restrictions that consider weather, ground moisture and location in regard to flammable vegetation.

Visual Resources 3.1 Objectives:

We believe that the Alternative D Objective should give the Snake River Canyon equal emphasis with historical areas. After all it is the Canyon itself that defines the NCA landscape and provides it's most scenic and awe inspiring vistas.

Idaho Army National Guard 3.1 Management Actions:

We are concerned that the IANG could attempt an end run to withdraw not only their live fire impact area but the whole OTA. The whole OTA is important hunting area for all the raptors and could be nesting habitat for some as well. All of the OTA excepting the impact area should remain an integral part of the NCA. We urge the BLM to take steps to make sure this happens.

We could not find any reference to the IANG taking responsibility for restoration of depleted vegetation sites within the OTA. . We believe they should finance any work inside the OTA. It is also not be unreasonable to expect the Guard to help fund projects outside the Area. This is in consideration of the fact that prior a change in policy and their assuming initial attack capability, their exercises started many fires that escaped and burned large areas beyond the OTA perimeter creating annual grass monocultures.

We support the enlarged no-shooting Management Action. We see this as desirable as a safety measure for Guard personnel as well as for the reduction in prey mortality.

Lands and Realty 3.1 Management Actions:

In the third Management Action we suggest that the phrase *--or at least not adversely affect--* be stricken. We are concerned that there will not be a net loss of acreage from the NCA after the proposed boundary adjustments are made by the Congress. Of major concern is the need to trade out the state lands for BLM lands outside of the NCA.

We are also aware that an existing major exchange proposal for the Boise Front includes the conveyance to private ownership, State Section 16 T. 3 South, Range



1 East. This is a key state section that straddles the Snake River and should be in Federal ownership. We urge BLM to take steps to make certain this section is removed from the Boise Front proposal so it can be acquired when the Lands and Realty portion of the plan is implemented. We also urge the NCA staff to give high priority to implementing the state land exchange portion of the plan.

Livestock Grazing 3.1 Standard Operating Procedures/Management Actions:

We suggest that there be a statement in the SOP section Page 3-48 that addresses the need livestock graziers and the Bureau to work closely to attain the DFC stated for Vegetation and Livestock Grazing in Chapter 1. It will be imperative that NCA personnel educate the graziers as to the need, process and benefits of meeting these DFCs. It is in the long term interest of the graziers to actively participate in the implementation of the Plan.

Recreation Management Actions 3.1:

As stated in our comments on the IANG Management Actions we fully support the proposed no-shooting area. First it will be a safety factor for recreationists as well for reducing prey mortality for a large raptor hunting area. It also reduces the shooting risk for raptors.

We are pleased to see a listing of potential new recreation sites for development. We do suggest that you have an option for finding and developing other sites as the demand grows with our ballooning population growth on or near the NCA.

Utilities and Communications 3.1 Rational/Movement Actions

There are some anecdotal reports of emissions from cell towers disrupting the navigational capabilities of birds. We urge a prohibition of cell towers be included in the Rational section until there is data on impacts on raptors that shows no effect.

Wildland Fire Ecology and Management 3.1 Management Action:

We recognize the hazard of escaped campfires but suggest that there be some slack cut for campers in the late fall through early spring seasons when the fire hazard is low. There could be a permit system during that seasonal period for groups who wish to camp in non-formal campground settings.

As we noted in the SSP section above there is a need to clarify the intent for the use of Green Strips. We think this is too important a tool not to have some prominence in the plan.

We mentioned in the Upland Vegetation Alternatives section the lack of descriptive detail for Standards and Guides. Some processes such as to how SSP is to be protected and managed is articulated almost to an excess. We are concerned that there is no similar explanation of what Standards and Guides involve. Since the Standards and Guides are



the key tools for allocating forage for livestock and managing vegetation, we urge you to give them prominent attention somewhere in the document.

In the SSP section we mentioned our concern for Winterfat. We suggest that this plant should be given higher status than just another shrub. We believe that the NCA may host the northernmost Winterfat monoculture patches in Idaho and that it should receive extra attention as to how it is grazed and how it is protected from fire. It is a highly nutritious plant valuable for sustaining ground squirrels as well as providing winter forage for sheep. Some patches have been invaded by Cheat Grass making them very vulnerable to destruction by wildfire. Once burned these patches will not regenerate. The practice of reestablishing these stands through reseeding has thus far not proven to be a viable option. We believe Winterfat should qualify as a SSP, or at least as a plant of significant concern. It is truly unique and should be given protection commensurate with its uniqueness.

Again we extend our congratulations on an excellent document. We appreciate the opportunity to comment on it and to make suggestions.

Sincerely yours,

Mike Ihli
President SRRV, Inc.

By:



Clair Whitlock
Treasurer SRRV, Inc



Snake River Birds Of Prey NCA
C/O Content Analysis Group
PO Box 2000
Bountiful UT 84011
srbp@contentanalysisgroup.com

RECEIVED

AUG 31 2006

LOWER SNAKE RIVER DISTRICT

Bureau of Land Management
Boise District Office
John Sullivan, Mike O'Donnell
3948 Development Ave
Boise ID 83705

*1:06 P
Suzey*



To Whom It May Concern:

The Idaho State 4x4 Association, along with support including but not limited to Representative Pete Nielsen and the Elmore County Commissioners office would like to formally request management duties of the Canyon Creek Sand Wash area. This area is located on the north side of Grandview Highway near the Simeco road intersection. Please see attached map and description of this land for complete details of location and size. We understand and intend to uphold the legislation in place for the National Conservation Area by maintaining a designated location for motorized recreation with a main purpose of education and safety. This land will continue to be located in the Snake River Birds of Prey National Conservation Area indefinitely with the possibility of a land swap in the future. Current support of this management request by Elmore County and officials in nearby cities, gives the opportunity and possibility for a land swap that would exchange this land, value for value, with land that is a better candidate for conservation designation. We hope to secure the designation of this area as an open motorized recreation area and implement management ideals that would satisfy most members of the public with an interest in this land. The Idaho State 4x4 Association makes this request as a non-profit organization with the complete disclosure that we intend to improve the quality and condition of this land as well as improve the general appearance and opinion of this area. It should be perfectly clear, however, that the current state and use of this land is acceptable and no improvements are needed to satisfy our desire to request and manage this area. We want this land as is... and only intend to improve this land. We fear that closure of this area would be less responsible than proper management and closure would only encourage cross-country travel on land that is better suited for conservation.

Proper management of this area would be an evolving practice. We recognize the need for multiple recreation use for all public lands and will include input and feedback from organized user groups including but not limited to the Idaho ATV Association, South West Idaho Mountain Bike Association, Southern Idaho Dirt Racing Association, Treasure Valley Trail Machines, Idaho Recreation Council and any other recognized or organized user groups that would have an interest in using this area for motorized recreation. We will also require input and feedback from other recreation groups, and would make the contact information available on site in a reader board as well as other methods of publication. Management duties would continue to improve as user input and direction are infused into the management plan.

Current details of the management plan for this land include the explicit request from the BLM that for now, shooting be prohibited on this specific land for the matter of safety and pollution. As a quick note to curb any concern about this being anything more than a safety issue, shooting would absolutely be allowed on this land, if proper steps are taken to improve safety. Additionally, shooting is allowed almost everywhere adjacent to this land and most anywhere on State and Federal Land. The biggest concern of safety is the threat that dense shooting in the same locations as motorized recreation will cause a noticeable conflict. This conflict is the biggest concern for the BLM as well as the Idaho State 4x4 Association. Our 4x4 vehicles are generally muffled street driven vehicles that cannot be heard for great distances. Once again the close proximity of the trails to familiar shooting locations on this land poses the single largest threat to safety. Currently, there are no remote areas that protect shooters from the trails and the general direction of target shooting is not managed. The other matter of concern voiced by the BLM was the pollution of the land by heavy metals. There are currently no managed shooting ranges in this area, however, the dense use of this land for target practice is creating a noticeable accumulation of heavy metals that can make cleanup very difficult. The Idaho State 4x4 Association has no intention of specifically excluding shooting in this area, but would abide by the BLM request that no shooting be permitted in this area until a formal proposal is made by a recognized association of shooters. Further, in compliance with the request from the BLM, shooting will only be allowed in this area if a facility is constructed for the purpose of range shooting. This facility would have to comply with NRA guidelines and all plans will have to get approval from the Idaho State 4x4 Association



as well as be open for public input and approval. Any costs, plans or implementation of this facility would be at no expense to the Idaho State 4x4 Association, however we openly offer our support and volunteer our time towards fundraising for this cause.

Management of this land will involve the Idaho State 4x4 Association along with other interested parties including local 4x4 and ATV clubs. Education will be the absolute common theme in the management of this land. Education topics will include conservation, protection, habitat recognition and multiple use designation information for all users. Education will be administered in various ways, but the single strongest method of education will be the continued Clean Up event that the Wild West Off-Road club out of Mountain Home has conducted in the past and has vowed to continue for the future. The Mountain Home chapter of the Idaho ATV Association has also pledged their cooperation to continuing that event. Tens of thousands of pounds of garbage were extracted from that site by this clean up effort last year at no expense to the BLM or any local businesses. Volunteers from the local clubs as well as members from the Boise area understand that taking care of this land is very important. We want to help the BLM and expand our efforts to vastly improve the character of that land.

Another detail of the management plan for this land includes the follow through and implementation of the fencing that BLM has already set in motion. BLM allotted fencing money to adjacent landowners for the purpose of enclosing this land and eliminating traffic from the Sand Wash area into the adjacent land. Fencing plans that are in place will continue and fencing will have the purpose of limiting the expansion of motorized trails so that they do not expand beyond the perimeters of the area set forth. Fencing that follows the perimeter will continue to be maintained by the adjacent landowners as well as volunteer efforts from members of the Idaho State 4x4 Association and other local groups.

Any recreation done on this land will encourage commerce in Elmore County. Most recreational users spend money at establishments near recreation spots. This pours money into the economy locally as well as gives businesses locally the opportunity to directly benefit from commerce from locals as well as those that travel to Elmore County from farther away. There are many companies that will benefit from the purchase of fuel, food and supplies. Business owners in Elmore County have shown support for this management plan and they include vehicle repair shops, parts suppliers and towing companies. These are local business owners that are vital to the economy of the county.

We realize that the scope of this current plan is very narrow and the management plan is fairly vague. We need to summarize our purpose to address this. This management request is based upon fairly forward requests from discussions with BLM land managers and our dedicated effort to keep public land accessible to the public. We are requesting this land for our motorized recreation, but for the ultimate purpose of keeping the land open to all members of the public. We do not accept the alternative that has been communicated – “Closed” with permanent fencing. We hope that all members of the public and all interested parties can embrace and support the Associations desire to keep this land open and realize that we are humble and receptive to all requests for improvements and sport specific designations within this area. We once again have no intention or desire to exclude any users from this area and want to be a strong leadership towards improving the use of this land. This goal is going to serve the purpose of the current Resource Management Plan, uphold the principles of the National Conservation Area, and provide the BLM with a managed support system for this area. This will enable them to better manage other areas that are better candidates for conservation. We are also improving the character of land that is close to private property and ultimately increasing awareness about land use.

We, the Idaho State 4x4 Association would encourage the administrators of the Snake River Birds of Prey NCA to consider our comments and include them in the RMP.

Sincerely,


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825 NE Multnomah
Portland, Oregon 97232

August 23, 2006

Mr. Mike O'Donnell
Bureau of Land Management
Boise District
3948 Development Avenue
Boise, ID 83705

Re: Comments on the Draft Resource Management Plan and
Environmental Impact Statement for the Snake River Birds of Prey National
Conservation Area

Dear Mr. O'Donnell:

PacifiCorp appreciates the opportunity to provide comments on the draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Snake River Birds of Prey National Conservation Area. We want to ensure that the Bureau of Land Management (BLM) understands the issues and recommended actions that could potentially impact PacifiCorp's existing facilities. We also request that BLM consider not only our existing rights and uses but the potential for future energy development, which would require rights-of-way on federal land identified in the EIS and RMP for Snake River Birds of Prey National Conservation Area.

We are interested in making sure that the final decision document provides PacifiCorp with the ability to maintain existing facilities, upgrade and/or expand existing facilities; and locate new facilities as needed. The BLM has indicated that alternative D is preferred which includes a 43,000 acre avoidance area and no new utility corridor. PacifiCorp generally supports most components of alternative D but has concerns with the no new energy corridor and that all transportation systems "would be located within the existing utility corridor" (pg 3-68 table 3.1). PacifiCorp would prefer to see alternative D include the new energy corridor as proposed in alternative C and continued use of existing road network transportation language as described in alternative B (pg 3-65). Please refer to the enclosed table for our extended comments on the draft RMP.

We have also compiled a map of PacifiCorp's facilities within the RMP Planning Area for the Snake River Birds of Prey National Conservation Area and are transmitting the following information to you on the enclosed CD for your review and consideration:

- A map of PacifiCorp's facilities within or near the BLM Planning Area as well as geographic information system (GIS) data shapefile.



- A document titled “Electric Transmission and Distribution Line (Power Line) Maintenance Activities.” We have prepared this document so that federal and state land managers will have a better understanding of PacifiCorp’s operational and maintenance needs for access its facilities on public lands.

PacifiCorp has long recognized the need to develop business practices, both on public and private lands, which are in harmony with valid and appropriate land use requirements. We are committed to maintaining our cooperative relationship and record of stewardship on BLM lands. We hope the enclosed comments will allow the BLM to produce a final RMP that offers suitable protections to the unique resources within the planning area while accommodating both existing and future uses including PacifiCorp facilities required to provide critical electric services to the people of Idaho and western United States.

If you have any questions on the enclosed information, please feel free to contact Maggie Hodny in PacifiCorp’s Portland office. Maggie can be reached at 503-813-5889.

Sincerely,



Jeff Richards - Attorney
PacifiCorp
Office of General Counsel

Enclosures



The Wilderness Society * Idaho Conservation League
American Rivers

August 30, 2006

Via electronic mail and U.S. mail

John Sullivan
Snake River Birds of Prey Manager
Boise District BLM Office
3948 Development Ave.
Boise, ID 83705

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RECEIVED AT
BOISE DISTRICT

RE: Snake River Birds of Prey NCA Draft Resource Management Plan and Environmental Impact Study

Dear Mr. Sullivan:

Please accept the following comments on behalf of The Wilderness Society (TWS), the Idaho Conservation League and American Rivers, Inc. (American Rivers).

The Wilderness Society has been involved in land management since 1935, and has a vested interest in the Snake River Birds of Prey NCA. With over 250,000 members nation-wide, TWS represents a diverse range of citizens. Our goal at TWS is to ensure that land management practices are sustainable and based on sound science to ensure that the ecological integrity of the land is maintained.

For over thirty years, the Idaho Conservation League has worked to protect the clean water, wilderness and quality of life through citizen action, public education, and professional advocacy. As Idaho's largest state-based conservation organization, the Idaho Conservation League represents over 9,000 members, many of whom have a deep personal interest in ensuring that land management practices are consistent with protecting our air, water, and wildlife.

American Rivers is the national voice for rivers and river communities. Headquartered in Washington, D.C., American Rivers has eight field and regional offices and more than 50,000 members throughout the country. Founded in 1973, American Rivers has a long history of promoting designations of and providing protection for the National Wild and Scenic Rivers System. American Rivers also has several ongoing campaigns focused on the Snake River and promotes the designation of additional segments of the Snake as Wild and Scenic Rivers.

I. Decision-Making Context

The Snake River Birds of Prey NCA (hereinafter referred to as the NCA or SRBOP NCA) was established because it was found to have some of the densest known nesting populations of raptors in North America. 16 U.S.C. § 460iii(1). Congress recognized that the area



encompassing the NCA was of important ecological concern, and that it was worthy of Congressional action to protect the unique ecological values of the land. The fact that the NCA was established to protect one of the densest known raptor populations in North America provides the BLM with a unique opportunity to take the appropriate measures in its management plan to place an emphasis on protecting raptor habitat and the habitat of their prey and other associated species.

In recognition of this unique and important ecological region, the NCA was designated “to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith.” 16 U.S.C. 460iii-2(a)(2). It is important to note that the term raptor habitat “includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.” 16 U.S.C. § 460iii-1(4).

The Bureau of Land Management must fulfill the NCA legislation’s mandate through a management plan that “emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area.” 16 U.S.C. § 460iii(5)(a). Any management decisions must, therefore, be made within the context for which the NCA was formed, which is to protect for the habitat of raptors and their prey.

The decisions made in the Resource Management Plan are critical to maintaining the ecological integrity of the land and the survival of the raptors that inhabit it. The land encompassed by the NCA has been severely impacted and degraded by a number of factors, including the proliferation of invasive species, habitat fragmentation, and unsustainable grazing practices. In order to ensure that the goals for establishing the NCA are reached, the guiding principle for all management decisions should be ensuring and enhancing the protection of raptors, their habitat and the habitat of their prey above all other considerations.

We are encouraged by the fact that you have adhered to the protective principles of the NCA making it a priority in all management decisions. The Draft RMP/EIS demonstrates an effort to highlight and implement the NCA’s goals of protecting and rehabilitating habitat for raptors and other resources. We appreciate your efforts to make conservation a priority, as well as to emphasize restoration, in fulfilling the mandates of the NCA legislation.

However, there are several areas of the Draft RMP that fall short of complying with the NCA enabling legislation and management goals directed by Congress, as well as with the BLM’s obligations under FLPMA. Specifically, our concerns include the RMP’s failures to:

- **Comply with FLPMA’s requirement to “give priority to the designation and protection of areas of critical environmental concern” (43 U.S.C. § 1712(c)(3)) in order to ensure appropriate management of vulnerable resources such as slickspot peppergrass and the giant fairy shrimp;**
- **Conduct Wild and Scenic River suitability determinations in accordance with the Wild and Scenic River Act and BLM Manual 8351;**
- **Commit to a sufficiently definitive approach to restoration;**



- **Ensure ongoing management to protect resources in the Orchard Training Area;**
- **Properly manage motorized vehicles and recreation;**
- **Apply appropriate visual resource management classifications;**
- **Commit to inventory and protection of cultural resources; and**
- **Limit wind energy development and designation of utility corridors.**

II. Slickspot Peppergrass

The preferred alternative, Alternative D, will do little to address the most pressing threats to slickspot peppergrass. Any management decision concerning slickspot peppergrass needs to take steps to protect it from all the major threats that could affect its future.

