

**United States Department of the Interior
Bureau of Land Management**

U.S. Department of the Interior
Bureau of Land Management
Twin Falls District
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352
Telephone: (208) 732-7200
FAX: (208) 732-7317

Environmental Assessment DOI-BLM-ID-T030-2011-0029-EA

Point of Rocks Ranch Land Sale Decision Record

Prepared by:
MPE, Inc.
For the Department of the Interior
Bureau of Land Management
Shoshone Field Office



**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

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**Final Sun Valley Framework Plan Amendment
And
Point of Rocks Ranch Land Sale Decision Record**

DOI-BLM-ID-T030-2011-0029-EA

INTRODUCTION

The Bureau of Land Management, Shoshone Field Office (BLM) has conducted an environmental assessment (EA, DOI-BLM-IDT030-2011-0029-EA) to analyze the environmental effects and document the findings of a proposal submitted to the BLM by the Point of Rocks Ranch (PORR) to dispose of a 3.39-acre parcel of public land adjacent to private property owned by PORR in Blaine County, Idaho through a direct sale. The subject parcel of public land is not identified for disposal in the Sun Valley Management Framework Plan (MFP) and requires an amendment to the Sun Valley MFP to change that designation. Disposal of public lands is allowable on BLM administered lands pursuant to Title II of the Federal Land Policy and Management Act of October 21, 1976 as amended (FLPMA), and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer.

The subject parcel proposed for disposal is difficult and uneconomical to manage since it is currently fenced in with the surrounding private lands owned by PORR. The Proposed Action for disposal would serve the public objective by allowing the BLM to formally resolve an inadvertent trespass. The disposal would allow for the road to become the boundary between public and private lands in the area allowing for a more identifiable boundary and improving efficiencies in the management of both the public and private lands in the area. The disposal of the 3.39-acre subject parcel in fee simple would allow PORR to formally consolidate the parcel with the adjacent ranch property. A contiguous parcel of approximately 526 acres of private land would be created.

The Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA (DOI-BLM-IDT030-2011-0029-EA) was completed and issued to the public on October 29, 2012. A copy of the EA is available at the BLM's eplanning website or at the Shoshone Field Office, and is incorporated by reference for this Decision Record. It has been 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. Because there would not be any significant impact, an environmental impact statement is not required. The Finding of No Significant Impact (FONSI) for the project can also be located at the above-referenced website.

Two alternatives were considered in the Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA. The alternatives analyzed are:

- Proposed Action – The proposed plan amendment would identify a 3.39-acre parcel of public land for disposal resulting in a BLM sale offer of the land to the PORR using direct (non-competitive) sale procedures pursuant to Sections 203 and 209 of FLPMA and the BLM regulations at 43 CFR 2700. The 3.39-acre subject parcel has no known mineral value and the disposal would include conveyance of both the surface and mineral estates for the subject parcel of public land. The purchase price would be no less than fair market value determined by an appraisal completed under the direction of the Office of Valuation Services.
- Alternative 1 - No Action: Under the No Action alternative the 3.39-acre subject parcel would remain under Federal ownership and be subject to all applicable federal land laws and regulations.

PLAN CONFORMANCE AND CONSISTENCY

The public lands administered by the BLM in the project area are guided by the 1981 BLM Sun Valley MFP. In 2003, the *Amendments to Shoshone Field Office Land Use Plans for Land Tenure Adjustment and Areas of Critical Environmental Concern* (Land Tenure Amendment) were completed to amend existing land tenure adjustment decisions and guidance previously contained in the Sun Valley MFP. The Land Tenure Amendment identifies five land management zones each with different emphasis on land retention, disposal, and criteria for land ownership adjustment. The 3.39-acre subject parcel is located in Zone 5 which is generally defined as the area within and influenced by Wood River Valley and within the viewshed of Bellevue, Hailey, Ketchum and Sun Valley. The emphasis within Zone 5 is “to consolidate ownership to provide public access, and improve efficiencies in public lands management.” The proposed action is provided for in the Land Tenure Amendment as its general management philosophy for Zone 5 is to allow disposal of public lands through sale or exchange.

