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CERTIFIED-RETURN RECEIPT REQUESTED

(Date Stamped) December 17, 2015

Denis Kowitz
171 N. Highway 77
Declo, ID 83323

**Finding of No Significant Impact (FONSI)
Livestock Grazing Permit Renewal
Environmental Assessment No. DOI-BLM-ID-T030-2011-0025-EA**

Dear Mr. Kowitz:

Introduction

The Elkhorn Allotment had field assessments conducted for meeting Idaho Standards for Rangeland Health in 2008 and supplemental data was gathered in 2012. The allotment field assessment was sent to the permit holder, State Agencies having responsibility for managing land or resources, and the interested public on June 4, 2009 requesting comments and any additional information. No public comments were received for the Elkhorn Allotment in regards to the Rangeland Health Assessment.

Along with the Rangeland Health Field Assessment, the public was notified of the upcoming livestock grazing permit renewal in the Elkhorn Allotment through a scoping package that was sent to permittees and interested publics on August 24, 2012. No public comments were received from this scoping package.

The Shoshone Field Manager made a formal determination that the Elkhorn Allotment is meeting all applicable Rangeland Health Standards and livestock grazing is in conformance with Guidelines for Livestock Grazing Management. Standard 1 (Watersheds), Standard 2 (Riparian Areas and wetlands), Standard 3 (Stream Channel/Floodplain), Standard 4 (Native Plant

Communities), Standard 7 (Water Quality) and Standard 8 (Threatened and Endangered Plants and Animals) are all meeting Rangeland Health. Standard 5 (Seedings) and Standard 6 (Exotic Plant Communities) do not apply to the Elkhorn Allotment. A Determination Document is not required to be completed if all applicable land health standards are being met.

On September 29, 2015, the BLM Shoshone Field Office mailed out the Proposed Decision for the Elkhorn Grazing Permit Renewal EA in which the Proposed Action was selected as the preferred alternative. Wildlands Defense, an interested public, protested this decision on October 26, 2015 and submitted their protest points via fax and mail. Their protest letter as well as the BLM's response to the protest points has been attached to the Final Decision.

Plan Conformance and Consistency

The proposed action and alternatives have been reviewed and found to be in conformance with the 1981 Sun Valley Environmental Impact Statement (EIS) and the September 2015 Approved Resource Management Plan Amendments for the Great Basin Region, including the Greater Sage-Grouse Sub-Regions.

Finding of No Significant Impact (FONSI)

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Elkhorn Allotment Grazing Permit Renewal Environmental Assessment No. BLM-ID-T030-2011-0025-EA. I have also reviewed the project record for this analysis and the effects of the proposed action, alternative 1, alternative 2 and alternative 3 as disclosed in the alternatives and environmental impacts sections of the EA. Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the 1981 Sun Valley Environmental Impact Statement (EIS). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. The planning area is limited in size and the activities limited in potential. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

1. *Impacts that may be both beneficial and adverse.*

Impacts associated with the livestock grazing permit renewal are discussed in the environmental impacts section of the EA (Section 4.0).

The proposed action is anticipated to have beneficial impacts to the local economy and local ranchers as well as allow the rangelands within the Elkhorn Allotment to continue meeting Standards for Rangeland Health in the future.

2. *The degree to which the proposed action affects public health or safety.*

The proposed activities will not significantly affect public health or safety. The purpose of the proposed action is to allow for livestock grazing while maintaining or improving conditions to meet Standards for Rangeland Health in the Elkhorn Allotment. Similar actions in other grazing allotments have not significantly affected public health or safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no unique historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, Wilderness Study Areas, Lands with Wilderness Characteristics or Areas of Critical Environmental Concern within the Elkhorn Allotment.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

None of the impacts are expected to be highly controversial, since the impacts are predominantly beneficial. The Elkhorn Allotment is also meeting all applicable Standards for Rangeland Health with livestock grazing present in the allotment.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. The technical analyses conducted for determinations of the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgment. Potential impacts, as discussed in Section 4.0, are within acceptable limits and they should not deter the Elkhorn Allotment from achieving Rangeland Health Standards in the future. Therefore, I conclude that there are no highly uncertain, unique, or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Neither the proposed action, nor any of the alternatives sets precedent or represent a decision in principle about a future management consideration. Neighboring grazing allotments have had very similar grazing permits completed and no precedent was established under those actions.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The EA analyzes all connected and cumulative actions within the scope of the analysis. The cumulative effects of past, present, and reasonably foreseeable future actions are considered and disclosed in the EA, in the Cumulative Impacts Analysis (Section 4.6). The cumulative impacts for the Proposed Action are negligible and not significant.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The proposed action will not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. It also will not cause loss or destruction of significant, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Plants: Bug-leg goldenweed has been identified in neighboring allotments and there is an unconfirmed occurrence within Indian Creek Allotment, directly south of the Elkhorn Allotment. The Elkhorn Allotment is able to support many of the associated vegetative species which means that the probability of this sensitive plant occurring in the allotment is high. This species tolerates livestock grazing and the potential of the species decreasing under the proposed action is minimal.