The Draft RMP, under the description of alternatives for Special Status Plants (SSP), states, “management actions would focus on minimizing or eliminating the threats associated with wildland fire, competition from exotic species, grazing, and off-road vehicle activity” (pg. 3-23). The RMP also states that “implementation of appropriate grazing practices would be implemented in SSP habitats” (pg. 3-23).

The goals identified above for management of SSPs, particularly slickspot peppergrass, are beneficial because there is a stated commitment to address the long term viability of SSPs. While the goals identified in the RMP are admirable, none of the alternatives presented in the Draft RMP provides a management solution that will ensure the future of slickspot peppergrass.

As mentioned previously, the enabling legislation for the SRBOP NCA states that the NCA was established “to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith.” 16 U.S.C. 460iii-2(a)(2). Protecting raptor habitats, as defined in the NCA, includes the habitat of raptors and their prey. The loss of a species and consequential reduction in biological diversity meets the criteria for destruction to the habitat of raptor prey species, and appropriate measures need to be taken to ensure that all management decisions are consistent with the requirements of the NCA legislation to protect the ecosystem that supports raptor and raptor prey habitat.

Any effective management plan for slickspot peppergrass needs to address all of the known disturbances that negatively impact *L. papilliferum*. A study published in The American Journal of Botany in 2006 states, “disturbances known to negatively impact *L. papilliferum* populations include off-road vehicle traffic, wildfire, weed invasion and post-fire rehabilitation practices such as the use of pre-emergent herbicides, the seeding of invasive species such as *Kochia prostrata* (forage kochia), in addition to livestock trampling¹ (902).” While the agency preferred alternative addresses several of the documented threats to slickspot peppergrass, it fails to provide viable solutions to all of the threats.

¹ Meyer, Susan E., D. Quinney, and J. Weaver. 2006. “A Stochastic Population Model for *Lepidium Papilliferum* (Brassicaceae), a rare desert ephemeral with a persistent seed bank.” *American Journal of Botany* 93(6): 891-902. Attached and incorporated by reference.



For example, the preferred alternative would limit the military's ability to maneuver in known slickspot peppergrass territory (Bravo area of the OTA (pg. 3-24)). Limiting military off-road vehicle traffic only helps one half of the off-road vehicle threat to slickspot peppergrass. Recreational off-road vehicle traffic must also be restricted in order to properly protect slickspot peppergrass habitat. Appendix 11 of the Draft RMP states, "BLM and the State will manage OHV recreation to minimize impacts to occupied and suitable habitat" (A-44). The Draft RMP does not define what "minimize impacts" means nor does the Draft RMP provide specific management prescriptions. Pursuant to BLM Manual section 6840, recreational OHV use should not and cannot supersede the need for protection of slickspot peppergrass (explanation provided below).

Another example of a threat to slickspot peppergrass that is not adequately addressed in the Draft RMP is livestock trampling due to grazing. This point will be discussed in greater detail below. Although grazing is one of the more serious threats to *L. papilliferum*, none of the alternatives analyzed in the Draft RMP provides an effective solution to curb this threat.

A. BLM is required by BLM manual section 6840 to manage slickspot peppergrass in the same manner as if it were a listed species under the Endangered Species Act.

Slickspot peppergrass is considered a Type 1 special status species by the BLM (ID CDC 2006, page 11 in online bluebook). Because *L. papilliferum* is a proposed endangered, it is must be managed in accordance with BLM manual 6840, which states that "the protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species." BLM Manual 6840.06E. Slickspot peppergrass is both a BLM sensitive species and a proposed endangered species. As such, it must be managed in accordance with the guidelines and requirements outlined in BLM Manual 6840.06C.

BLM's guidelines state that "the BLM shall manage species proposed for listing as threatened or endangered and proposed critical habitat with the same level of protection provided for listed species and designated critical habitat." BLM Manual 6840.06C2. BLM is required "to ensure that BLM actions will not reduce the likelihood of survival and recovery of any listed species or destroy or adversely modify their designated critical habitat." BLM Manual 6840.06A2. Necessary actions include protective management prescriptions, such as excluding slickspot peppergrass from grazing. Key areas are also appropriate for special management, such as the areas being proposed for the OTA and Kuna Butte Slickspot Peppergrass Concentrations ACECs (discussed in detail below), which are part of the area that the BLM calls the "slickspot peppergrass management area." BLM has already recognized this area for its unique habitat qualities and its importance to the perpetuation of the species, but needs to take the next steps to ensure the continued survival of slickspot peppergrass in the NCA.

B. The Draft RMP/EIS recognizes the threat posed by grazing, but does little to effectively alleviate this threat

As noted above, the Draft RMP takes some steps to address the impacts of off-road vehicle use on slickspot peppergrass. However, none of the alternatives address the threats posed by grazing in an adequate manner. Although the Draft RMP states that appropriate grazing practices will be



implemented in sensitive species habitat, the Draft RMP fails to mitigate against this threat to slickspot peppergrass. Within the Environmental Consequences section (pg. 4-38) the Draft RMP states:

All SSP species could be affected by grazing activities that affect vegetation...Management actions that reduce or eliminate these impacts...would help maintain or enhance SSP populations. Exclosures that specifically protect plant populations would have long-term benefits at the population level, but would have limited affect at the species or landscape level.

The Draft RMP attempts to reduce the significance of this recognized threat by suggesting that reduced grazing in slickspot peppergrass habitat will not benefit the species at the "species level," but does not provide any scientific data to support its claim that exclosures would have limited affect at the species level or that protection at the population level would not have important benefits. BLM must provide sufficient scientific evidence to prove that exclosures would have limited positive affects of providing this protection at the species level and/or population level.

Appendix 11 to the Draft RMP provides a discussion of conservation measures that will be implemented in order to protect slickspot peppergrass (App. 11, A-39). Included in this section are recommendations on how to manage "Priority Element Occurrences." This section details several measures that will help to protect slickspot peppergrass, however, in the OTA Slickspot Peppergrass Management Area, none of the solutions presented curtail livestock trampling because none of the solutions actually ensure that livestock will not trample slickspot peppergrass (App. 11., sec. 7.12-7.18).

The Draft RMP presents three proposed solutions to decrease the impacts of livestock trampling in the OTA. The first, laid out in section 7.14 in Appendix 11, states, "permittees shall place salt/supplements to minimize trampling of LEPA and of slickspots, respectively." The focus of this method is to provide attractants for cattle away from slickspot peppergrass element occurrences. The second directive states, "permittees will not trail livestock through element occurrences within the management area when soils are saturated (App. 11, 7.15)." The third solution, which is similar to the second, states, "permittee will delay turnout, when soils are saturated (7.16)."

While we are encouraged that BLM is trying to resolve the conflict in some places between cattle grazing and slickspot peppergrass, none of the aforementioned methods can adequately and reliably ensure that livestock trampling will not occur. All three solutions rely on certain circumstances being met prior to implementation. These methods may very well mitigate some of the negative effects of livestock trampling, but none of these proposed management prescriptions, whether applied independently or used in conjunction with one another, will provide sufficient protection for slickspot peppergrass. For instance, it is unreasonable to assume that the placement of salt supplements can serve as a primary means of keeping cattle from trampling this imperiled and proposed endangered species. As long as grazing is allowed to continue in the Slickspot Peppergrass Special Management Areas, the potential exists for livestock trampling. Cattle will continue to wander throughout the slickspot peppergrass



management area and their behavior cannot be reliably predicted or controlled by the methods proposed in the Draft RMP. **The approaches that BLM has proposed in Appendix 11 are not sufficient to ensure that livestock trampling will not significantly harm slickspot peppergrass.**

Contrary to both the BLM's recognition that grazing adversely impacts slickspot peppergrass (which is consistent with available scientific research) and the requirements of BLM Manual 6840 (for BLM to manage slickspot peppergrass as a listed endangered species), the Draft RMP does not propose eliminating grazing in known slickspot peppergrass habitat and proposes to manage this habitat in a manner that will have adverse impacts on the species.

Recommendation: Because the management prescriptions currently presented in the Draft RMP fail to adequately provide for protection of slickspot peppergrass, and since the impacts from grazing on slickspot peppergrass are not fully considered, we recommend that BLM require grazing exclosures in known slickspot peppergrass management area habitats in the OTA and in the Kuna Butte area, and also that BLM designate these areas as Areas of Critical Environmental Concern (explanation provided below).

III. Areas of Critical Environmental Concern (ACECs)

BLM failed to meet its obligations under FLPMA by not prioritizing the protection and designation of Areas of Critical Environmental Concern (ACECs) in the Draft RMP.

The Federal Land Policy and Management Act (FLPMA) obligates the BLM to "give priority to the designation and protection of areas of critical environmental concern [ACECs]" when preparing land use plans. 43 U.S.C. §1712(c)(3). ACECs are areas "where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes." 43 U.S.C. § 1702(a).

BLM's ACEC Manual (1613) provides additional detail on the criteria to be considered in ACEC designation, as discussed in the applicable regulations, as well. *See*, Manual 1613, Section .1 (Characteristics of ACECs); 43 C.F.R. § 8200. An area must possess relevance (such that it has significant value(s) in historic, cultural or scenic values, fish & wildlife resources, other natural systems/processes, or natural hazards) and importance (such that it has special significance and distinctiveness by being more than locally significant or especially rare, fragile or vulnerable). In addition, the area must require special management attention to protect the relevant and important values (where current management is not sufficient to protect these values or where the needed management action is considered unusual or unique), which is addressed in special protective management prescriptions. For potential ACECs, management prescriptions are to be "fully developed" in the RMP. Manual 1613, Section .22 (Develop Management Prescriptions for Potential ACECs).

The Draft RMP for the SRBOP NCA does not comply with (and does not adequately address) BLM's obligations with respect to designation of new ACECs. While the Draft RMP acknowledges that both the public and Owyhee County raised designation of new ACECs



(including RNAs) and protection of existing special designations during the public scoping period, no further discussion of considering new ACECs is given. Instead, the preferred alternative proposes releasing the only designated ACEC currently within the boundaries of the NCA (pg. 1-11, 3-10).

This oversight is especially troubling in light of the presence of two species of concern (slickspot peppergrass-*L. papilliferum* & the giant fairy shrimp-*Branchinecta raptor*) within the NCA that require additional special protection beyond that which is currently provided by the NCA. While the enabling legislation for the NCA (see, 16 U.S.C. § 460iii) specifically requires the protection of all species in the NCA, there is a need for more specific protective measures for these two species. Special protection is warranted and required under the guidelines set forth in 43 C.F.R. § 1610.7-2, and FLPMA (43 U.S.C. § 1712). Neither current management practices nor the preferred alternative in the Draft RMP provide sufficient protection for these species with regards to the known threats to their existence, making designation of ACECs an appropriate method to ensure protection. In order to comply with FLPMA, BLM must consider designating these ACECs and fully evaluate the ACEC nominations below.

A. New OTA Slickspot Peppergrass Concentrations ACEC Nomination & Kuna Butte Slickspot Peppergrass ACEC Nomination

Because current management practices do not provide sufficient protection for *L. papilliferum* from the known threats to its existence, and because the preferred alternative does not provide an effective strategy for protecting slickspot peppergrass, we propose the designation of two new ACEC's that will provide protection of this species. These ACECs will ensure that BLM's management decisions are in compliance with BLM manual 6840 and the Endangered Species Act.

Slickspot peppergrass is known to exist in several locations within the NCA, and protection of slickspot populations in the NCA is crucial to the perpetuation of the species. U.S. Fish and Wildlife has recently stated that "OTA populations [of slickspot peppergrass] are generally regarded as being some of the healthiest and intact populations within *L. papilliferum*'s range² (pg. 57)." Historically, abundant populations of this species existed throughout southern Idaho, however, most of its historic range has been reduced. Small populations have been found in various areas, but the largest populations can be found in the NCA and in the Jarbidge Field Office. Because the NCA has some of the healthiest and most intact populations, we recommend that all major known element occurrences of slickspot peppergrass in the OTA and the populations south of Kuna be considered for an ACEC to protect them from what is widely considered the largest threat to its survival other than wildfire: grazing. See attached map for location details.

This recommendation is consistent with current BLM protective measures, as the ACEC locations are within the boundaries of the Slickspot Peppergrass Management Area (Draft RMP,

² U.S. Fish and Wildlife. Feb. 27, 2006. "Best Available Biological Information for Slickspot Peppergrass." <http://www.fws.gov/idahoes/LEPA/DraftBAIFinal02282006.pdf>.



appendices, A-126). BLM has already identified this area as an area important to the survival of slickspot peppergrass; this ACEC simply takes the protection of the species a step further.

Slickspot peppergrass only survives in very limited areas within a narrow range of soil requirements. The areas where this species exists are commonly referred to as slick spots. Slick spots are depressions in the land where water gathers. They are typically recognized as having a layer of silt at the surface soil layer, resulting from rainwater carrying fine particles, draining into depressions, and leaving behind fine particles (Meyer et al. 2006).

It has been found that the population persistence of *L. papilliferum* is dependent upon having a seed bank that can withstand the variability and unpredictable nature of the desert climate. Seed banks are extremely important to the specie's survival because an adequate number of seeds must be present in the soil in order to survive several years of drought, waiting until enough moisture permeates the soil to trigger plant growth. Since the specie's survival is dependent upon this seed bank, any disruption or destruction to it can have severely damaging consequences (Meyers et al. 2006).

In addition, it has been found that because water sources are scarce in desert climates, grazing cattle naturally congregate around slick spots because they are some of the few locations that hold water in the harsh desert climates. Trampling by cattle around slickspots causes a disruption to the soil as a result of the weight of the cow hooves on the soft, wet soil. The impact from the hooves of the cattle has been found to severely disrupt the seed bank that is so vital to the perpetuation of slickspot peppergrass:

We examined the postulated short-term effects of livestock trampling on *L. papilliferum* population dynamics and concluded that abrupt declines following catastrophic trampling events are likely to result from a combination of deep burial of seed and increased germinant mortality. And even when abrupt declines are not observed, the model showed that trampling disturbance at lower levels of impact can still set in motion a long-term trajectory of decline. It seems likely that one reason that so much potential *L. papilliferum* habitat is currently unoccupied is related to a 150-yr history of continuous livestock grazing in the area (Meyers et al. 901).

In addition, U.S. Fish and Wildlife has noted "a decline in plant [slickspot peppergrass] numbers not associated with precipitation timing and amount (from thousands of plants in 1993 to three plants in 1996 and 8 plants in 2003) was documented following an intensive livestock trampling event in 1996 during a period when slickspot soils were saturated (Meyer and Allen 2005). These observations indicate that *L. papilliferum* may not be well adapted to high levels of disturbance (Fish and Wildlife 63)."

Ample evidence exists to document the effects that cattle have on *L. papilliferum* populations. These effects typically occur during the spring when slickspots are filled with water. However, a single storm can leave enough rain water to fill a slickspot with water for several days or weeks at any given point during the spring, summer or fall, leaving that area susceptible to damage from cattle.



The slickspot peppergrass populations in the NCA are relevant and important. These nominations meet the relevance requirement as a significant wildlife resource because they involve the protection of habitat for a sensitive species and a natural process (BLM manual 1613.1A). As described in detail above, the red tie area of the OTA and the northwest portion of the NCA, south of Kuna are considered to have some of the best known populations of this endemic species. The future of the population is in jeopardy, especially given the small geographic range and very specific habitat requirements of slickspot peppergrass.

This nomination meets the importance requirement for ACEC nominations because of the crucial role the slickspot peppergrass populations in the OTA and near Kuna have in ensuring the future survival of this species. Significant documentation exists proving that grazing disrupts and destroys the seed banks that are vital to the survival of slickspot peppergrass. Because slickspot peppergrass is easily damaged from grazing, and because its habit range is so small, the future of the species warrants cause for concern.

Current management has not and will not provide for adequate protection of slickspot peppergrass. While the enabling legislation for the NCA does provide for the protection of raptors, their habitat and the habitat of their prey, of which slickspot peppergrass is a part, the legislation still allows for grazing and off-road vehicle use, which are some of the major threats to *L. papilliferum*.

Because current management practices have failed to address the problems associated with grazing and slickspot peppergrass, and because there is a documented negative effect associated with grazing and *L. papilliferum*, there is a need for a more protective management scheme beyond the current measures being used to protect the species. In addition, this nomination meets the relevance and importance requirement as described in detail above. In order to ensure that the best known populations of this rare plan species are protected, the areas identified on the attached map should be protected from all grazing activity. The best and most effective means to accomplish this is to build an enclosure surrounding the areas.

Recommendations: BLM should designate the OTA Slickspot Peppergrass Concentrations ACEC and Kuna Butte Slickspot Peppergrass Concentrations ACEC and impose the following management prescriptions in order to protect these slickspot peppergrass populations from adverse impacts:

- **Construct enclosures:** Contrary to the statement on page 4-38 of the RMP that states that enclosures will have limited affect at the species level for SSPs, an enclosure for slickspot peppergrass will prevent one of the largest threats to its survival besides fire. An enclosure alone will not ensure the vitality of the species, but because the NCA has some of the best populations of *L. papilliferum*, an enclosure in conjunction with fire suppression and other measures certainly will benefit the species at all levels. As of yet, there is no existing evidence that would suggest grazing provides anything but a negative impact on slickspot peppergrass. On the contrary, the research that has been done suggests grazing is a serious threat to slickspot peppergrass. See U.S. Fish and Wildlife; Meyers et. al. Since the BLM cannot allow any actions that will reduce the likelihood of survival or destroy designated critical habitat of a species that is managed as "listed," the BLM is obligated to discontinue grazing in all known slickspot



peppergrass habitat because of the threat it poses to the survival of the species and its habitat. Therefore, we recommend an enclosure be built around occupied slickspot peppergrass habitat in the OTA and Kuna Butte area (please see attached maps). As part of this enclosure, a fence should not be located within 100 yards of an occupied slickspot because of the threat debris build up poses to slickspots.