In addition to the Land Tenure Amendment the Sun Valley MFP was again amended on May 22, 2013 to specifically identify the subject parcel as available for disposal. This plan amendment was proposed and approved as a part of the PORR land sale and validates that the parcel has been screened according to the process outlined in the Land Tenure Amendment and has been found to meet the criteria for a sale in FLPMA.

Disposal of public lands through sale actions is allowable on BLM administered lands per Title II of the FLPMA, as amended, and the BLM regulations at 43 CFR 2700, at the discretion of the Secretary of the Interior or their delegated officer. Section 2711.3-3 allows for the use of a direct sale action when the public benefit would best be served by this type of disposal action.

DECISION

This decision represents my selection of the proposed action as described and analyzed in the Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA in accordance with the National Environmental Policy Act of 1969 (NEPA) and BLM regulations. It is my decision, in accordance with Sections 203 and 209 of the FLPMA and BLM regulations, to offer to the PORR the 3.39-acre subject parcel of public land via a direct sale for no less than fair market value. This disposal would include both the surface and mineral estates for the 3.39-acre subject parcel of public land described as follows:

Boise Meridian, Idaho
T. 1 S., R 20 E.,
sec. 15, lot 6.

Upon receipt of the purchase price, BLM will issue a patent to the subject property in the name of the PORR. Any patent issued will contain the following terms, conditions and reservations:

1. A reservation of right-of-way to the United States for ditches canals constructed by the authority of the United States under the Act of August 30, 1890, 43 U.S.C. 945;
2. A condition that the conveyance be subject to all valid existing rights of record;
3. A notice and indemnification statement under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(W)), indemnifying, and holding the United States harmless from any release of hazardous materials that may have occurred; and
4. Additional terms and conditions that the authorized officer deems appropriate.

RATIONALE FOR THE DECISION

The Sun Valley MFP amendment meets the criteria for the sale of public land and minerals contained in Sections 203 and 209 of FLPMA. This Act allows disposal of tracts of public land that due to their location or other characteristics are difficult and uneconomic to manage as part of the public land in the area.

BLMs current policy and regulations for land sales [43 CFR 2710.0-6(c)(1-5)] require the use of competitive sale procedures unless the authorized officer determines the public interest would best be served by modified competitive bidding or a direct (non-competitive) sale. In this instance, PORR owns about 523 acres of land that surround or adjoin the subject parcel proposed for disposal. The subject parcel was thought to have been in private ownership and included within the PORR for several years. In recognition of PORR's adjoining ownership as well as to resolve an inadvertent trespass, the direct sale to PORR meets regulatory requirements.

The subject parcel is difficult and uneconomical to manage since it is currently fenced in with the surrounding private lands owned by PORR. The disposal would serve a public objective by allowing the BLM to formally resolve an inadvertent trespass. The disposal would allow for the road to become the boundary between public and private lands in the area allowing for a more identifiable boundary and improving efficiencies in the management of both the public and private lands in the area. It has been determined that the lands are not needed for Federal purposes and that conveyance is consistent with current BLM land use planning and would be in the public interest. Use of the subject parcel in conjunction with PORR's fee land could be achieved prudently and feasibly compared to other public uses, including recreation and scenic values, which would be served by maintaining the subject parcel in federal management.

A mineral potential report was completed for the 3.39-acre subject parcel with a determination that no "known mineral values" were identified. As provided for pursuant to Section 20 of FLPMA, all minerals will be conveyed in the land sale to avoid splitting surface and mineral ownership of the subject parcel.

The Greater Sage-Grouse Interim Management Policies and Procedures identified in Instruction Memorandum No. 2012-043 guides the BLM to incorporate the following principles to protect and manage greater sage-grouse habitat: 1) protect unfragmented habitats; 2) minimize habitat loss and fragmentation; and 3) manage habitats to maintain, enhance, or restore conditions that meet greater sage-grouse life history needs. The Preliminary Priority Habitat (PPH) GIS data, as updated in 2012 (Idaho Sage-grouse Preliminary Priority Habitat, Version 2), identified 0.137 acres of PPH on the subject parcel. The subject parcel also includes 1.192 acres of Preliminary

General Habitat (PGH), as shown by the updated GIS data. The process used to develop the GIS data intended to exclude agricultural lands from the data set. However, the resolution of the GIS data used to filter agricultural land did not lend itself to accurately map PPH or PGH for uses at the scale relevant to the proposed action.