Animals: The US Fish and Wildlife Service (USFWS) lists two Threatened wildlife species: the yellow-billed cuckoo (*Coccyzus americanus*) and Canada lynx (*Lynx canadensis*). Some yellow-billed cuckoo habitat occurs in the Shoshone Field Office boundary and incidental sightings have occurred as well. However, none of the field office is designated as lynx critical habitat. The suspected very low, incidental use level of the project area by the species is expected to result in “No Effect” to the yellow-billed cuckoo and the Canada lynx. Since there is some yellow-billed cuckoo habitat present within the Shoshone Field Office boundary, a discussion of the species has been carried through the analysis.

The only candidate wildlife species that occurs within the BLM Shoshone Field Office is the wolverine (*Gulo gulo*). The gray wolf (*Canis lupus*) and bald eagle (*Haliaeetus leucocephalus*) were previously listed on the Federal List of Endangered and Threatened Wildlife but were removed on August 8, 2007 and May 5, 2011, respectively.

Wolverine primary winter habitat is mid-elevation conifer forest; summer habitat is typically subalpine, high-elevation cirques. The wolverine occupies a large home range and may occupy the Elkhorn Allotment during any season of the year while searching for prey. Although there are no ICDC records of wolverines in the allotment, sightings have been confirmed within two air miles of the Elkhorn Allotment. The suspected very low, incidental use level of the project area by the species is expected to result in “No Effect” to the wolverine, and a discussion of the species has not been carried through the analysis.

The gray wolf, bighorn sheep, bald eagle, northern leopard frog, pygmy rabbit, Interior Columbia River redband trout and Wood River sculpin are Type 2 BLM Sensitive Species that may occur in the Shoshone field Office but only there is only suitable habitat for the gray wolf, bighorn sheep, bald eagle, Interior Columbia River redband trout and Wood River sculpin.

The gray wolf was removed from the Endangered Species Act on May 5, 2011. Delisted animal species are managed as BLM sensitive species for five years following delisting to ensure population viability. Gray wolves could occur and have occurred in the Elkhorn Allotment during any season of the year. Wolves are most likely to occupy the allotment during late fall and winter when elk and mule deer are present, because big game represent a key forage species for wolves.

The presence of bald eagle in the general project area would most likely occur during the winter. Bald eagles may make incidental use within the allotment boundary while wintering on the Big Wood River. Bald eagles would be expected to make rare, incidental use of public land in this allotment.

The USFWS recently completed a status review to list the Greater sage-grouse (sage-grouse) as Threatened or Endangered species under the ESA. In 2010 the USFWS determined that listing the sage-grouse was warranted for listing under ESA, but precluded by higher priority listing actions. This decision classified sage-grouse as a Candidate species under the ESA. In a subsequent settlement agreement, FWS was directed by the court to make a final listing determination by September 30, 2015. In light of the 2010 “warranted but precluded” finding, and USFWS conclusion that BLM and USFS land use plans were lacking in adequate regulatory mechanisms to conserve sage-grouse, the BLM and USFS embarked on an effort to amend land use plans across most of the west to incorporate land use allocations and other measures designed to conserve sage-grouse. A Record of Decision for these amendments was signed on September 21, 2015. After a thorough analysis of the best available scientific information, the FWS on September 22, 2015 determined that the bird does not face the risk of extinction now or in the foreseeable future and therefore does not need protection under the ESA. The sage-grouse will continue to be managed as a BLM Sensitive Species in Idaho.

Sage-grouse are found primarily in habitats dominated by sagebrush, particularly big sagebrush; however they also utilize other sagebrush communities or patches as well, including low sagebrush, black sagebrush, and others for foraging. Sage-grouse require an extensive landscape of sagebrush of varying densities and heights, high levels of adequate perennial grass cover (preferably native) for nesting, and areas rich in forbs and insects during nesting and brood rearing (ISAC 2006). Productive nesting habitat requirements include a sagebrush canopy cover of 15 - 25%, sagebrush heights of 30 - 80 cm, and an average grass and forb cover height of 18 cm (Connelly et al. 2000, p. 977), among other factors. Summer brood rearing habitat includes riparian areas and wet meadows. Sage-grouse depend entirely on sagebrush during the winter for food and cover. The following are the seasonal sage-grouse use periods: (1) breeding season (lekking, nesting, early brood-rearing) [March 1 to June 15]; (2) late brood-rearing season [July to October]; (3) winter season [November to March] (BLM 2015).