- **Exclude Off-Road Vehicles:** Off-road vehicle traffic should only be allowed on established roads that are necessary for research purposes within the ACECs and within the greater slickspot management area. Allowing the construction or use of any other roads is contrary to the purposes for which the ACEC was designated. Roads deemed necessary for research purposes should only be those that have traditionally been used by researchers to access slickspot peppergrass populations and whose continued use would not harm the species. The ACECs should also be closed to all OHV recreation including the closure of all non-designated routes. When a comprehensive TMP is completed, it should identify ACECs as closed to recreational OHV use.
- **Limit seeding use after fires:** The study done by Meyers et al. identified that the use of *Kochia prostrata* and other non-native species, as well as the use of pre-emergent herbicides were threats to slickspot peppergrass. Because re-seeding efforts outside of the ACEC nomination areas can affect slickspot peppergrass populations within the ACECs, the use of non-native species for re-seeding anywhere in the NCA should be prohibited. In addition, any herbicide or pesticide demonstrated as having or with the potential to demonstrate a negative effect on slickspot peppergrass should not be used within the ACECs.

B. New Giant Fairy Shrimp RNA Nomination

In the Spring of 2005, a new species of giant fairy shrimp was discovered by biologists at the IDARNG in the Snake River Birds of Prey NCA.³ The fairy shrimp species known as *B. raptor* was discovered in Tadpole Lake, near the south east end of Bigfoot Butte in the OTA, and in Armadillo Lake. Tadpole Lake and Armadillo Lake are two of several seasonal ponds in the NCA that accumulate water during the spring and can hold water into the summer months.

While we recognize that this species was discovered only a little over a year ago, the Draft RMP failed to mention the new giant fairy shrimp species, let alone address necessary management protections for this species. This species was not identified or evaluated for consideration as a species that requires special management in the Draft RMP despite the fact it is only known to exist in two locations in the world, both of which are located in the NCA. Both areas are less than five acres in size. This glaring omission in the Draft RMP indicates that BLM failed to meet its obligations under FLPMA (43 U.S.C. § 1702(a)).

The discovery of this species provides a unique opportunity for the designation of a Research Natural Area (RNA). An RNA is a type of ACEC focusing on the protection of natural resource values of scientific interest and managed primarily for research and educational purposes. An RNA is established for its significant biological and physical features, located on “public lands

³ Rogers, D. Christopher, D. Quinney, J. Weaver and J. Olesen. 2006. “A New Giant Species of Predatory Fairy Shrimp from Idaho, USA (Branchipoda: Anostraca). *Journal of Crustacean Biology* 26(1): 1-12. **Attached** and incorporated by reference.



that have ecological or other natural history values of scientific interest,” and managed so that natural conditions are maintained and reserved for research and education. 43 C.F.R. §§ 8223.0-1, 8223.0-5. To be designated as an RNA (per 43 C.F.R. § 8223.0-5), an area must have one or more of the following five characteristics:

- (1) a typical representation of a common plant or animal association;
- (2) an unusual plant or animal association;
- (3) a threatened or endangered plant or animal species;
- (4) a typical representation of common geologic, soil, or water features; or
- (5) outstanding or unusual geologic, soil, or water features.

Because this new species of giant fairy shrimp has thus far only been found to be present within the NCA, this population certainly meets the definition of unusual provided for in the criteria for RNA designation. Given the lack of information about this species it may also be endangered, particularly if appropriate actions are not taken to protect it. There is so little known about this species that it is difficult to know what it requires and what the threats to its existence are. However, since there are only two known seasonal “playas” where this species is known to exist, the logical and prudent approach would be to protect these locations so that researchers can be allowed to gather more information on this species and hopefully determine the best management scheme for *B. raptor*. This level of protection and focus on research is consistent with designating the area as a new RNA, to permit it to be “maintained for the primary purpose of research and education” in accordance with BLM’s policy and legal guidance. See, 43 C.F.R. § 8223.0-5.

The new species of giant fairy shrimp meets the relevance and importance criteria for an ACEC/RNA. This new RNA designation meets the relevance criteria as a fish and wildlife resource because the protection of *B. raptor*’s habitat is crucial not only to maintaining the species, but to maintaining species diversity. Since this species has only been found in two small locations, any loss of habitat will have dramatic effects on this species. This is consistent with BLM Manual 1613.1A2.

Manual 1613.1B2 states that a species must have “qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change” in order for it to have importance. *B. raptor* certainly meets this requirement because by the very nature of its known existence, it is extremely rare and irreplaceable.

Current management has not and will not provide for adequate protection of the giant fairy shrimp. The enabling legislation for the NCA provides for the protection of raptors, their habitat and the habitat of their prey, but does not address the giant fairy shrimp, which was not discovered at the time of the creation of this NCA. The Draft RMP fails to mention this new species and, therefore, does not provide any protective management for the two locations in which it has been located. Without special management attention, the habitat and the species, are not likely survive.



Recommendations: The BLM should designate a new Giant Fairy Shrimp RNA encompassing the two locations, Armadillo and Tadpole Lakes, at which the species was identified. are within the NCA boundaries.⁴ The BLM should also specify management prescriptions for the RNA that will protect the giant fairy shrimp habitat from adverse impacts, including:

- **Closure to off-road vehicle use.** Since we do not know what the threats to the species are, it is important that OHVs not be allowed to drive on any playas. As we learn more about this species, the BLM should take further management steps as necessary to address any concerns regarding *B. raptor*'s future.
- **Limiting activity in the RNA to nondestructive activities in order to foster further research.** Per BLM's regulations (43 C.F.R. § 8223.1),
 - No person shall use, occupy, construct, or maintain facilities in a research natural area, except as permitted by law;
 - No person shall use, occupy, construct, or maintain facilities in a manner inconsistent with the purpose of the research natural area;
 - Scientists and educators shall use the area in a manner that is nondestructive and consistent with the purpose of the research natural area.
- **Protection from future threats.** The RNA designation should explicitly state that as more information is gathered on this species, and as new threats to its existence are identified, appropriate measure will be taken to mitigate against those threats.

IV. Wild and Scenic River Suitability Determination

The various portions of the Draft RMP addressing Wild and Scenic River (WSR) suitability do not adequately address the criteria for suitability determinations outlined in BLM Manual 8351. According to this manual, BLM "must carefully describe all analyses and determinations made" and a "narrative and rationale must be a part of the planning record and included as part of the RMP/EIS."

WSR suitability determination decisions are included as part of the discussions of "Recreation" throughout the Draft RMP. However, the agency's rationale for these decisions is not provided as part of the Draft RMP. In order to comply with the Wild and Scenic Rivers Act and BLM Manual 8351, BLM must provide a rationale and supporting documentation for its decisions regarding Wild and Scenic River suitability determinations and provide the public an opportunity to comment on this analysis prior to making formal suitability determinations in the context of the RMP.

Further, while we are encouraged that the Draft RMP adheres to BLM Manual 8351's directive to consider at least one alternative in which all eligible segments are determined to be suitable (Alternative C), we disagree with BLM's decision that 0 miles of the 49 miles of Snake River analyzed within the Snake River Birds of Prey NCA are suitable for WSR recommendation (Alternative D). We recommend BLM adopt Alternative C as its preferred alternative.

⁴ See, Rogers, D. Christopher, D. Quinney, J. Weaver and J. Olesen. 2006. "A New Giant Species of Predatory Fairy Shrimp from Idaho, USA (Branchipoda: Anostraca). *Journal of Crustacean Biology* 26(1): 1-12; additional information is available from the IDARNG Environmental Resources Department.



Again, without the benefit of being able to review BLM's rationale to support its decision to recommend zero miles as suitable for WSR status, it is impossible to determine if BLM conducted this determination in accordance with the criteria outlined in BLM Manual 8351. The 49 miles of the Snake River within the planning area that have been found eligible (free-flowing and containing outstandingly remarkable values) and therefore were analyzed for suitability in the Draft RMP/EIS are divided into four free-flowing segments. These eligible segments are the Swan Falls, Jackass Butte, Grand View, and the Indian Cove. BLM Manual 8351 provides 13 criteria that must be considered and analyzed prior to BLM making a suitability determination. By failing to provide the public with the analysis it conducted in making suitability determinations within the framework of these 13 criteria, BLM has severely restricted the public's ability to provide the agency with significant new information or to provide an alternative analysis. Further, without the benefit of reviewing the BLM's analysis, it appears the BLM's suitability determinations are arbitrary and unsupported by an evidentiary record.

Finally, while BLM readily admits that these four river segments are free-flowing and contain outstandingly remarkable values, BLM fails to explain how Alternative D will continue to protect these values in light of the BLM's determination that these segments are not suitable for recommendation to Congress for WSR consideration. Instead of providing a detailed description of the management prescriptions BLM will use to protect the outstandingly remarkable values present on the 49 eligible miles of the Snake River within the planning area, the Draft RMP/EIS simply states, "The existing NCA legislation provides protection for the outstandingly remarkable values associated with the Snake River Canyon" (pg. 3-58). Further, the Draft RMP/EIS states that the environmental consequences of recommending that no segment of the Snake River as suitable for WSR designation would be the same as keeping the current management prescriptions in place, "provided that outstandingly remarkable values and free flowing conditions would continue to be protected on 49 miles of the Snake River" (pg. 4-107). BLM must provide specific and detailed descriptions of the management prescriptions it will use to protect outstandingly remarkable values and free flowing conditions of the Grand View, Indian Cove, Jackass Butte, and Swan Falls segments of the Snake River.

Recommendations: BLM should adopt Alternative C in which all 49 eligible miles of the Snake River are recommended as suitable for WSR study as the agency preferred alternative. Regardless of the agency's preferred alternative, prior to making final suitability determinations, BLM must provide the analysis it used in making its suitability determinations and provide the public with an opportunity to comment on the preferred alternative and the supporting analysis prior to the Final RMP/EIS. If, after providing the public with an opportunity to review and comment on its suitability determination analysis, BLM fails to recommend the 49 miles of eligible river segments as suitable, it must provide detailed analysis of the management prescriptions it will implement to protect the outstandingly remarkable values present in Snake River Canyon.

V. Restoration

The RMP should not only set out goals for restoration, but also specify how these goals will be accomplished, including a requirement that only native species will be used in restoration efforts. The preferred alternative in the Draft RMP sets admirable goals for



restoration. Page 3-32 states, “approximately 130,000 acres of degraded small mammal habitat would be restored in areas deemed most beneficial to raptor populations.” While we commend BLM for making restoration of raptor habitat an important goal in the RMP, the RMP does not provide specific criteria, targets, or management prescriptions outlining what species will be used for restoration, or how the BLM will ensure that restoration work is successful.

The study mentioned above conducted by Meyers et al., notes that the seeding of non-native invasive species, such as *Kochia prostrata* (forage kochia), is one of the biggest threats to slickspot peppergrass. Pursuant to the discussion above, BLM Manual 6840 obligates the BLM not to make any management decisions that will harm slickspot peppergrass, because it is a proposed endangered species/type 1 BLM species. Since *Kochia prostrata* is a known threat, it should not be used in any restoration efforts.

As the BLM is likely aware, restoration efforts in the NCA are extremely fragile. A number of important variables must be addressed in order for restoration efforts to be successful. It is important that surface disturbing activities including livestock trampling and recreational OHV use are not allowed until vegetation has reached a level that can withstand some level of disturbance; and then these activities must be actively managed to prevent damage to restored areas. Not discontinuing these activities in areas undergoing restoration is financially and ecologically irresponsible. Surface disturbing activities such as grazing and OHV use can jeopardize the time and money spent on restoration. In addition, effective restoration will play a crucial role in slowing and perhaps eventually halting the spread of invasive species and noxious weeds throughout the NCA.

Recommendations: In order to accomplish the restoration goals that the BLM has set forth, it is extremely important that only native species be used in all restoration efforts and that *Kochia prostrata* be specifically excluded from use, since it is a threat to slickspot peppergrass. The Final RMP should provide a list of native species that will be used in restoration efforts and all implementation plans must also use only seed mixtures containing these approved species. Also, the Final RMP needs to provide specific restoration efforts and methodologies BLM will use to ensure that restoration will be successful. BLM must also describe its plan to manage surface disturbing activities in restoration areas.

VI. Military Boundaries

In general, we support the preferred alternative for boundary changes to the IDARNG training area, however, we believe that Alternative D can be improved.

Our concern with the military boundary changes lie with the impact this boundary change will have on the IDARNG’s ability to both monitor slickspot peppergrass and to protect its habitat from fire.

As was discussed earlier in our comments, U.S. Fish and Wildlife has recognized that the “the Idaho Army National Guard (IDARNG) at the Orchard Training Area (OTA) has conducted monitoring of slickspots and *Lepidium papilliferum* longer than any other agency, since 1990.” IDARNG has done more extensive and in depth monitoring than any other agency and have



contributed a majority of the data used for slickspot peppergrass studies within the NCA. The IDARNG's participation and continued ability to monitor slickspot peppergrass is crucial to ongoing efforts aimed at determining the impacts of threats to the future of the species. It is unclear in the preferred alternative if the IDARNG will be allowed to continue monitoring those populations of *Lepidium papilliferum* that occur in the excluded military training area if it is removed from military training. Management decisions must ensure that the agency that has contributed the greatest amount of knowledge to slickspot peppergrass be allowed to continue monitoring the species.

Not only has the IDARNG contributed more knowledge about the species in the OTA than any other agency, but they have also consistently been the first responders to fires in the OTA. *L. papilliferum* is a sagebrush obligate species, and the bravo area boasts some of the best and last remaining intact stands of sagebrush in the OTA. Fire is recognized as one of the major threats to the existence of *L. papilliferum*, and if a fire were to destroy those sagebrush stands, it is likely that what are currently regarded as some of the best known populations of *L. papilliferum* will be imperiled. U.S. Fish and Wildlife regards fire as a major threat to the species, and even posts fire fighters twenty four hours a day during the driest parts of the year when the area is most susceptible to fire. Without the IDARNG's ability to quickly respond to fire in the Bravo area and other areas in the OTA, there will undoubtedly be a serious threat posed to the future of *L. papilliferum*.

As a species that is being proposed for the endangered species list, and as a BLM sensitive species, the BLM is required to "ensure that BLM actions will not reduce the likelihood of survival and recovery of any listed species or destroy or adversely modify their designated critical habitat (BLM Manual 6840.06A2)." If BLM were to implement a management scheme that reduced the ability of the IDARNG to monitor *L. papilliferum* within the OTA, or reduced the ability of the IDARNG to respond to fire within this area, BLM would be in violation of its obligation for management of proposed endangered and sensitive species. As it currently stands, the preferred alternative does not ensure the likelihood of survival for slickspot peppergrass.

Recommendation: In order to ensure that management actions do not violate BLM policy on special status and endangered species, we recommend that BLM enter into a Memorandum of Understanding (MOU) with the IDARNG. This MOU would ensure that the IDARNG continued to monitor slickspot peppergrass habitat and populations in the Bravo area that are excluded from the training area. In addition, the MOU should specify that the IDARNG will continue to receive adequate funding in order to have the capability to quickly respond to all fires that threaten slickspot peppergrass habitat.

VII. Recreation and Transportation

In general, we support the preferred alternative as it addresses both Recreation and Transportation with the exceptions addressed below. Before addressing our concerns we would first like to commend the BLM for listing specific route designation criteria, using habitat fragmentation metrics and setting road density targets in the Draft RMP (although we have recommendations for improving these criteria which will be discussed below). Further, BLM's



designation of all areas as either closed or limited to OHV use in the preferred alternative is consistent with the NCA's enabling language.

A. The RMP should complete a comprehensive travel management plan or, at a minimum, commit to completing such a plan within one year.

The updated version of BLM's *Land Use Planning Handbook*. H-1601, Appendix C, Section II.D (Comprehensive Trails and Travel Management) states that BLM should:

Complete a defined travel management network (system of areas, roads and/or trails) during the development of the land use plan, to the extent practical. If it is not practical to define or delineate the travel management network during the land use planning process, a preliminary network must be identified and a process established to select a final travel management network. (emphasis added)

While the BLM has already divided the planning area into OHV designations and listed route designation criteria, the RMP does not identify a defined travel management network, which would be most consistent with the NCA legislation's requirements to manage these lands to protect habitat for raptors and their prey. Motorized use can pose a major threat to restoring and maintaining habitat, so management of OHVs is an important part of this RMP. If BLM cannot complete a comprehensive travel management plan (TMP) in this RMP, then completion of this plan should be the first implementation plan priority. Timely implementation of travel management decisions are especially important given the increasing population of the Treasure Valley. Boise and the surrounding area is one of the fastest growing areas in the country. As a result, the NCA, which has historically existed a considerable distance from any large scale human inhabitation, is now being increasingly encroached upon by sprawl from surrounding cities. As the surrounding population grows, the number of people seeking a proximate destination for motorized recreation increases. The NCA will undoubtedly draw an increasing number of motorized vehicle users in the future. In anticipation of this inevitable occurrence, the future travel management plan and the route designation criteria will play an important role in directing future motorized use.

It is imperative that the RMP recognize the risk of increased pressure from recreational motorized use in the near future and be designed to manage this use in a manner that complies with its overriding obligation to protecting the values for which the NCA was established. It is equally important that the RMP and subsequent TMP provide for regulation of where motorized travel will be allowed and for active enforcement. Unauthorized cross-country travel and continued OHV use in sensitive areas have the potential to severely damage the landscape, so route designation must occur in a timely manner.

Recommendations: The RMP should include a comprehensive travel management plan for the NCA. Should BLM determine that completion of the TMP will be delayed, then the RMP should include a commitment to complete a comprehensive travel management plan as the first priority for implementation plan and to complete the plan within one year of completion of the RMP.



B. The route evaluation criteria in the RMP should be strengthened to ensure that routes designated within the NCA are consistent with BLM's legal obligations and responsible management.

While we applaud BLM's decision to list the specific criteria it will use during the route designation process (Draft RMP, pp. 3-61 – 3-62), we believe improvements should be made to strengthen these criteria and ensure that the travel management plan (TMP) meets the intent of the enabling NCA legislation.