The Point of Rocks Ranch land disposal would not result in a loss of sage-grouse habitat or further fragment sage-grouse habitat. The parcel has historically been planted with alfalfa and is bordered by both private land (agriculture) and a public road. There would be no value in restoring the parcel to sagebrush due to the small size of the parcel and its proximity to private lands and a public road.

BLM policy requires “*Planning decision...be developed in concert with sustainable development concept. These concepts include a vision of economic prosperity, a healthy environment, and a just and equitable society.*” Consolidation of the subject parcel with the PORR’s private lands will allow for the parcel to be farmed along with the adjacent private property.

PUBLIC INVOLVEMENT

A Notice of Realty Action was published in the Federal Register on October 26, 2010 (FR Vol. 75, No. 206, pp. 65649-65650), segregating the subject parcel from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. Publication of this notice in the Federal Register initiated a 45-day public comment period for the BLMs consideration of disposal of the subject parcel that provided for acceptance of comments through December 10, 2010. A copy of the notice was also published in the Times-News and Idaho Mountain Express on December 1, 2010, December 8, 2010, and December 15, 2010. A Notice of Intent to Prepare a Land Use Plan Amendment was published in the Federal Register on November 10, 2011 (FR Vol. 76, No. 218, pp. 70162-70163); which initiated a 30-day public comment period which provided for the acceptance of comments through December 12, 2011.

A scoping package dated January 12, 2011, and containing information related to the proposal, preliminary issues and alternatives as well as a copy of the Notice of Realty Action was sent to interested parties. See Chapter 5 of the EA for a listing of the interested parties. In February 2011, the proposed land use plan amendment and subsequent land sale were listed as actions for which the BLM Shoshone Field Office was preparing an EA on the BLM Idaho National Environmental Policy Act database webpage.

As part of tribal consultation, the Shoshone-Bannock and Shoshone-Paiute Tribes were presented with information regarding the BLMs consideration of the disposal of the subject parcel to solicit comments. The Shoshone-Bannock Tribes were sent a scoping notification letter on January 12, 2011, and information was presented at a meeting on January 20, 2011. The Tribes are not in support of the disposal of any public lands, no matter how small. The BLM Shoshone Field Office regularly meets with the Shoshone-Paiute Tribes on projects throughout the field office. Information on the BLMs consideration of the disposal of the subject parcel was initially presented to the Tribes on October 27, 2011. In general, the Tribes have expressed their opposition to any public land disposals. None of the Tribes have provided information about, or expressed interest in, any particular historic properties of religious and cultural significance on the subject parcel.

On October 29, 2012 the Sun Valley MFP Amendment and Point of Rocks Ranch Land Sale EA was completed and issued to the public. Notification of the availability of the document was made via notification letters to interested parties as well as being posted on the BLM Idaho

NEPA website. At the conclusion of the 30-day protest period and the Governor's Consistency Review, no protests were received and the proposed plan amendment was found to be consistent with State of Idaho plans, policies, and programs.

ADMINISTRATIVE REMEDIES

Implementation of the decision to offer PORR the 3.39-acre subject parcel of public land via a direct sale will occur no sooner than 60 days after the publication of a Notice of Realty Action in the Federal Register. Public comments regarding the proposed sale may be submitted in writing to the BLM Shoshone Field Manager at 400 West F Street, Shoshone, Idaho, 83352 within 45 days after the date of publication of the NORA in the Federal Register. Any adverse comments regarding the proposed sale will be reviewed by the BLM Idaho State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

/s/ Elizabeth Maclean
Elizabeth Maclean
Field Manager
Shoshone Field Office

6/2/2013
Date