Based on a review of IDFG lek data (2014b), there are no known sage-grouse leks within Elkhorn Allotment. The closest known lek is “5B186”, which is located approximately 1.5 miles south of the Elkhorn Allotment. The last count of this lek was in 1985, and birds were last observed on this lek in 1980. The management status of this lek is undetermined (IDFG 2014b). The nearest occupied lek sites (5B164 and 5B195) are located approximately 10 and 15 miles respectively, from Elkhorn Allotment. Birds have not been reported on lek 5B164 since 1977 (IDFG 2014b). Birds have been observed on lek 5B195 as recently as 2012 (IDFG 2014b). Elkhorn Allotment was not classified as preliminary general habitat, preliminary important, or preliminary priority habitat for sage-grouse (BLM 2012). Elkhorn Allotment is not within Priority or Important Habitat Management Areas formally delineated in the Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (BLM 2015), but is about 3.5 miles northwest of a General Habitat Management Area. In 2000, Idaho BLM initiated the “Key Habitat Map” outlining areas of sagebrush used by sage-grouse at some point of the year, as well as potential restoration areas. The map has been updated annually by BLM with input from conservation partners, but the Elkhorn area has not been included to date. Elkhorn Allotment occurs about 1 mile north of Key habitat.

Elkhorn Allotment is located approximately ten air miles from the Pioneer Population Management Unit (PMU). IDFG defines a Population Management Unit as: “a population or groups of connected populations in similar habitats with similar management priorities (IDFG 2010)”. Scattered observations of Rocky Mountain bighorn sheep in the Pioneer Mountains have been documented in the past 20 years, including three in close proximity (0.75, 0.80, and 0.88 miles) to Elkhorn Allotment (IDFG 2013). Two of these observations are from 1993 and one is from 2006. All observations were in the fall (October 02 & November 01). Observations of bighorn sheep in the Pioneers PMU are sporadic and typically associated with young rams (IDFG 2010). The Pioneer PMU does not currently contain a source population of bighorn sheep, and it is unclear where the source populations for these sheep are located, but sheep inhabiting this PMU may be associated with the East Fork Salmon River population, or the Lost River population (IDFG 2010). Bighorn sheep data was provided to BLM by IDFG, and these data are referenced from a June 17, 2013 export.

Due to the lack of a permanent bighorn presence within the Pioneer PMU, a core herd home range has not been identified by the U.S. Forest Service for this unit. The nearest core herd home range is associated with the East Fork PMU, which is 26.7 miles from Elkhorn Allotment. This distance is too great to register with the Risk of Contact Tool, which is spatially limited to 22 miles. Core herd home ranges were delineated by the U.S. Forest Service to inform the Risk of Contact Tool where appropriate. The USFS defines a Core Herd Home Range in the Payette National Forest FSEIS (2010) as: “the area within which most herd individuals spend most (95 percent) of their time”.

Fish: Both the Interior Columbia River redband trout and the Wood River sculpin are Type 2 BLM Sensitive Species that may occur in the allotment. Interior Columbia River redband trout, a subspecies of the rainbow trout, is native to most of Idaho and are found in most rivers and streams below Shoshone Falls (Behnke 1992). Redband trout are found throughout the BLM Shoshone Field Office where suitable habitat exists.

Interior Columbia River redband trout, a subspecies of the rainbow trout, is native to most of Idaho and are found in most rivers and streams below Shoshone Falls (Behnke 1992). Redband trout are found throughout the BLM Shoshone Field Office where suitable habitat exists. Redband trout are documented in the East Fork of the Wood River upstream and downstream of the South East Fork allotment, an adjacent allotment. Redband trout likely occur in the Elkhorn Gulch within the allotment as habitat is suitable.

The Wood River sculpin is an Idaho endemic species that historically occurred within streams and rivers in the Big Wood River and Little Wood River watersheds. Current distribution is limited to the Big Wood River watershed upstream of Magic Valley Reservoir and Upper Little Wood River watershed. Wood River sculpin are documented in the Big Wood River upstream and downstream of the Elkhorn Allotment and are likely to occur in Elkhorn Gulch within the allotment as suitable habitat exists. As livestock no longer access the Elkhorn Gulch within the allotment, no impacts will occur to fish or fish habitat along this stream.

Livestock access to the Elkhorn Gulch and associated riparian area in the allotment is extremely difficult due to steep, rocky terrain. This area has not been utilized by livestock in recent history and will mostly likely not be used in the future due to the terrain and permittees wish to avoid recreation activities along the bike path on Elkhorn Road.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The actions in this Environmental Assessment do not threaten a violation of Federal, State, or local law or any requirements imposed for the protection of the environment.

/s/ Codie Martin

December 17, 2015

Codie Martin, Shoshone Field Manager

Date