The current arrangement of the eight criteria for route evaluation set out on pages 3-61 and 3-62 of the Draft RMP is skewed towards keeping roads open regardless of their impact on the ecosystem. The last criteria, "Is this consistent with the RMP and the intent of the NCA-enabling legislation," should be the primary criteria used for evaluating routes. **We recommend BLM use question number eight as a filter through which only those roads which are found to be consistent with the NCA enabling legislation can be further analyzed to be kept open in the TMP.**

While we commend BLM for setting targets for road density (which could help to reduce the resulting habitat fragmentation), we are dismayed that the agency's preferred alternative lists a route density target of no more than 2.0 miles per square mile when Alternative B, the access alternative lists a route density of no more than 1.7 miles per square mile. Draft RMP, pp. 3-65 – 3-66. **We recommend BLM revise Alternative D to set a route density target of no more than 1 mile per square mile as the agency preferred alternative, with lower route densities where appropriate for species of concern.** A significant collection of scientific literature exists describing route density and resulting habitat fragmentation impacts to wildlife. We have included The Wilderness Society's most recent Science and Policy Brief, "Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands" (Appendix 1). Also included in Appendix 1 are four scientific reports prepared by TWS and discussed in the habitat fragmentation report. These include *Fragmenting Our Lands: The Ecological Footprint From Oil and Gas Development*, *Protecting Northern Arizona's National Monuments: The Challenge of Transportation Management*, *Wildlife at a Crossroads: Energy Development in Western Wyoming*, and *Ecological Effects of a Transportation Network on Wildlife*. In addition to summarizing the four reports included, "Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands" provides a summary of available scholarly and government reports and studies on the impact of habitat fragmentation on wildlife, provides methods for calculating habitat fragmentation, and provides recommendations on how to integrate fragmentation analysis into travel management.

We also recommend BLM incorporate the travel planning criteria set out in the Record of Decision for the Dillon (MT) RMP (relevant sections **attached** and also available on-line at: <http://www.mt.blm.gov/dfo/rod/contents.htm>), as an example of criteria that incorporate key aspects of BLM's ORV regulations as well as ecological metrics. While this field office did not complete a comprehensive travel management plan as part of its RMP revision, it included road density targets and included an appendix outlining the principles it will use when completing a comprehensive travel management plan during implementation. While the criteria listed in the



NCA Draft RMP are a good start, a review and incorporation of the recommendations from existing scientific literature will serve to strengthen these criteria in order to meet the intent of the NCA enabling legislation.

Recommendation: BLM should use the information provided in Appendix 1 and the Dillon MT ROD to measure habitat fragmentation, then conduct a thorough fragmentation analysis and revise the route evaluation criteria that will be used when making road closure and/or other limitations on motorized use during implementation of the Snake River Birds of Prey NCA RMP.

C. The route designation process should be revised to address significant problems with the ARS Evaluation Tree and to comply with more responsible approaches to route designation.

When completing a comprehensive travel management plan, it is vital to complete it in a systematic and transparent manner. The criteria listed on pages 3-61 and 3-62 of the Draft RMP appear to be drawn from The Route Evaluation Tree© copyrighted by ARS, Inc (hereinafter “ARS Tree”). While this tool can be effective as a data collection device, we have serious concerns with its application as an evaluation and/or decision tool. We recommend that the BLM adopt a route designation process that is more consistent with the NCA legislation and BLM’s legal obligations regarding designation of routes for motorized use.

1. Concerns and recommendations regarding ongoing use of ARS Tree

In July 2004, TWS and several partner organizations submitted to BLM Director Kathleen Clarke a detailed analysis of the potential law and policy ramifications of the agency’s use of the Tree. This position paper has not been reproduced herein, but can be provided to you upon request.

The ARS Tree is a computer-based planning tool, the outputs of which have already been used by some BLM and as well as Forest Service planning teams in designating individual routes on public land as either “closed”, “open”, “limited” or “mitigate/open” for motorized travel. It is our opinion that the mechanics of ARS Tree software are inconsistent with the policy, law, use of science and common sense that apply to travel management on public lands. Because of the functional and legal problems with the ARS Tree, summarized below, use of this tool could prevent BLM from fulfilling its responsibilities as stewards of the public lands and could invalidate ongoing planning processes by its apparent violation of NEPA and other applicable laws.⁵

As you move forward with your planning effort, we would like to address several issues with the use of the ARS Tree. We support the concept of creating a process to collect information on the impacts of various routes in order to generate alternatives in a uniform and documented process.

⁵ The ARS Tree is currently the subject of a lawsuit regarding the resulting failures of the BLM’s travel management plan to comply with applicable laws regarding management of off-road vehicles, analysis and mitigation of environmental consequences, and protection of sensitive species. *Center for Biological Diversity, et al. v. U.S. Bureau of Land Management, et al.* (D.N.Cal. 2006).



We also commend the agency for its effort to increase transparency for the route designation process.

However, the ARS Tree in its most recent form is overly simplistic and fails to acknowledge several key issues that are critical for informed route designation decision-making. We also submit that the ARS Tree is not an evaluation tool, but is instead merely a data-gathering device that collects information into a computer database. While we fully support collecting data into a reproducible and transparent form, such as a computer database, there are many simple and cost effective ways to do this with widely-available database and/or spreadsheet programs. Applying the ARS Tree software requires a significant investment of taxpayer dollars, which seems unwise in the face of declining federal budgets and when the agency could achieve similar electronic data collection through other common database and/or spreadsheet programs. Consequently, we encourage BLM to explore other, more cost-effective approaches.

If you do choose to incorporate the ARS Tree into your planning processes, we have several recommendations for how it should be modified. We realize that the Tree is but one step in a multiple-step process, and that the agency will gather other information in earlier or later steps, such as agency legal obligations and cumulative impacts. Therefore, we recommend that other information needs be incorporated into the Tree so as to simplify the agency's job by having all relevant information summarized in one database/spreadsheet. Currently, the Tree does not incorporate the agencies' obligations under the Executive Orders, ORV regulations, NEPA, the Endangered Species Act, the Historic Sites Act, the National Historic Preservation Act, the Clean Air Act, the Clean Water Act, and National Conservation Area Legislation, among other relevant statutes. **We understand that ARS can customize the ARS Tree by adding relevant inquiries, and we recommend that you require this so as to ensure that your legal responsibilities are better articulated to the public.**

We make the following recommendations for modifications to the ARS Tree should you decide to use it in your comprehensive travel management planning process.

a. ARS Tree should eliminate yes/no questions, and remove the branches that imply an order of issues to be raised: By phrasing the data-gathering inquiries as yes or no answers and by placing them in the order shown, the ARS Tree inevitably implies decision-making and sheds its promise as a data-gathering tool.

The format of the ARS Tree implies that once a question is "answered" and the next "step" is taken, the decision or evaluation of the route in question has concluded that it can remain open despite any potential impacts or damage. In order to remedy this problem, the inquiries should be phrased to report all information on a route, including impacts (i.e., sensitive resource affected and description of effects), valid rights-of-way or permitted uses, condition, maintenance records, and use levels, all of which can then be evaluated in the appropriate context.

b. ARS Tree should incorporate information on potential cumulative impacts: Routes should be evaluated in the context of the overall landscape and in combination with others – an inquiry that the ARS Tree absolutely fails to make. In order to comply with NEPA, the ARS Tree must gather information regarding how—and to what degree—the designation of individual



routes as either open or limited would cumulatively affect sensitive and non-sensitive resources, using such factors as increasing road density, amount of habitat fragmentation, risk of spreading nonnative species, erosion, impacts to the experiences of non-motorized recreationists and other users, etc. In addition, the ARS Tree must inquire not only about the cumulative impacts of the routes under consideration, but also regarding how the severity of such impacts may be influenced by other past, present and reasonably foreseeable future actions of others. If other nearby areas are, or will be, affected by motor vehicle use, then the addition of more routes in a relatively primitive area is likely to have a greater impact on the environment.

For example, the agencies should collect ecological data and perform spatial analyses that address direct, indirect and cumulative impacts before any ARS Tree questions regarding impacts are answered and before any alternatives are developed. If the agencies were to conduct spatial analyses of habitat fragmentation (which has been previously recommended by The Wilderness Society and others), it would provide vital understanding of the impacts of a route and contribute to the development of a range of alternatives. As an example, one route that cuts through an otherwise intact core habitat area could have a much larger cumulative impact than one that cuts through an area that is already so fragmented by routes that the incremental impact is insignificant. After the ARS Tree process is complete, the process should include a repeat of the spatial analyses to compare each alternative route network and compare cumulative impacts. The agencies are required to comply with NEPA in order to assess the direct, indirect and cumulative impacts of that action. An assessment of cumulative impacts must address the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions and can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7.

c. ARS Tree should include questions regarding legal requirements so as to create appropriate “sideboards” for alternatives: The sequence of questions and limited content of the questions in the ARS Tree imply that the information gained from answering each question is of equal importance.

However, the BLM is required under certain laws to prioritize protection of certain resources over other uses, such as motorized access. By not making the relevant inquiries or clarifying the legal limitations on the standards for making determinations on routes, the ARS Tree leads to the generation of alternatives that go beyond legally-mandated sideboards and cannot be accepted, instead of a true range of acceptable alternatives.

(1) The Executive Orders (Executive Order No. 11644 (1972) (as amended by Executive Order No. 11989 (1977)) and the agencies’ implementing regulations (43 C.F.R. § 8342.1; 36 C.F.R. § 212.55(b)) require that motorized routes can only be located in a manner that minimizes impacts to soils, water, wildlife, and other recreational users. The ARS Tree does not include criteria that acknowledge the importance of the overriding requirements outlined in the Executive Orders. As a result, the Tree© must include inquiries that will, when presenting the information collected, also specify that any routes designated to be opened or to remain open are consistent with the clear language and intent articulated in the Executive Orders and regulations.



(2) Similarly, National Conservation Areas (NCAs) such as Snake River Birds of Prey are established through legislation that sets out priorities and purposes for their management. When the ARS Tree is used in a National Conservation area, it should include inquiries to identify impacts to the NCA priorities and include criteria to ensure that consideration of routes is conducted in the context of the overriding requirement to ensure protection of these legally established values.

(3) The BLM is also required by law to prioritize particular activities, such as protection of listed and endangered species (as the BLM is required to manage slickspot peppergrass) and archaeological and historic resources. In a similar fashion as described above, the ARS Tree must include explicit inquiries regarding the agencies' obligations under relevant Acts of Congress (such as the Endangered Species Act, the Historic Sites Act, National Historic Preservation Act, Clean Air Act, and Clean Water Act) and specify that evaluations of potential route designations must comply with these requirements.

d. ARS Tree should include description/evaluation of mitigation measures:

Although the ARS Tree provides for an option to choose "mitigate," there should also be a record made of what form of mitigation was selected for the route segment. If the agencies propose mitigation strategies to alleviate potential impacts, these mitigation strategies must be clearly articulated each time. This information is necessary if the agency is to accurately analyze impacts. It also makes sense from a practical point of view – there should be a record of what mitigation actions are needed that can funnel into later implementation plans. The ARS Tree should include a requirement to actually identify mitigation measures and discuss how those measures will be effective as a uniform part of gathering data and identifying options. Further, monitoring is not an appropriate form of mitigation, because monitoring for expected damage does not actually reduce or alleviate any impacts.

Unless the agency proposes a valid form of mitigation each time the mitigation option is selected on the ARS Tree, it is not an acceptable approach and does not comply with NEPA standards for mitigation. NEPA requires that an agency discuss mitigation measures in an EIS. 40 C.F.R. §§ 1502.14, 1502.16. Also, under NEPA, an agency's Finding of No Significant Impact ("FONSI") is lawful only if the agency "has made a convincing case that no significant impact will result therefrom or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures." *Defenders of Wildlife*, 152 IBLA 1, 6 (2000) (citations omitted). In general, in order to show that mitigation will reduce environmental impacts to insignificant, the agencies must discuss the mitigation measures "in sufficient detail to ensure that environmental consequences have been fairly evaluated..." *Communities, Inc. v. Busey*, 956 F.2d 619, 626 (6th Cir. 1992). Simply identifying mitigation measures, without analyzing the effectiveness of the measures violates NEPA. Agencies must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA." *Northwest Indian Cemetery Protective Association v. Peterson*, 764 F.2d 581, 588 (9th Cir. 1985), *rev'd on other grounds*, 485 U.S. 439 (1988). NEPA also directs that the "possibility of mitigation" should not be relied upon as a means to avoid further environmental analysis. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*; *Davis v. Mineta*, 302 F.3d at 1125.



e. ARS Tree should include data sources, identification of data gaps and the need for additional data gathering: There are many instances where data do not exist on the presence and/or status of sensitive resources. Without an adequate inventory or understanding of the sensitive resources in the planning area, it is nearly impossible to adequately answer yes/no to the question about whether sensitive resources are affected. Without simple baseline information, it will be difficult to understand the extent to which the route in question will affect sensitive resources over the life of the plan. The ARS Tree process also does not contain any information about data sources or scientific literature that was consulted to evaluate resource impacts. Therefore, we recommend that the ARS Tree eliminate the yes/no question, and instead summarize what is known about possible impacts, and identify data gaps and the need for additional data gathering. This will help the agency meet its legal obligations to adequately evaluate impacts. It also makes sense from a practical point of view because it will create a record of critical information needs that can be addressed elsewhere in the process or in implementation.

As noted above, NEPA requires that the agencies' "hard look" at environmental consequences be based on "accurate scientific information" of "high quality." 40 C.F.R. § 1500.1(b). In this context, NEPA "ensures that the agency, in reaching its decision, will have available and will carefully consider, detailed information concerning significant environmental impacts." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). Further, where there is "incomplete or unavailable information" to thoroughly analyze potentially significant environmental impacts in an EIS, NEPA requires that the BLM make clear that the information is lacking and either commit to obtaining the information or an explanation of how a decision can be justified without it. 40 C.F.R. § 1502.22. Under the Data Quality Act, the agencies are similarly required to use information that is of high quality, objective, useful, and verifiable by others. BLM's internal guidance also recognizes the importance of both accumulating and properly analyzing data. (see, for example, BLM's Land Use Planning Handbook (H-1601-1)). Without sufficient information, the agencies cannot make reasoned decisions. While we recognize that it is not always possible to gather the best possible data, the agencies must acknowledge that there is often not enough information to definitely answer a yes/no question (another reason to eliminate this part of the ARS Tree's current structure) or to even describe the impacts under consideration. In order to address this reality, the ARS Tree should provide an option for answering "unknown" or "more data needed" and then require a description of the data gaps, so that the agency can make a determination as to how best to proceed.

2. Alternative tools and technologies exist that are more robust and transparent, which the agencies should make use of in lieu of the ARS Tree.

The Ecosystem Management Decision Support (EMDS) system⁶, developed by the U.S. Forest Service Pacific Northwest Research Station over a decade ago to support multi-scale landscape analysis and planning, recently has emerged as a promising tool to help agency planners evaluate,

⁶ The EMDS system (<http://www.fsl.orst.edu/emds>) is integrated as an extension to ESRI's ArcMap. It consists of three components: a knowledge base, a landscape assessment, and a decision analysis system.



designate, prioritize and monitor motorized and non-motorized roads and trails. At present, EMDS has the ability to greatly inform cumulative effects analysis and—because of its integration with ESRI’s ArcMap software – is capable of estimating effects of one or multiple alternative route management scenarios at varying geographic scales (e.g., regional, basin wide, watershed, or a given site). In addition, EMDS possesses the following advantages⁷:

- Transparency: ability of the user to query modeled results to assess the knowledge, data and data processing that contributed to a particular model outcome.
- Criterion weighting and prioritization: ability to set and manipulate criterion weights in a decision hierarchy where the effect of changes to criterion weighting on route management priorities can be visualized in real-time.
- Tradeoff-analysis: ability to visualize route management alternatives given one or more constraints, such as environmental impact or cost of maintenance.
- Missing data assessment: estimation of the influence of missing data and/or domain knowledge. Prioritization of missing data given its degree of influence in the knowledge base.

Tahoe National Forest staff reported the development of a “novel and inexpensive way to analyze road systems” for potential environmental impact using EMDS⁸. The overall goal of the project was to test a custom made knowledge base in the EMDS system for its usefulness in a roads analysis process. The process involved identifying roads in the forest road system that were actually or potentially causing adverse environmental impact, while also taking into account the use of the road system for transportation and access. The potential environmental impact of road segments were then used in conjunction with the ArcView Network Analyst extension to assign relative weighting to roads and find a least-impacting network to access points of interest throughout the forest.

Tools such as EMDS could provide an unparalleled opportunity for public and stakeholder engagement in the travel management/route designation process while providing valuable insights for agency planners into what tradeoffs the public is willing to consider. For example, public workshops could be structured that allow stakeholders to participate in interactive scenario building. Using digital maps of a geographic area of interest, stakeholders could assign relative weights to criteria developed in advance (either by agency staff or via public input) that would include measures for:

- the protection of resources,
- the provision of quality recreational opportunities (motorized and nonmotorized),

⁷ Development Proposal: Development of a case study for route management on federal lands using Ecosystem Management Decision Support (EMDS). Paul Burgess, The Redlands Institute, University of Redlands, October 2005.

⁸ Decision Support for Road System Analysis and Modification on the Tahoe National Forest Environmental Management Vol. 32, No. 2, pp. 218–233. Evan Girvetz and Fraser Shilling, Department of Environmental Science and Policy, University of California, Davis. 2003. Springer-Verlag, New York Inc.



- the minimization of social conflicts, or
- the calculation of annual costs for monitoring, maintenance and law enforcement necessary to manage the travel system.

During workshops, the results of weighting of such criteria could be displayed in real time on overhead screens to allow participants to visualize potential route networks as a result of these and other tradeoffs. Various alternatives with different weighting scenarios could be displayed and outputs of relative environmental impact could be compared in tabular form.

Mapped outputs could provide a wealth of information, including a table showing the criteria applied and their relative weighting. Stakeholders could then change the weighting and instantly see how the change affects the mapped output. In addition, EMDS allows stakeholders to create their own decision hierarchy and then compare their results with other stakeholders.

When exploring alternative scenarios for travel management, agency staff could review such mapped outputs in order to identify themes of possible convergence or divergence among stakeholder groups. The tremendous power in the use of EMDS-type systems to aid travel planning could work to dispel public apathy and distrust over how their input is processed by the agencies and would serve to provide a high level of transparency. It also could serve to cultivate broader understanding among stakeholders of the goals of travel planning and the tradeoffs associated with various scenarios. Additional advantages of agency use of EMDS-type decision support tools to support travel management decisions include:

- The ability to incorporate agency mandates and peer-reviewed and objective scientific data among its criteria;
- Interactive and instantaneous graphic outputs to enhance and make more effective collaboration among ID team members and cooperating agencies; and
- The ability to estimate the effects of one or multiple alternative route management scenarios at varying geographic scales, including the broad, landscape level assessment that is critical to proper travel management.

To date, EMDS has been adopted by the Forest Service as a “tool of choice” for watershed assessment/prioritization, fire and fuel reduction, and sensitive species management. Several university faculty and at least one research institution at present are exploring the advantages of using EMDS type methodologies to aid federal agency decision making in travel management and route designation⁹.

***Recommendation:* We encourage the BLM to explore EMDS and similar decision support tools. If utilized effectively, these methodologies would represent a long overdue marriage between a critical aspect of natural resource planning (i.e., comprehensive travel management) and the use of robust GIS decision-support technologies. In doing so, the**

⁹ These entities include Dr. Fraser Shilling of the University of California, Davis; Dr. Brian Muller of the University of Colorado, Denver; and Dr. Paul Burgess of the Redlands Institute.



agencies would provide the public a “window” into the otherwise arcane process of travel planning.

3. Key principles of travel planning should guide preparation of a comprehensive TMP for the Snake River Birds of Prey NCA.

In light of the many concerns outlined above with use of the ARS Tree, we recommend BLM use the principles outlined below and follow the approach set out in the Travel Management Planning Template (**attached** to this letter) when developing a comprehensive travel management plan:

- (1) Travel management is part of land use planning and should address both recreation and transportation needs from a landscape perspective.
- (2) Prior to conducting an inventory or designation of routes, BLM should assess the present resources, requirements for protection, and which uses for recreation and development are compatible with these resources, requirements and other users.
- (3) BLM should use a legal definition of “road” when designating routes.
- (4) BLM’s consideration of ORV use should take into account its potential damage to resources and other uses, including exclusion of other users.
- (5) Where BLM presents a baseline travel system, it must present route maps in a responsible manner that does not legitimize illegally-created routes.
- (6) BLM should include a detailed closure and restoration schedule in the plan.
- (7) BLM should include and implement a monitoring plan.
- (8) BLM should include and implement education and outreach in the plan.

Recommendations: BLM should follow the eight travel planning principles and use an approach similar to that set out in the enclosed Travel Management Planning Template to ensure that only routes which comply with the NCA legislation and BLM’s ORV regulations, and which truly serve a valid purpose for the public, remain open. Further, the involvement of ORV groups in the travel planning process should be limited in practice to obtain input from all users of the public lands and make informed, responsible designations of areas and routes suitable for ORV use.

VIII. VRM Classifications

The preferred alternative’s proposal to classify 298,600 acres as VRM class III, and all of the land in the OTA as VRM class IV, with only 54,100 acres as VRM Class II (Draft RMP, pp. 3-39 – 3-40) is inconsistent with the mandate of the NCA legislation to manage these lands to protect the habitat of raptors and their prey. Classifying a significant majority of the NCA as VRM class III, and only 54,100 acres as VRM class II is inconsistent with the NCA legislation as it does not emphasize maintaining raptor habitat.



The objective of VRM class III is “to partially retain the existing character of the landscape. Management is so that “the level of change to the characteristic landscape should be moderate.” See, BLM official Visual Resource Management information website at: <http://www.blm.gov/nstc/VRM/vrmsys.html>. By designating key raptor habitat as VRM class III, the BLM is proposing management that only requires raptor habitat to be “partially retained.” This approach does not meet the requirements of the NCA legislation, which obligates the BLM to develop a management plan that “emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area.” 16 U.S.C. § 460iii(5)(a). By proposing management that allows further deterioration of raptor habitat in the NCA, the BLM is not fulfilling its responsibility to rehabilitate and protect habitat for raptors and their prey. The majority of the NCA should be classified as VRM class II, which strives to “maintain the existing character of the landscape.” Maintaining the existing character of the landscape will ensure that raptor habitat is not further degraded.

Of particular concern is the fact that none of the area in the slickspot management area is classified as VRM Class II. Since slickspot peppergrass is considered a type 1 species by the BLM and is to be managed as though it were an endangered species, classifying the slickspot peppergrass management areas as VRM class III and allowing the landscape to only be “partially retained,” is inconsistent with not only the NCA legislation but also with BLM Manual 6840, which states that the BLM is required “to ensure that BLM actions will not reduce the likelihood of survival and recovery of any listed species or destroy or adversely modify their designated critical habitat.” Manual 6840.06A2. As shown above, the slickspot peppergrass occurrences in the OTA and in the Kuna Butte area are critical habitat for this species. Accordingly, by failing to impose appropriate management requirements, the BLM is allowing further deterioration of this habitat and violating its own directive not to adversely modify critical habitat.

Further, in addressing Desired Future Conditions (DFCs), the RMP states that for Visual Resources there is “No Specific DFC” and readers are referred to the DFCs for “Recreation.” Draft RMP, p. 1-16. However, there is not a DFC for Recreation that pertains to visual resources and the only Standard for Recreation simply refers to designing recreational facilities to be compatible with protecting scenic landscape values. Draft RMP, p. 1-17. It is important that the RMP acknowledge the role that VRM classifications will play in determining the activities that may be permitted in sensitive areas and specify appropriate DFCs and management classifications.

Recommendations: Consistent with the reasons for which the NCA was established and the guiding management principles, the majority of the NCA should be classified as VRM class II, which strives to “maintain the existing character of the landscape.” Specifically, areas of key raptor habitat, important raptor prey species habitat, and slickspot peppergrass populations and habitat should be classified as VRM Class II. In addition, a Desired Future Condition and Standard for visual resources should be set out, identifying conditions and standards to ensure that habitat areas are managed to be consistent with needs of raptors and prey species.



IX. Cultural Resources

The Federal Land Policy and Management Act (FLPMA) requires the BLM to develop and periodically revise land use plans guiding the management of public lands. 43 U.S.C. §1712(a). FLPMA mandates that “public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.” 43 U.S.C. §1701(a)(8). Agencies must also “consider the relative scarcity of the values involved.” 43 U.S.C. §1711(c)(6). In addition, FLPMA mandates that the BLM continuously maintain “an inventory of all public lands and their resources and other values[...]. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.” 43 U.S.C. §1711(a).

In the context of historical and cultural resources, the National Historic Preservation Act of 1966 (“NHPA”) (16 U.S.C. § 470 et seq.) affords heightened protection to these resources, establishing a cooperative federal-state program for the protection of historic and cultural resources. In particular, the “section 106” (16 U.S.C. § 470f) review process obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for inclusion under NHPA. Additionally, Section 106 requires the BLM to consider the effects of its management actions on all historic resources and to give the Advisory Council on Historic Preservation an opportunity to comment before the BLM takes action. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1)), and to manage and maintain those resources in a way that gives “special consideration” to preserving their historic, archaeological, and cultural values. Section 110 also requires the BLM to ensure that all historic properties within the National Monument are identified, evaluated, and nominated to the National Register of Historic Places. *Id.* § 470h-2(a)(2)(A).

The Standard Operating Procedures for cultural and tribal resources projects surveys would continue, but only for 80 to 240 acres per year. Draft RMP, p. 3-8 – 3-9. While the preferred alternative (by referring to and taking the same approach as Alternative B) provides for “increased cultural resource surveys, cultural resource site monitoring, and cultural resource interpretation and outreach projects.” Draft RMP, pp. 3-9 – 3-10. Without more specificity about the levels of the inventory and management of cultural resources, BLM is not giving sufficient weight to assessing and protecting these lands, which include lands of the Shoshone Paiute and Shoshone Bannock Tribes.

The proposed RMP will direct the implementation of various management activities for approximately the next 15 years. Projects conducted will range from restoration projects and species conservation to grazing and military training. Therefore, it is vital that the RMP commit to completing an inventory of cultural resources and developing sufficient management to protect them.

Recommendations: The RMP should establish a timeline for conducting a complete inventory of the cultural and historical resources present in the NCA and commitments to managing these resources when they are located. The BLM should also complete a Cultural Resource



Management Plan providing for inventory and monitoring to ensure protection of cultural, historical, and tribal resources.

X. Lands and Realty

A. Wind energy development should not be permitted within the NCA.

The Desired Future Conditions (DFCs) for lands and realty include a provision that all wind energy sites would be located within an identified right-of-way use area (DRMP/EIS, p. 1-16). However, this approach is **not consistent with the NCA requirements to manage these lands to protect raptors and their prey or with the Record of Decision for Wind Energy Development on BLM Lands.**

Wind turbines can incur significant mortality for avian species including raptors. Raptor mortality may occur when raptors collide with turbine blades or towers. Similarly, raptor prey species or habitat may be directly or indirectly affected by the placement of wind turbines. Direct mortality of raptor prey species may occur as a result of collisions with turbine blades or towers. Direct mortality may also result during the construction of wind turbines. Indirect effects of wind turbines on raptor prey species and raptors can occur due to the fragmentation of habitats because of the placement of wind turbines.

Further, the December 2005 Record of Decision for Wind Energy Development on BLM Lands includes NCAs in the categories of lands “that will be excluded from wind energy site monitoring and testing and development.” ROD, p. A-2, **attached** for your reference. Only one NCA (the California Desert Conservation Area) is exempted from this requirement, so wind energy development may not be permitted in the SRBOP NCA.

Recommendation: Wind energy development in the NCA would be inconsistent with the purpose of the enabling legislation to protect raptors, raptor prey species, and their habitat. 16 U.S.C. §406-iii(5)(D). In addition, wind energy development is prohibited by the Record of Decision governing wind energy development on BLM lands. The RMP should state that wind energy development is not permitted within the NCA.

B. No additional utility corridors should be designated within the NCA.

BLM (along with the U.S. Forest Service and Department of Energy) is part of an effort to identify and designate energy corridors on a West-wide, programmatic scale (known as the West-wide Energy Corridor Programmatic EIS), pursuant to Section 368 of the Energy Policy Act of 2005. The proposed corridors are 3,500 feet wide and open to use for oil, gas and hydrogen pipelines, and electricity transmission and distribution facilities. The preliminary map of proposed corridors, released in Spring 2006, appears to show a corridor running along the southern edge of the NCA, similar to that shown for Alternative C¹⁰ on Lands Map 2. Draft RMP, p. A-101. We support BLM’s preferred alternative in the Draft RMP (Alternative D),

¹⁰ This corridor does impact less sensitive areas than that shown for Alternative B.



which uses the existing .75 mile wide corridor north of the NCA and does not provide for expanded placement of corridors within the NCA. BLM should actively encourage the West-wide Energy Corridor PEIS team to utilize this existing corridor as opposed to designating a new corridor near or through the NCA.

As discussed in TWS's scoping comments for the West-wide Energy Corridor PEIS and TWS's comments on the Preliminary Maps, certain areas should be presumptively avoided in placing transmission corridors under the PEIS process or any other process (such as the NCA RMP process). These places include all formally designated or other areas identified because of their special natural values. These values have potential to be damaged or destroyed by the surface disturbance, alteration of viewsheds and features, impact to air and water quality, erosion, direct mortality of wildlife (such as raptors in the NCA), fragmentation of habitat, and increased human access likely to occur in connection with the construction and use of energy corridors. NCAs and critical wildlife habitat are two such areas; both factors are present in this situation to guide against permitting any additional corridors to be designated in the SRBOP NCA.

Recommendations: BLM should adopt the preferred alternative and not identify additional utility corridors beyond the existing .75 mile wide corridor north of the NCA. Further, NCA staff should encourage BLM and the other federal agencies working on the West-wide Energy Corridor PEIS planning effort to designate the existing corridor only and should strongly oppose the designation of additional corridors in or near the NCA.



Thank you for your consideration of these comments. We look forward to seeing these issues addressed as the Snake River Birds of Prey National Conservation Area RMP is developed. In addition, we are available to meet with you to discuss our proposed changes to the RMP at your convenience.

Sincerely,

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Attachments:

1. Meyer, Susan E., D. Quinney, and J. Weaver. 2006. "A Stochastic Population Model for *Lepidium Papilliferum* (Brassicaceae), a Rare Desert Ephemeral With a Persistent Seed Bank." *American Journal of Botany* 93(6): 891-902.
2. Orchard Training Area Slickspot Peppergrass Concentrations ACEC map. The Wilderness Society, 2006.
3. Kuna Butte Slickspot Peppergrass Concentrations ACEC map. The Wilderness Society, 2006.
4. CD containing shapefiles of the Orchard Training Area Slickspot Peppergrass Concentrations ACEC and Kuna Butte Slickspot Peppergrass Concentrations ACEC proposals. Shapefiles were created by The Wilderness Society from data received from the Idaho Conservation Data Center (IDCDC) containing known *Lepidium Papilliferum* occurrences.
5. Rogers, D. Christopher, D. Quinney, J. Weaver and J. Olesen. 2006. "A New Giant Species of Predatory Fairy Shrimp from Idaho, USA (Branchipoda: Anostraca)." *Journal of Crustacean Biology* 26(1): 1-12.
6. Appendix 1:
 - a. *Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard BLM Lands*, The Wilderness Society, 2006.
 - b. Weller, C., Thomson, J., Morton, P., Aplet, G. 2002. *Fragmenting Our Lands: The Ecological Footprint from Oil and Gas Development*. The Wilderness Society: Washington, DC. 24 p.
 - c. Hartley, D. A., Thomson, J. L., Morton, P., Schlenker-Goodrich, E. 2003. *Ecological Effects of a Transportation Network on Wildlife*. The Wilderness Society: Washington, DC. 27 p.
 - d. Thomson, J. L., Hartley, D. A., Ozarski, J., Murray, K., Culver, N. W. 2004. *Protecting Northern Arizona's National Monuments: The Challenges of Transportation Management*. The Wilderness Society: Washington, DC. 39 p.
 - e. Thomson, J. L., Schaub, T. S., Culver, N. W. Aengst, P.C. 2005. *Wildlife at a Crossroads: Energy Development in Western Wyoming*. The Wilderness Society: Washington, DC. 40 p.
7. Excerpts from the Record of Decision (ROD) for the Dillon Resource Management Plan, BLM Dillon Field Office (Montana), February 2006.
8. Recommended Travel Management Planning Process. The Wilderness Society and Colorado Mountain Club, 2004.
9. Excerpts from the Record of Decision (ROD) for the Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments, December 2005.





Mary Jones/LSRD/ID/BLM/DOI
08/31/2006 12:31 PM

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Subject: RMP Comments

Thank you for the opportunity to comment on the Snake River Birds of Prey National Conservation Area Draft Resource Management Plan and Environmental Impact Statement (ID-111-2006-EIS-1740). Although we support the actions outlined in the Preferred Alternative, we were surprised that the section on "Desired Future Conditions" did not address raptor populations. Considering that the purpose of the legislation establishing the NCA was: "to provide for the conservation, protection, and enhancement of raptor populations..." it seems that the Resource Management Plan should have goals for enhancing and maintaining the raptor populations: whether to increase them to new levels, whether to maintain them at current levels, or whether to keep them from declining below some threshold. For example, the number of Golden Eagle pairs in the NCA has declined from levels in the early 1970s (page 2-15 and 2-16 of the RMP), we feel that a DFC for the NCA would be to increase the number of eagle pairs to the level of the early 1970 or it could be to prevent any further declines. Although the plan (page 1-14) calls for increasing the number of nesting trees, this action does not address the needs of the majority of raptors that nest on cliffs (e.g., Prairie Falcons).

We were surprised and concerned that the section on monitoring in Chapter 5 did not call for any monitoring of raptor populations. Because the NCA was legislatively established to protect the unique aggregation of raptors, it seems logical that the status and health of the raptor populations should be assessed periodically. Much of the RMP is predicated on the concept that restoring vegetative communities to desired conditions will ensure sustained raptor populations. This is a good concept, but restoring native plant communities will not guarantee sustained raptor populations. Habitat is only one of many factors that affect raptor populations. For example, human activity and disease (West Nile virus and avian influenza, for example) could affect raptor populations even when the habitat is good. Also some raptors could persist even though



the habitat does not improve. Our research in the NCA has shown that some Golden Eagle pairs continue to occupy territories and produce young even though the habitat in their home range is seriously degraded.

The notion that restoring native plant communities will result in sustained raptor populations is a good hypothesis that needs to be tested through adaptive management. In 1999, managers, specialists, and researchers participating in the Snake River Birds of Prey National Conservation Area Habitat Restoration Workshop at the Sagebrush Steppe Ecosystems Symposium (Entwistle, P.G., A.M. DeBolt, J.H. Kaltenecker and K. Steenhof, eds. 2000. Proceedings: sagebrush steppe ecosystems symposium. Bureau of Land Management, Boise, Idaho.) recommended that to measure whether landscape level goals are being achieved in the NCA, managers must define and monitor "success" at all trophic levels (see Question 5, page 139 of Entwistle et al. (2000). Recommended types, methods, and frequency of monitoring were outlined in the Symposium proceedings (pages 139 and 140) as well as in USDI 1996 (U.S. Department of the Interior. 1996. Effects of military training and fire in the Snake River Birds of Prey National Conservation Area. U.S. Geol. Surv., Biol. Res. Div., Snake River Field Sta, Boise, ID.). The monitoring section in Chapter 5 does mention monitoring the 2 main prey species; we will be curious to see the specifics of the proposed approach, as prey monitoring can be very expensive.

We were pleased to see that the Preferred Alternative did not include a new power line corridor in Owyhee County. As we noted in our earlier comments, the route south of the river has important remnant shrub habitats, is within 5 km of known Sage Grouse leks, and has important visual resource values.

Our specific comments below focus mainly on the sections about wildlife. Some of our comments reflect the fact that new information has become available since the plan was actually written.

Page 1-1. The text refers to the 1996 NCA Management Plan. The reference list shows the management plan as having been published in 1995. The copy we have in our office shows 1995 not 1996 as the publication date.

Page 2-12. Cite Steenhof et al. 2005 (Steenhof, K., M. R. Fuller, M. N. Kochert, and K. K. Bates. 2005. Long-range movements and breeding dispersal of Prairie Falcons from southwest Idaho. Condor 107: 481-496.) in support of statements in the first paragraph of column 2. You might choose to include more specific information from that reference.

Page 2-13. The 1975 survey for Prairie Falcons was not complete so it is inappropriate to calculate densities for 1975. More complete surveys were conducted from 1976-1978 and were reported in the 1979 Special Research Report to the Secretary of the Interior. Any comparisons of abundance within the NCA and upstream should be calculated from data in the 1979 report not the 1975 report. To compare relative abundance within the NCA, the best source of information is Kochert and Steenhof 2004a—see summary in Appendix 7. We suggest you change the wording of the paragraph in column 2 at the top of page 2-13 to: "Between 1976 and 1978, surveys found significantly higher densities along 78 miles of the Snake River from Guffey Bridge to Indian Cove Bridge than in 36 river miles from Hammett, Idaho to the Malad River (USDI 1979, page 56).



2-16. Change “Half of the 40 known nesting areas” to “Half of the 40 known nesting territories”

Page 2-18. Instead of citing USDI 76 in support of the statement that Piute ground squirrels are the most common prey of red-tailed hawks, cite one or both of these articles, both of which contain data from more years:

Steenhof, K. and M.N. Kochert. 1985. Dietary shifts of sympatric buteos during a prey decline. *Oecologia* 66: 6-16.

Steenhof, K. and M.N. Kochert. 1988. Dietary responses of three raptor species to changing prey densities in a natural environment. *Journal of Animal Ecology* 57: 37-48.

Page 2-18 If you really want to identify all osprey pairs nesting in the NCA, you should not omit the pair that attempted to nest on the Priest Ranch in 2005 and 2006.

Page 2-20. The first sentence of the section “Key Raptor Prey Species” says: “Raptor prey species are not as varied...” as varied as what? Our database shows that NCA raptors take more than 150 species of prey from several different orders.

Page 2-20. Change “occupation of nest sites” to “occupancy of nesting territories”

Page 2-21. The report refers to a “lack of Prairie Falcons nesting” along the Snake River east of Hammett. Although nesting densities are not as high there as in the NCA, Prairie Falcons are known to nest in that stretch.

Page 2-23 First Paragraph. Figure 2.7 is cited in support of a statement that kangaroo rats are eaten by a variety of predators in the NCA, but Figure 2.7 has nothing to do with predator diets. The second paragraph states that deer mice are eaten by all NCA raptors. We do not have diet data for all raptors; it would be more appropriate to say deer mice are eaten by most NCA raptors. The citation for this statement is Fig. 7 (I assume this is supposed to be 2.7?) and is again inappropriate because Fig. 2.7 displays no information on food habits of raptors. We suggest that Figure 2.7 be removed from the RMP because it provides no useful information to readers. Counts of mice and kangaroo rats along spotlight transects are meaningless without accounting for detectability issues using a program like Program DISTANCE.

Page 2-25. The cross-reference to “Key Raptor Prey Species” appears to be a wrong number.

Page 2-30. Why not use a more recent report than Sallabanks 2002? Please use the term occupied instead of “active.”

Page 2-30. Juvenile plumage refers to feathers worn by eagles in their first year of life. Eagles do not breed when they are less than 2 years old. Strike juvenile and keep the term subadult plumage.

Page 2-31. Define what is meant by “breeding activity.” Nesting activity certainly occurs much later than May in most latitudes (including Idaho). Nesting activity barely begins in October in



southern latitudes.

Page 2-41. Change “fairing” to “faring”

Page 2-35. Rotenberry is misspelled twice.

Page 2-35. The legend for Figure 2.8 has misspelled and incomplete terms.

Page 2-36. Bechard 2003 is not in the list of references.

Page 2-36 Please provide a reference for the statement that long-nosed snakes are a very common prey of Red-tailed Hawks in the lower canyon of Sinker Creek. Our food habits database shows only 2 individual long-nosed snakes from a nest in that area (Jacob Reuben), representing 2% of the 90 prey items collected at that site.

Page 2-37 Please provide a reference for the statement “every 10-15 years, when the NCA receives higher than average winter/spring moisture, making grass cover abundant, the owls may become common to abundant breeders.” We are not aware of a correlation between precipitation and short-eared owl abundance. The most complete owl surveys were in the early 1990s, which were all drought years.

Page 2-37 Please provide a reference for the statements “it is unlikely...that voles play a major role in short-eared owl densities away from agriculture or riparian areas. Density of vegetation is more likely the key to their nesting in upland areas.” The 3-fold difference in Short-eared Owl density during the 1990s appeared to be related to vole abundance.

Appendix 5. Piute ground squirrel is misspelled.

Appendix 6. The data presented are likely accurate for the period 1970-1994, but earlier laying dates and later fledging dates have been recorded for many species in the 12 years since 1994. For example, in 2006, a brood of Swainson’s Hawk nestlings within the NCA did not fledge until 8 August in 2006. Some Prairie Falcons lay eggs in late February. We can provide an updated table of hatch dates by species if you want.

Appendix 7. Why is the paragraph at the bottom of the table in the appendix and not in the main text? The paragraph refers to Fig. 2, which I could not find. Should it be 2.2? It seems the explanation of that figure would be fit better with the material on page 2-13.

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JUN 31 2006

LOWER SNAKE RIVER DISTRICT

Offroad



To Whom It May Concern:

Purpose- Specific Recreation Experience

The Snake River Birds of Prey National Conservation Area is a unique area because of the raptor and raptor prey populations. We respect the NCA and its purpose of the preservation of raptor habitat. Also unique to this area are the rock formations along the cliffs that offer an opportunity for technical rock crawling by 4x4 vehicles that is not found anywhere else in southwestern Idaho. One particular canyon offers a significant amount of moderate to extreme technical rock crawling because of the uniqueness of its volcanic rock formations (Look at attached map of exact location of this specific trail). This canyon trail has been used responsibly, without adverse consequences, by 4x4 enthusiasts for approximately fourteen years and is a quality rock crawling trail that the 4x4 community value greatly.

Route Designation

We of the 4x4 community would ask to designate this trail for technical 4WD/Rockcrawling as presented in the Transportation Table 3.3 Route Designation Criteria-Current Use. This trail currently appears on the Road Network Transportation Map 1 as an inventoried trail. In alternative D, which is preferred, vehicle access would be managed according to the following OHV Area Designations (Transportation Map 5) that would be limited to designated routes only.

A key feature of this trail is that we can maintain the Roaded Natural setting that is defined as "landscapes partially modified by roads, but not in a way that overpowers the natural landscape features". Our particular Technical Sport of Rock Crawling does not require actual maintained roads, but leaves the landscape essentially in its natural condition. The only actual roads would be access and exit roads that are currently on the Road Network Transportation Map 1.

Designation of this trail is the most positive way to allow the 4x4 community a unique recreation experience. We would refer you to the section 4.2.16 Recreation, How Activities Affect Recreation Management- Direct Impacts- Transportation Area Designations and Route Designation Criteria. "Designating areas as closed to motorized vehicles would have direct adverse effects to motorized recreation. Restricting Vehicles to designated routes would beneficially affect dispersed non-motorized recreation that normally occurs off-road, such as hiking ... Application of the route designation criteria within the limited to designated areas will have slight adverse impacts to motorized use in or around areas containing sensitive resources but will have slight beneficial long-term impacts by eliminating conflicts and providing a range of recreation opportunities."



Mitigation and Management of Trail

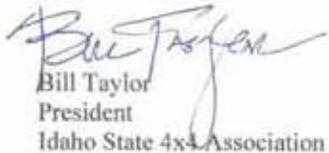
As in the past, protection and managed use of this trail offers a distinct educational tool for the 4x4 community. The conservation platform of this particular trail adds a humbling theme to a trail ride and surfaces the unique opportunity to educate our users about the landscape and habitat of the National Conservation Area. Managed use of this trail is in compliance with management and use legislation in place as Public Law 103-64.

We agree with and support the conservation, protection, and enhancement of raptor populations. We hold in high regard the efforts to protect habitats and the natural and environmental resources that are stated in the NCA enabling legislation. We would suggest mitigation and management of this canyon trail as follows:

1. Use of the trail would not be in the season of high fire impact.
2. Use of the trail would not be used during known raptor nesting periods.
3. Limitation of the number of vehicles that are on the trail during each visit.
4. Agree to limitation to seasonal use.
5. The 4x4 community would provide trail maintenance as needed, under the guidance provided by the BLM.

We as the Idaho State 4x4 Association would encourage the administrators of the Snake River Birds of Prey NCA to consider our comments and include them in the RMP.

Sincerely,


Bill Taylor
President
Idaho State 4x4 Association


Nate Davidson
Vice President
Idaho State 4x4 Association



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Re: Comments to the Draft Resource Management Plan and Environmental Impact Statement, Bureau of Land Management, Boise District Office dated April, 2006 (ID-111-2006-EIS-1740).

Dear Mr. Sullivan and Content Analysis Group:

Commentor is Black.

These comments are submitted by Joe Black and Sons (hereinafter, "Black").¹

Black owns private land within and/or adjacent to the Boise District Office, including lands within and/or adjacent to the Snake River Birds of Prey National Conservation Area (hereinafter "SNBP NCA"), along with water rights, livestock and improvements, such as buildings, corrals, fencing, pipelines, water containers, reservoirs, wells, pumps, ditches, roads, equipment and motor vehicles. These private lands, water rights, livestock, and improvements facilitate a yearlong cow-calf livestock operation which is dependent upon the use of public lands within the Browns Gulch Grazing Allotment, established under the provisions of the *Taylor Grazing Act*.

The majority, but not all, of the Browns Gulch Allotment lies within the present-day boundaries of the SNBP NCA. This fact means that, as the boundary is presently configured, portions of our grazing allotment will be potentially governed by two different sets of congressional mandates and two different RMPs, specifically the Bruneau or NCA RMP and the Jarbidge RMP.

¹ We were assisted in the preparation of portions of these comments by Robert N. Schweigert, B.S. Range Management/Wildlife Habitat, M.S. Forest and Range Management/Wildlife Habitat.



The Black family members also use and depend upon the public lands within the Boise District, including the area of the SNBP NCA, for purposes other than facilitating a livestock operation. Specifically, they use the public lands for scientific, educational, spiritual, aesthetic, and recreational (including hunting, fishing, camping, hiking, wildlife viewing, botanizing, bird-watching, sightseeing, photography, horseback riding and other) purposes. Based thereon, the Black family members have a special interest in the protection and enhancement of the resources upon the public lands, including as the resources relate to soils, watersheds, vegetation, wildlife species, recreation, and opportunities for solitude.

It is on the basis of both our economic interests and our environmental interests that we comment to the Draft Resource Management Plan and EIS.

We make first a superseding request, and second both overall general comments and specific comments relative to the Draft Resource Management Plan and Environmental Impact Statement (hereinafter, "DRMP"), with the expectation that a revised DRMP will be submitted to the public for review prior to a Final RMP being published. We believe a revised DRMP is necessary due to the considerable shortfalls of the DRMP. We have primarily commented herein to "Chapter 2" as it is the "affected environment" section of the DRMP which presumably drives the development of the alternatives and the analysis of environmental consequences. However, we also provide limited comments to Chapter 3 and Chapter 4.

SUPERSEDING REQUEST:

We request that the RMP and Record of Decision include the recommendation to Congress to change the boundaries of the NCA so as to exclude (at least) the entirety of the Browns Gulch Allotment. To this extent, we support the Lands Alternative C, Map 6 at page Appendix-105 (A-105). If this is done, and Congress so acts, such action will render our comments herein irrelevant to the SNBP RMP and EIS, at least as these comments apply to the Browns Gulch Allotment.

We do so, because:

1. As stated above, a portion of the Allotment is presently within the boundary of the NCA, and a portion is outside the boundary of the NCA. This means that Black, BLM, and the public are faced with at least two different overriding land use laws (Taylor Grazing Act versus NCA designation legislation), and at least two different Land Use Plans (Bruneau or NCA RMP and Jarbidge RMP) that are potentially applicable to our one grazing allotment.
2. The management of the allotment is mandated by a stipulated agreement approved under a federal court order relative to the Jarbidge Field Office, who administers our livestock grazing.
3. The range conditions on our allotment apparently are not similar to the conditions within the remainder of the NCA area, wherein the DRMP characterizes burned areas as being dominated by Sandberg bluegrass and/or



cheatgrass. Nearly the entire Browns Gulch Allotment has had the overstory shrubs removed by past wildfire, but the areas have either been seeded to crested wheatgrass or where left "unrestored" are dominated almost entirely by a mosaic of Needle-and-Thread and Indian Ricegrass. While we do have some small acreages along roads that are dominated by cheatgrass, such areas by no means dominate the landscape in the Browns Gulch Allotment. This drastically departs from the conditions described in the DRMP Chapter 2, which are not applicable to the Browns Gulch Allotment.

4. Apparently unlike the remainder of the allotments described in the DRMP, we have not taken voluntary non-use, and have requested and been granted considerable temporary grazing authorization in the past ten years, and have been authorized a considerable increase in permitted use from the previous levels of authorized use. All of these increases in permitted use are the result of extensive forage and livestock monitoring that has been conducted over time, including adjustments according to climatological variables over time. These facts drastically depart from the conditions described within the DRMP for other allotments, which are not applicable to the Browns Gulch Allotment.
5. Browns Gulch Allotment has no riparian or streamside habitat, including any upland springs or seeps. It has no cliffs, no rock outcrops, and no trees. Therefore it has no significant nesting habitat as described at DRMP pp2-11 through 2-12.

We therefore believe the conditions and history of (at least) the Browns Gulch Allotment are so different from those which are described as existing within the NCA as to warrant our allotment being excluded from the NCA boundaries and the management prescribed by the SRBP DRMP.

GENERAL COMMENTS.

* Throughout, the DRMP lacks sufficient specificity so as to adequately inform Black and the public of the specific intentions of BLM relative to each of the resources (and particularly as it pertains to livestock management). The DRMP does not contain necessary site-specific analysis, but rather is generic in its discussion of management actions and in its assessment of impacts. The DRMP in large part fails to specify WHERE - i.e., which grazing Allotment(s) - the actions and impacts are expected to occur, and this lack of specificity deprives Black and the public of the opportunity to assess the accuracy of the "Purpose and Need" for the DRMP (Chapter 1), the purported Affected Environment (Chapter 2), the appropriateness of the Alternatives (Chapter 3), and the veracity of the purported Environmental Consequences (Chapter 4).

* The DRMP fails to specify a mechanism to determine changes in livestock permitted use if Standards and Guidelines are met on a grazing allotment, or determine changes in permitted use if the S&Gs are not met on such allotment. In other words, what method quantifies such change? Although the document claims that livestock stocking rates will be determined via the "S&G process", such process is not a process which can provide a quantification of livestock grazing capacity. This lack of specificity



results in a failure to inform and assess for the public the quantifiable changes in permitted livestock operation that may be predictable within the foreseeable future.

* The DRMP fails for the most part to reference the proposed and alternative actions to the maps and tables included within the document. For instance, only rarely does Chapter 3 (proposed action and alternatives) reference any maps which are meant to convey the information.

An example of this lack of specificity is that, although the alternatives propose to “restore” from 10,000 “targeted acres” to 130,000 “targeted acres”, nowhere does the document identify where (i.e. in which allotments) these “targeted acres” occur. It seems logical to us that if BLM can specify 10,000 acres to 130,000 acres within a planning document, it has reasonable knowledge as to where it expects such acreage to occur, and it is incumbent upon BLM to report such knowledge in the DRMP document for public review and comment. The DRMP fails to do so.

Another example is that the DRMP fails to specify what “mosaics” of different seral states it anticipates as the Desired Future Condition within the NCA, but instead is driven by a generic “restoration” goal. For example, will the desired future condition be a mosaic of “1% PNC, 1% late-seral, 1% mid-seral, and 97% early-seral” or a mosaic of “97% PNC, 1% late-seral, 1% mid-seral, and 1% early-seral”, or some other mosaic? This lack of specificity of the DRMP renders it impossible for Black and the public to provide adequate review and comment to the document.

* Throughout, the DRMP demonstrates an unsupportable, unscientific, and unfounded bias regarding, perhaps to the point of conferring a mythical status upon, “biological crust”. Just one of many examples of this bias is found at page 2-46, wherein the DRMP states, “Native communities are most susceptible to mechanical damage because their native biological soil crusts have not as yet been compromised.” However, this passage is one example among many where the DRMP is self-contradictory, because the passage follows a lengthy description of how the entire NCA has been severely disturbed by historic livestock grazing that forever altered the vegetative state and removed the desirable understory species, leaving only Sandberg bluegrass. BLM cannot have it both ways. Additionally, the document confers upon biological crusts properties and attributes that are speculative at best (for example, that it inhibits germination of cheatgrass seeds – but apparently not native grass seeds). Another mythical attribute is afforded “biological crust” at page 3-11, wherein the DRMP states “Degraded areas would be restored to shrub/bunchgrass habitat with a forb component and biological soil crust to provide additional habitat for small mammals, invertebrates, lizards, snakes, and birds.” However, we know of no evidence that “biological crust” is a necessary, nor even beneficial, habitat requirement for any animal species.

* Ultimately, Alternatives C and D (and to a lesser extent A and B) are likely not economically or logistically feasible or attainable over the extent of the acreage targeted to be “restored”. The DRMP admits at page 2-48 that “Few habitat restoration efforts have been attempted in the NCA. In addition, efforts to re-establish shrub cover have had

Black Comments to SNBP NCA
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limited success primarily because of drought conditions.” If BLM has had limited success on shrub establishment and has no experience in even small scale “restoration” efforts, then upon what rational basis can the public expect the expenditures of tax monies to result in the stated objectives, goals, and desired future conditions espoused under the grandiose plans of Alternatives C and D (and to a lesser extent Alternatives A and B)?

* While there may be an administrative need to consolidate into one document the management plan for the NCA, rather than taking “piecemeal” management from several RMPs, nevertheless as it pertains to maintaining and/or improving the habitat for birds of prey and their prey species, there exists no valid “Purpose and Need” to pursue the Resource Management Plan, or certainly anything other than the “no action” alternative, for the reasons stated herein below.

Specific Comments.

The DRMP identifies in a map at Appendix page 88 the “Livestock Grazing Allotments”, though, as discussed above, the DRMP is void of any specific discussion of the “Alternatives” relative to the specific Allotments; is void of any specific description of the “Affected Environment” relative to the specific allotments; and is void of any specific analysis of the “Environmental Consequences” relative to the specific allotments. Of the allotments identified on the map, Black owns the “base property” supporting Grazing Preference and holds the associated Grazing Permit upon the Browns Gulch Allotment, which is in the southeast corner of the present NCA boundary.

Please note that in submitting these comments, we have referred to a specific location within the document. However, our review shows that the same comment applies to several locations within the document (for example, more than one alternative may contain the same language to which we comment). It is our intention that BLM apply our comments to every instance where similar or same language is used throughout the DRMP.

COMMENTS TO CHAPTER 2 – AFFECTED ENVIRONMENT.

SECTION 2.2.3 – *Fish and Wildlife (pages 2-6 through 2-26).*

Grassland (p. 2-10). The DRMP characterizes native grasslands as those shrub-grasslands that have been disturbed by fire, and states that native grasslands are dominated by Sandberg bluegrass. However, this is not a correct description of the native grasslands of the Browns Gulch Allotment. Nearly the entire Browns Gulch Allotment has had the overstory shrubs removed by past wildfire. Some areas have been seeded to crested wheatgrass. In addition, unseeded areas of the allotment are dominated almost entirely by a mosaic of Needle-and-Thread and Indian Ricegrass, with very little acreage dominated by Sandberg bluegrass. This drastically departs from the conditions described in the DRMP Chapter 2.



Raptors (p. 2-11 through 2-12). The DRMP describes nesting habitat as occurring in three distinct zones: the cliffs, the uplands above the Snake River Canyon, and the riparian areas adjacent to the Snake River. However, no such cliff or riparian habitat exists within the Browns Gulch Allotment, and the Browns Gulch Allotment is miles south of the Snake River Canyon.

Prairie Falcon (p. 2-12 through 2-15). The DRMP considers the Prairie Falcon and Golden Eagle as “important barometers of habitat conditions” (p. 2-12).

Black contends that the barometers of habitat conditions provide absolutely no basis to conclude a “Need” for landscape-scale “restoration”, as prescribed by Alternatives B, C and D, for the following reasons:

As it relates to Prairie Falcons:

1. The DRMP itself states that there is no evidence of a decline in numbers of nesting prairie falcons, despite large declines in shrub overstory which purportedly occurred in the early 1980’s and mid-1990’s. In fact, the largest-ever number of nesting prairie falcon pairs was counted in 2002 (p. A-31). Therefore, no “purpose and need” for habitat “restoration” is demonstrated by this barometer.

2. The DRMP purports that there “may” be a downward trajectory in productivity (i.e. number of fledglings per pair), as reflected by Wildlife Figure 2.3. However, the data within the graph is first of all incorrectly graphed, and the “x” axis omits the years 1986, 1988, 1990, and others, which has the effect of “compressing” the “x” axis, thereby steepening the slope of the regression line. The same compression is accomplished by graphing 1997 and 2002 as though they represent equal time spans as depicted for the beginning of the “x” axis (i.e. every two years). Secondly, the R-Square value indicates that there exists an extremely weak linear correlation, if any, and any such decline is likewise extremely “shallow”. Black contends that no long-term downward trend is demonstrated by a correct graphing of the existing data and proper regression analysis.

It is possible that number of fledged falcons is inversely related to numbers and density of the nesting pairs, and therefore direct competition between nesting pairs for the available forage prey. This possibility is supported by the fact that in 2002, nesting prairie falcon pairs were at their all-time highest count, which coincided with one of the lowest fledglings/pair years.

It is also extremely likely that the primary forage prey (Piute ground squirrels) exhibits a cyclical population “boom and bust” similar to blacktailed jackrabbits, or other cycling due to climatic conditions. Compare, for example, the cycling of fledgling prairie falcons demonstrated at wildlife figure 2.3 with the data for fledgling golden eagles at wildlife figure 2.5. The DRMP cites no research as to such possible cyclical population changes in Piute ground squirrels.



Furthermore, ultimately, the number of fledglings per pair is meaningful only if it adversely impacts the number of breeding pairs, which are not in any decline, according to the DRMP itself.

Therefore, the purported yearly “productivity” of this barometer species cannot be deemed to warrant the landscape-scale “restoration” “Need” expressed by the DRMP.

As it relates to Golden Eagle:

The DRMP (p. 2-15) reports that a decline in numbers of pairs occurred between 1977 and 1979, but that the numbers have been relatively steady since that time. The document does not state whether or not any wide-scale vegetation changes (reductions in shrub cover) occurred in the 1977-1979 time period, which “might” presumably be tied to decline in jackrabbit habitat.

However, it is clear that the species has not been negatively impacted in the long term by wildfires in the early 1980’s and mid-1990’s. Therefore, this barometer species, its habitat, and the habitat of its total prey base have apparently not been affected by a decline in the shrub overstory.

Further, if any changes in shrub overstory are significant to the prey base of golden eagle (primarily black-tailed jackrabbit, according to the DRMP), such changes and therefore any “restoration”, are relevant only within approximately 2 miles of the nesting habitat, and do not warrant the unspecified, but landscape-scale, “restoration” of 130,000 acres (and further treatment of 100,000 acres) prescribed by Alternatives C and D.

Other Raptors (p. 2-17).

The DRMP does not demonstrate a “purpose and need” for landscape-scale “restoration” of shrub overstories and/or “restoration” of native or adapted perennial grass and shrub species on account of “upland nesters”, because the DRMP reports that the “upland nesters have been relatively resilient to habitat changes.”

Northern Harrier (p. 2-17).

The DRMP states (p. 2-17) that the northern harrier is “unaffected by wildfire...” However, the DRMP immediately refutes the conclusion within the very same sentence, continuing “. . . and nest in burned habitats significantly more often than expected. They also prefer to nest in patches of Russian thistle and stands of tumble mustard that have invaded disturbed areas.”



Therefore, the species is NOT “unaffected” by wildfire, but is apparently beneficially impacted by wildfire that disturbs shrub overstory and the ecological condition of the range.

Key Raptor Prey Species (p. 2-20).

The DRMP purports that “survival” of Piute ground squirrel and density of black-tailed jackrabbit are both higher in sagebrush-dominated areas than in those without such cover. While this may be true, it must be noted that survival and density are also a function of predator success, and Black would submit that higher survival and density rates may mean only that predators are less successful at obtaining their forage prey within stands of shrub-covered vegetation than they are in adjacent non-shrub-dominated areas. Such “survival” and density figures are not “stand alone” information which justifies a conclusion that vast areas of purportedly “restored” rangeland will in any way benefit the raptors of the SNBP, and especially the prairie falcon and golden eagle.

Soil (p. 2-40).

The DRMP purports that “livestock grazing. . . are major agents affecting soil stability, productivity, and watershed health.” However, this should be restated to state that all of the agents “may affect” soil stability, etc., and should be modified to further state that such affects may be either negative or positive.

Soil Condition and Trends (p. 2-40)

The DRMP states that “in areas of the NCA where historic livestock grazing has degraded the watershed, an early- to mid-seral or disturbed vegetation condition now exists.” However, we are unable to find any site-specific identification of any portion of any allotment which would permit substantive review and comment of this statement by the public.

The DRMP purports that “this trend is continuing throughout the NCA.” This is a statement that is, so long as (at least) the Browns Gulch Allotment is considered part of the NCA area, categorically a false, misleading, inflammatory, and unsupported representation. Again, the DRMP lacks any specificity and any data to make such a broad conclusory statement.

The DRMP reports that “only four out of the last 11 years” received average or slightly above average annual precipitation. However, if 1993 is the beginning of the referenced 11 years, then the end year must be 2002. What of 2003, 2004, 2005, and 2006? Further, ultimately, this statement holds no relevance unless compared “to” something else. Did the vegetative trend decline in those years when the precipitation was below average? We know from the discussions regarding prairie falcon and golden eagle that the below-average precipitation years obviously had no impact on the “barometer” raptor species, so what is relevant about this statement?



The DRMP makes generic statements regarding “mechanical disturbance” resulting in “compaction and structural breakdown”, and purports (p. 2-41) that several studies consider heavy livestock trampling to be more harmful to the watershed than excessive grazing. Notwithstanding whether the two cited studies (both of which share the same author) constitutes “several”, the DRMP again lacks any specificity so as to identify where (which pastures or areas of which allotments, if any) such generalization of potential impacts has been documented as being fact rather than a “potential”.

2.2.8 Upland Vegetation.

The entire section regarding upland vegetation needs to be re-written so as to come to grips with reality.

First and foremost, BLM is not mandated in any way, shape or form to manage for conditions that existed prior to European settlement, and the entire discussion of what was here before European settlement occurred is irrelevant.

Second, we could not find any mention within the DRMP of fires set by pre-European, Asian settlers (which the DRMP terms Native Americans), which fires were set for various purposes, including war upon another people, hunting, or “vegetation restoration” as they saw it. The DRMP also lacks any specificity as to the trampling and other impacts of herds of antelope, mule deer, elk, bison, or “Native American” horses prior to the settlement of the area by Europeans.

Third, the DRMP is wrong in its reporting of existing vegetation types within the NCA, an error no doubt caused by relying on “remote sensing” to produce Vegetation Table 2.1. These errors are at least to the following extent:

Nowhere does Vegetation Table 2.1 show any native perennial species (other than Sandberg bluegrass) to exist within the NCA. However, a substantial percentage of the Browns Gulch Allotment is dominated by Needle-and-thread and by Indian ricegrass.

DRMP Vegetation Map 2 incorrectly depicts the extent of sagebrush cover within the Browns Gulch Allotment, which cover is considerably less than depicted on Vegetation Map 2.

A comparison of Vegetation Map 2 to Vegetation Map 1 shows some areas that were dominated by big sagebrush in 1979 became dominated by winterfat in 2001. However, such transition is not possible due to the differences in ecological potential of the soils on which the two species are found.

Fourth, the DRMP is vague and non-specific at page 2-45 when it states that approximately “77% of the sagebrush communities have an understory that is dominated by Sandberg bluegrass and/or other native perennial bunchgrasses.” Specifically, what other perennial bunchgrasses? The DRMP in this section claims that the only species left



IS Sandberg bluegrass, and yet admits that other perennial native bunchgrasses dominate the understory. The DRMP must be revised to be more specific as to which perennial understory grasses dominate the various areas of the numerous grazing allotments within the NCA. The lack of specificity precludes adequate comment by Black and the public.

Black contends that BLM's reliance upon remote sensing to determine and report to the public the existing vegetation conditions within the NCA is erroneous and has fatally flawed the development of the DRMP, including the "Affected Environment", the range of "Alternatives", and the determination of "Environmental Consequences".

BLM should, before publishing a revised Draft RMP, ground-truth its satellite imagery and conduct on-the-ground production and/or ecological condition sampling on the whole of the NCA so as to accurately portray existing vegetation conditions. BLM should then accurately report those findings as the "affected vegetation" in the revised DRMP, and revise the Purpose and Need, Affected Environment, Alternatives, and Environmental Consequences sections of the DRMP.

Lands (p. 2-61).

Black supports the DRMP's proposal to re-align the boundary of the NCA. Black supports the exclusion of (at least) the Browns Gulch Allotment. To this extent, we support the Lands Alternative C, Map 6 at page Appendix-105 (A-105).

2.2.14 Livestock Grazing.

The DRMP represents that many permittees have taken from 25%-50% voluntary non-use due to drought and invasion of exotic annuals (p. 2-63). However, the grazing management and vegetation condition of the Browns Gulch Allotment is such that our Permitted Use was raised by a recent BLM Final Grazing Decision, following several years of monitoring, a S&G determination, and NEPA documentation, from 1059 AUMs to 4300 AUMs. [Note. Black acknowledges that this increase was recently put into question as a product of a 2005 Federal Court Order issued by Judge Winmill, but only due to procedural technicalities, not due to the monitoring that demonstrated that the permitted use was available and consistent with applicable Standards.]

Please note that the above comment also applies to Appendix 9, p. A-35, wherein our Permitted Use is erroneously shown as 1,056 AUMs. It is 4,300 AUMs (subject to the Federal Court Order). Please also note that Appendix 9, p. A-35 incorrectly reports that no S&G determination has been conducted for the Browns Gulch Allotment. Appendix 9, p. A-35 reports correctly that our season of use is 3/1 to 2/28, but fails to note that we do not use the Allotment throughout the year, and that we rotate use of areas of the allotment through water manipulation (turning water troughs on and off).



COMMENTS TO CHAPTER 3

We incorporate by reference our comments to Chapter 2 to our Comments relative to Chapter 3. See also additional comments, herein below.

Management Actions Common to All Alternatives (p. 3-11). The DRMP states that “Degraded areas would be restored to shrub/bunchgrass habitat with a forb component and biological soil crust to provide additional habitat for small mammals, invertebrates, lizards, snakes, and birds.” However, we know of no evidence that “biological crust” is a necessary, nor even beneficial, habitat requirement for any animal species. The DRMP fails to specify how such “biological crust” will improve habitat for any of the referenced animals. The DRMP also lacks any specificity as to how or where “biological crusts” will be “restored”. This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action.

Fish and Wildlife – Alternative B (p. 3-13). Note: this comment also applies to Alternatives C and D. The DRMP states for this alternative that stocking levels would be determined through the S&G process, and that “additional forage would be allocated for small mammal raptor prey.” However, the DRMP lacks any specificity as to how the available forage will be quantified, how the consumptive demand by present and future populations of small mammals will be quantified, and how an “allocation” will thereby be determined. This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action.

Fish and Wildlife – Alternative B (p. 3-13). Note: this comment also applies to Alternatives C and D. The DRMP states for this alternative that “Forage competition between Piute ground squirrels and livestock would be minimized.” However, the DRMP: 1) does not provide the necessary specificity as to what constitutes “minimalizing” competition; 2) does not provide any evidence that concludes there exists any competition between ground squirrels and livestock; 3) does not provide any specificity as to where – what allotments - BLM believes such competition to exist.

Further, in order for species-limiting competition to exist, the consuming species have to be eating the same vegetation, and the vegetation has to be in limiting supply, neither of which the DRMP specifies.

The lack of specificity within the DRMP as to how each grazing allotment is currently operated, as well as how BLM plans to alter such operations, precludes the opportunity for adequate comment by Black and the public. We note, however, that Appendix 9, p. A-35 shows that many of the allotments are grazed in the fall and winter, so that the ground squirrels and other small mammals get “first shot” at the year’s yearly forage growth, whether it be perennial or annual species, and many of the allotments are not grazed until after the Piute ground squirrels have completed their annual above-ground activities and aestivated/hibernated. Therefore, in (at least) these circumstances, competition does not exist from the viewpoint of the small mammals, because they are



already afforded unfettered access to the available forage, with absolutely no POSSIBILITY of competition from livestock.

In the case of Browns Gulch Allotment, Black contends that due at least to the abundance of forage, the limitations of utilization upon the grazing livestock, and the associated livestock management practices, no competition between livestock and small mammals exists which in any way limits small mammal populations within the allotment.

Soil Table 3.1. The table summarizes BLM's purported intention to "prevent the potential for future localized soil erosion process on all soils with a moderate to very high soil erosion potential", under all alternatives. However, the DRMP fails to specify what is intended by such objective, and it would appear that BLM intends to prohibit any and all activities that "might" have an impact on soil erosion, no matter how miniscule such impact may be. In other words, it appears that BLM intends to "shut down" literally all on-the-ground activities within the NCA on such soils. Soils Map 1 (p. 124) reports such soils erosion potential to exist on approximately 2/3 of the NCA acreage, including most or all of the Browns Gulch Allotment. This is not rational, reasonable, nor realistic, and in fact conflicts with other management and objectives stated within the DRMP. Unless BLM intends to aerially – and only acrially - attack all wildfires and only aerially seed all restoration areas, allow only aerial recreational pursuits, and require livestock and wildlife only to consume forage if they do so acrially, the "potential for future localized soil erosion processes" cannot be "prevented", even assuming BLM has the legal authority to "shut down" all such activities on all such soils.

Finally as to this point, it cannot be disputed that the very burrowing activity of rodents, including the Piute ground squirrel, has a far greater potential to affect soil erosion than do other activities authorized on the public lands.

Vegetation – Restoration (p. 3-29). The DRMP states that "Efforts would be made to restore native or naturalized vegetation in degraded habitats (i.e. exotic plant or seeded communities) in an effort to help create mosaics of native vegetation...." However, the DRMP does not specify what BLM considers "naturalized vegetation". This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action. Further, some professionals have suggested that cheatgrass, having been in the United States for more than 100 years, and having shown wide ecological amplitude and the ability to adapt to different climes within the country, should be considered as part of the natural landscape – hence, it is a "naturalized" species.

Livestock Grazing – Alternative B (p. 3-50). The DRMP reports that areas treated under restoration or rehabilitation projects would be rested from livestock grazing until they achieve the desired resource objective. However, the DRMP does not specify what such objective is to be. This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action.



Livestock Grazing – Alternative B (p. 3-50). The DRMP reports that after establishment of a restoration seeding, the BLM authorized officer would determine when, how, and to what extent livestock grazing would be returned to the area to ensure long-term maintenance of habitat quality and watershed health. However, the DRMP does not specify by what means BLM will quantify the livestock grazing capacity, or make determinations as to related livestock management actions such as rotation use, etc. This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action.

COMMENTS TO CHAPTER 4

We incorporate by reference our comments to Chapters 2 and 3 as comments to Chapter 4. To the extent additional comments are necessary, we add the following:

Overall, the entire Environmental Consequences chapter is biased and lacks balance.

One of many examples, and an insight into the biases of the preparers of the DRMP, is found in the highlighted section titled “How Activities Affect Fish and Wildlife Management.” A review of this section at page 4-14 reveals that the preparers of the document believe, or want the public to believe, that any and all livestock grazing creates negative impacts (e.g. “collapse of burrows”, notwithstanding the fact that ground squirrels plug their burrows themselves, and don’t seem to have any difficulty digging their way out each spring), and that livestock grazing has absolutely no positive impact, under any circumstance (i.e. dormant season grazing, rotational grazing, etc). This section fails entire to recognize and report that livestock grazing at appropriate levels and time can reduce the likelihood of recurrent wildfires, which wildfires absolutely have more devastating impacts upon the forage and cover requirements of all wildlife species.

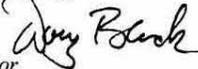
By contrast, the section at page 4-16 attributes absolutely no adverse impacts, either short term or long term, to activities associated with “restoration activities”. However, such restoration activities will almost certainly involve rangeland seeding, with rangeland drills and heavy equipment that are most certainly more likely to cause short term “collapses of tunnels” and disturbance of surface soils. Likewise, the chemical treatment of areas to reduce cheatgrass and other species will in at least the short term decimate the food base for countless Piute ground squirrels and other small mammals using the immediate area. In the case of Alternative D, this will likely entail 230,000 acres of habitat over 20 years (an average of 11,500 acres per year), with obvious short- term and possible long-term adverse impacts to the prey base populations.

The entire Chapter is full of such obvious bias and lack of objectivity. The DRMP also fails to specify and fully discuss the short term and long term impacts upon the raptors as a result of predictable, at least short term, declines in prey base populations and their habitat as a result of “restoration” activities. This lack of specificity precludes adequate opportunity for Black and the public to review and comment upon the planned action.

Black Comments to SNBP NCA
DRMP Page - 13 of 14



Thank you for the opportunity to comment to the DRMP. Please keep us informed of all additional opportunities to participate in this process.

Sincerely,

For
Joe Black and Sons

Black Comments to SNBP NCA
DRMP Page - 14 of 14



BOP 13

From: Jenifer Nordstrom [jnordstrom@cableone.net]
Sent: Thursday, August 31, 2006 7:34 PM
To: srbp
Subject: Snake River Birds Of Prey RMP DEIS

Attached to this email are comments from the Western Watersheds Project, Inc. regarding the Snake River Birds of Prey National Conservation Area RMP DEIS. Please acknowledge receipt of these comments. A hard copy will be also be sent via the US postal service.

Thank you,

Jenifer Nordstrom

WWP

9/1/2006





Western Elmore County Recreation District
Enriching Families & Building Community

P.O. Box 1347 – Office: 140 North 3rd East
Mountain Home, Idaho 83647
Phone 208-580-2377 / Fax 208-580-5517
www.weerdgov.org

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BOISE DISTRICT

2006 AUG 30 AM 1:46

Doug Belt, President Mollie Marsh, Vice President Dee Pate, Director

Bureau of Land Management
ATTN: John Sullivan
3948 Development Ave.
Boise, Idaho 83705

RE: Land use between Canyon Creek and Grand View Rd.

8/29/2006

Dear Bureau of Land Management,

The Western Elmore County Recreation District supports the use of land between Canyon Creek and Grand View Rd, Elmore County, Idaho for outdoor recreation. We feel that any recreational facilities which enhance the quality of life of the local citizens is a benefit to the community. Therefore, we urge you to consider continued use of this area for recreation purposes.

Thank you for considering our input.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Belt".

Doug Belt
President of the Board of Directors
Db/ts



Military Affairs Committee

205 North 3rd East • Mountain Home, Idaho 83647 • (208) 587-4334

RECEIVED AT
BOISE DISTRICT

2006 AUG 30 AM 1:51

August 30, 2006

John Sullivan
NCA Manager, BLM
3948 Development Ave
Boise, Id 83705

Dear Mr Sullivan,

The Military Affairs Committee is composed of approximately 100 City of Mountain Home Chamber of Commerce members all with the same goal of protecting and promoting Mountain Home AFB and it's longevity in Idaho.

We support the proposed establishment of an Off Road Vehicle Park at the old gravel pit on Grand View Highway. The area is extremely well located in close proximity to Mountain Home AFB and has been used for years as an unofficial recreation area for the airmen and their families that live and work on Mountain Home AFB. We highly recommend that BLM not close this area to the public, but work with Elmore County and the many recreation users to keep this unique recreation opportunity available. In addition, to the men and women on Mountain Home AFB, it is an excellent area for use by all that live in the surrounding area. It has some very natural trails and terrain that makes it an ideal place for Off Road Vehicle use.

Sincerely,



Terry Turner, Chairman
Military Affairs Committee

1st Endorsement:
Concur



Alan Bermensolo
366FW Representative to
Air Combat Command Commander's Action Group

Committee of Mountain Home Chamber of Commerce



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BOISE DISTRICT

2006 AUG 30 AM 1:42



www.wildidaho.org

Conservation League
PO Box 844, Boise, ID 83701
208.345.6933

John Sullivan
Snake River Birds of Prey Manager
BLM, Boise District
3948 Development Ave.
Boise, ID 83705

August 30th, 2006

RE: Additional Idaho Conservation League Comments Regarding the Draft Snake River Birds of Prey Resource Management Plan

Dear John,

The attached comments are concerns specific to the Idaho Conservation League, which were not incorporated into the jointly prepared comments submitted by the Idaho Conservation League, The Wilderness Society, and American Rivers. Please consider these as separate, additional concerns of the Idaho Conservation League not expressed by The Wilderness Society or American Rivers.

Once again we thank you for considering these additional comments. We look forward to continuing to work with the BLM on this project and others in the future.

Sincerely,

Bradley Smith,
Conservation Assistant

Additional Idaho Conservation League Comments Regarding the
Draft Snake River Birds of Prey Resource Management Plan

Page 1 of 4





STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

August 28, 2006

JAMES E. RISCH
Governor
PATRICK A. TAKASUGI
Director / Secretary

Snake River Birds of Prey NCA
C/O Content Analysis Group
PO Box 2000
Bountiful, UT 84011-2000

BOP 17

To Whom It May Concern:

The Idaho State Department of Agriculture (ISDA) appreciates this opportunity to comment on BLM's Snake River Birds of Prey National Conservation Area Draft Resource Management Plan and Environmental Impact Statement (draft RMP). ISDA congratulates BLM's effort to update the Birds of Prey NCA RMP and give new management direction. ISDA's comments will focus on the thoroughness and accuracy of the information in the draft RMP, particularly as it relates to rangeland management.

CHAPTER 1

1.5 Planning Issues

The draft RMP, on page 1-13, states that the plan will address the need for boundary changes to enhance the public's ability to use the NCA and BLM's ability to manage the area. Though ISDA recognizes BLM's ability to recommend boundary changes to Congress through the RMP both for users and administrative convenience, we caution BLM in its approach to the proposed changes. On page 3-45, the draft RMP states that the current boundary was established through negotiations with individual landowners. Under the descriptions of the alternatives C and D, the draft RMP makes no mention of an effort to consult with landowners on this issue. The RMP in its current form does not analyze how changing the boundary to increase the size (Alternatives C & D) of the NCA will impact the value of the private land and the change of management of BLM lands from a multiple use to the purpose identified in the law that established the NCA. ISDA strongly suggests that these cumulative impacts be analyzed in the final RMP.

CHAPTER 2

*2.2.7 Soil Resources
Condition and Trends*

On page 2-40, the draft RMP states that native vegetation is being altered and replaced by less desirable species. This is a very broad claim and difficult to measure on a landscape level. Is this a general observation or are there studies in the NCA to substantiate this claim? ISDA suggests clarifying where this information comes from.

Birds of Prey NCA Draft RMP, ISDA Comments, Page 1 of 5

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BOP-17

2.2.8 Upland Vegetation Livestock Grazing

Page 2-42 makes oversimplified statements regarding livestock grazing. It states, "...late spring grazing can prevent bunchgrasses from completing their normal growth cycle" and thus lead to degradation of the seeding. Though this *can* happen, it depends on the growth cycle of the particular bunch grass, timing of precipitation, grazing intensity, type of livestock, etc. In other words, late spring grazing will not always prevent bunchgrasses from completing their normal growth cycle or automatically lead to failure of the seeding. ISDA recommends that the final RMP recognize such variables rather than make generalized statements.

Upland Native Plant Communities

Page 2-46 states that heavy livestock use may result in mechanical damage to sagebrush and allow root-sprouting species such as rabbitbrush to increase. Though this *may* happen, if grazing allotment standards are being followed and S&G's are administered correctly, livestock will not damage sagebrush so long as other forage is available. Unless the BLM can cite specific examples of where livestock grazing is producing such results on the NCA, statements such as these should be deleted.

Exotic Plant Communities

On page 2-47, the draft RMP states that livestock consumption of cheatgrass may result in reduced soil productivity. Does cheatgrass deplete soil carbon and nitrogen more with the presence of livestock? ISDA suggests the final RMP cite where this information comes from. It should also be acknowledged here or in the upland vegetation section that livestock grazing on cheatgrass can prevent cheatgrass from seeding if grazed at the right time, thus enabling native grasses an opportunity to establish themselves.

CHAPTER 3

3.2.8 Upland Vegetation

Alternative B on page 3-31 and Alternative D on page 3-32 state, "...however, Sandberg bluegrass dominated areas would receive additional management attention in order to reduce livestock impacts to Piute ground squirrels." Though the environmental consequences to the additional Sandberg bluegrass management are described in section 4.2.8, impacts to livestock grazing in this section are not adequately addressed. Section 4.2.14 also does not address the impact to livestock grazing when additional management will be implemented to reduce impact to Piute ground squirrels. ISDA suggests that an impact statement be added in section 4.2.14 to address the impacts that are identified in alternatives B and D.

3.2.14 Livestock Grazing

There are some confusing aspects about livestock grazing closures and seasonal grazing restrictions in the description of alternatives in Chapter 3.

Birds of Prey NCA Draft RMP, ISDA Comments, Page 2 of 5



BOP-17

Alternative B on page 3-49 states that 3,400 acres at Kuna Butte would be closed to grazing and an additional 1,300 acres along the Snake River would have seasonal restrictions to reduce conflicts with spring recreation. Under Alternative D, Kuna Butte would be grazed only for fuels and weed reduction on an as-needed basis as it has been classified as chiefly valuable for purposes other than grazing (pg. 3-50). More information is needed here to justify these actions. First, ISDA suggests the BLM explain why seasonal restrictions on 1,300 acres are put on the Snake River in Alternative B and not in Alternative D. If this restriction is not in the preferred alternative, is it really necessary have it be a part of another alternative? Second, ISDA suggests that BLM disclose how it came to the determination that Kuna Butte was found to be "chiefly valuable for purposes other than grazing." Why are "recreation, special status plants, and cultural resources" ranked above livestock grazing as far as their value on that allotment?

Under the description of the "Livestock Grazing" portion of the alternatives in Chapter 3, ISDA is concerned with 10 year average time areas would be rested from livestock grazing in areas treated for restoration or rehabilitation (pg. 3-50). Though the draft RMP states that this 10-year average is used for purposes of analysis, ISDA feels that it is unnecessary and inappropriate to use this 10-year average even for purposes of analysis. The draft RMP even acknowledges that this average is significantly longer than would normally be used. Instead, ISDA suggests the RMP delete this unsubstantiated 10- year average and use adaptive management for analysis purposes to determine when livestock grazing can continue on land that has been restored or rehabilitated. Restoration and rehabilitation projects can be extremely variable in their effectiveness and success depending on climate, soils, quality of seed, method used, condition of the area being treated, that even attempting to put an average time frame is purposeless. Using adaptive management to determine when livestock grazing should continue will give the BLM and the grazing permittees whom you are impacting more flexibility in making the determination as to when grazing can be initiated.

CHAPTER 4

4.2.3 Fish and Wildlife Assumptions

Page 4-12, in section 4.2.3, assumes that the short term rate of response to habitat restoration would be 5 years for riparian areas and 10 years for upland species. Short-term rate of response to habitat restoration can vary widely depending on goals and objectives, methods used, soils, climate, etc., therefore, making it difficult to give concrete time frames as to when response will be realized. For example, there are numerous instances where changing management on riparian areas can bring about a response within a year of the change. ISDA suggests this assumption be deleted or the final RMP should disclose how these figures were determined.

How Activities Affect Fish and Wildlife Management

The discussion on "Livestock Grazing Management Activities" on pages 4-14 and 4-15 is an oversimplification of the impacts livestock grazing can have on fish and wildlife resources. For example, the last bulleted item of this section on page 4-15 states,

Birds of Prey NCA Draft RMP, ISDA Comments, Page 3 of 5



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"Grazing in riparian area can result in habitat alterations from the removal of vegetation, trampling, and ground disturbance." Though it is true that *unmanaged* livestock grazing can have these types of adverse impacts, properly *managed* livestock grazing in riparian areas will not alter fish and wildlife habitat. This same principle applies to the other bulleted items in this section. ISDA suggests that the final RMP recognize that adverse impacts of grazing on fish and wildlife depend on how livestock are managed; therefore blanket statements about livestock grazing should be avoided.

This same issue arises in section 4.2.8 "Upland Vegetation" and section 4.2.9 "Water Quality, Riparian and Wetlands" and will be discussed here.

4.2.8 Upland Vegetation

The discussion on Direct Impacts of Livestock Grazing Management Activities in section 4.2.8 on page 4-58, makes broad generalizations about the adverse impacts of grazing on upland vegetation. These adverse impacts are usually the result of improper grazing strategies. ISDA strongly encourages the BLM to state in this section that these adverse impacts can be mitigated through proper *managed* grazing and the S&G process.

The BLM also needs to be cautious in the literature cited when discussing these adverse impacts in this section. For example, the RMP cites a study by Kimball and Schiffman (2003) to state that livestock grazing may benefit exotic species that are better adapted to grazing at the expense of native species. The Kimball and Schiffman (2003) study may not be applicable to southern Idaho or to every grazing system. The study was performed in California annual grasslands which is a different system than southern annual grassland with regards to biotic and abiotic factors. The researchers also clipped their plants manually rather than use livestock which could make a difference in results. Other studies cited in this section have similar weaknesses and limited applicability. ISDA suggests BLM carefully consider how it uses its literature cited in this section and others, and their limitations.

4.2.9 Water Quality, Riparian and Wetlands *How Activities Affect Water Quality, Riparian and Wetlands*

Section 4.2.9 is also misrepresents impacts of livestock grazing to riparian/wetland areas. There are several key elements missing in the RMP's discussion on how livestock grazing management activities impact on riparian areas and wetlands on page 4-73. The first bulleted item states, "Riparian areas can be affected by grazing in different ways depending on the season of use." How livestock affect riparian areas during a particular season of use, also depends on the class of livestock, grazing intensity, duration, herding practices, other available water sources, etc. For example, even during times of high temperatures, sheep will not congregate in riparian areas if properly herded.

Also, the last bulleted item of that section states, "Management actions that restrict or eliminate livestock use in riparian areas...would have beneficial direct and indirect impacts on riparian and water resources over the long-term." This, again, goes back to the idea of distinguishing between unmanaged and managed livestock grazing. Though it's true that restricting or eliminating would have beneficial impacts, properly managing current numbers of livestock would also have beneficial impacts. There is an abundance of literature and technical references that describe grazing management schemes that

Birds of Prey NCA Draft RMP, ISDA Comments, Page 4 of 5



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benefit riparian areas without restricting or eliminating grazing (i.e. BLM Technical Reference 1737-14 1997, Grazing Management for Riparian-Wetland Areas). ISDA suggests this section be rewritten so as to not give the reader the impression that restricting or eliminating livestock grazing from riparian areas is the only way to realize positive impacts. This should also be done in the RMP's discussion on Indirect Impacts of Livestock Grazing Management Activities on page 4-75. Section 4.2.14 "Livestock Grazing" has the same problem on page 4-96 when discussing indirect impact of livestock grazing to riparian/wetland management activities.

4.2.6.1 Special Status Species Livestock Grazing Management Activities

In the discussion on livestock grazing and springsnails, page 4-25 states, "Livestock grazing restrictions and closures would benefit springsnails slightly at the landscape level over the long-term." There is no peer reviewed literature to substantiate this claim. The literature contained in the two Biological Assessment cited in this paragraph have neither quantitative nor qualitative data to support adverse impacts on springsnails from grazing. The alleged threats of livestock grazing to springsnails in this literature are merely presumed. ISDA suggests this paragraph and the paragraph on page 4-26 regarding springsnails and livestock grazing, be rewritten to recognize the limitation of data on adverse impacts of livestock grazing to springsnails; that impacts of livestock grazing on springsnails are not known.

Special Status Animal Species: Alternative C

On page 4-33, under "Livestock Grazing Management Activities," the draft RMP states, "A lack of livestock grazing would result in a general improvement in habitat condition and quality over the long-term, which would be...slightly beneficial for SSA in annual communities." This paragraph neglects to mention the *short-term* benefits to livestock grazing in annual communities, which would not be realized under Alternative C. Page 4-16 states, "Reducing fuels through grading, plowing or intensive grazing along fuel breaks would result in additional short- and long-term impacts" such as preventing fire spread and "thereby precluding native habitat loss." ISDA strongly encourages the BLM to add this language to the aforementioned paragraph on page 4-33.

On page 4-65, the Monsen et al. 2004 reference is not in "References" Appendix 14.

ISDA, again, appreciates the opportunity to comment on the Birds of Prey NCA draft RMP and EIS. If you have any questions about these comments, feel free to contact Kevin Wright, Range Management Specialist, at (208) 736-3073.

Sincerely,



John Chatburn
Deputy Administrator
Animal Industries

Birds of Prey NCA Draft RMP, ISDA Comments, Page 5 of 5

