

**UNITED STATES DEPARTMENT OF THE INTERIOR
BLM, BOISE DISTRICT**

EA #ID-110-2009-EA-3762 Title Page

Applicant Basin School District #72		Proposed Action Recreation and Public Purposes Act Lease/Sale			Serial No. IDI-33187
State Idaho	County(ies) Boise	District Boise	Resource Area Four Rivers	Authority – Recreation and Public Purposes Act (R&PP)	
Prepared By: FRFO ID Team		Title: Various	Team Lead: Effie Schultsmeier <i>Effie Schultsmeier</i>		Report Date 2/10/2010

LANDS INVOLVED

Meridian	Township	Range	Section(s)	Subdivision(s)	Acres
BOISE	6 North	5 East	23	Lots 5 and 6; NE¼SW¼.	96.08±

<u>Consideration of Critical Elements</u>	N/A or Not Present	Applicable or Present, No Impact	Discussed in EA
Air Quality			X
Areas of Critical Environmental Concern	X		
Cultural Resources			X
Environmental Justice (E.O. 12898)	X		
Farm Lands (prime or unique)	X		
Floodplains	X		
Migratory Birds	X		
Native American Religious Concerns	X		
Invasive, Nonnative Species	X		
Wastes, Hazardous or Solid	X		
Threatened or Endangered Species	X		
Social and Economic	X		
Water Quality (Drinking/Ground)	X		
Wetlands/Riparian Zones			X
Wild and Scenic Rivers (Eligible)	X		
Wilderness Study Areas	X		

1.0 Introduction

1.1 Need for and Purpose of Action

Basin School District #72 is a remote, rural, and financially challenged school district. The District's three schools are situated on seven acres. Most elementary schools alone have more than five acres, not to mention middle schools and high schools. The football field is more than a half mile from the schools, but it is adjacent to the BLM administered public land that the District is requesting. Thus the District has significant constraints regarding its facilities. Inadequate facilities affect the operation of the entire School District and the community. However, acquisition of this land by the District would allow for a variety of educational uses. Part of this proposal includes the restoration of the riparian area on the tract and use of it for a study area. Due to limited private lands and a financially challenged school district, Basin School District received a special exemption from the State Board of Education from the acreage requirements for their high school. Acquisition of this parcel would move the District toward meeting the acreage and facilities that the State Board of Education believes are necessary for schools. Thus, to meet this need, the District applied for the land under the Recreation and Public Purposes Act (R&PP). The purpose of this action is to process the District's application to meet the requirements of the R&PP Act and the applicable regulations at 43 CFR 2912 (leases) and 43 CFR 2740 (sales) while ensuring appropriate analysis of impacts from the action.

1.2 Summary of Proposed Action

On December 21, 1999, Basin School District #72 submitted Recreation and Public Purposes (R&PP) Act application IDI-33187. Amendments to the original application on January 19, 2005 and June 15, 2009 reduced the acreage, modified the lands in the application, and solidified the need for the lands for an outdoor classroom, picnic area, foot trails, environmental education, and a future school site. The area applied for is 96.08 acres more or less.

1.3 Location and Setting

The proposed lease/sale area lies north of Idaho City along Elk Creek Road. The land lies generally east and northwest of the existing area of the school's football field and encompasses the following described public land:

T. 6 N., R. 5 E., B.M., Idaho
Section 23; Lots 5 and 6; NE $\frac{1}{4}$ SW $\frac{1}{4}$.

1.4 Conformance with Applicable Land Use Plan

The proposed action is subject to the Cascade Resource Management Plan which was approved July 1, 1988.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) as stated on page 39:

Public lands that are to be retained in federal ownership may be considered for Recreation and Public Purposes needs...

1.5 Relationship to Statutes, Regulations, and Other Requirements

There are no known conflicts with any statutes, regulations and other requirements including zoning ordinances or county land use planning.

Cultural Resource Laws and Executive Orders

BLM is required to consult with Native American tribes to “help assure (1) that federally recognized tribal governments and Native American individuals, whose traditional uses of public land might be affected by a proposed action, will have sufficient opportunity to contribute to the decision, and (2) that the decision maker will give tribal concerns proper consideration” (U.S. Department of the Interior, BLM Manual Handbook H-8120-1). Tribal coordination and consultation responsibilities are implemented under laws and executive orders that are specific to cultural resources which are referred to as “cultural resource authorities,” and under regulations that are not specific which are termed “general authorities.” Cultural resource authorities include: the National Historic Preservation Act of 1966, as amended (NHPA); the Archaeological Resources Protection Act of 1979 (ARPA); and the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA). General authorities include: the American Indian Religious Freedom Act of 1979 (AIRFA); the National Environmental Policy Act of 1969 (NEPA); the Federal Land Policy and Management Act of 1976 (FLPMA); and Executive Order 13007-Indian Sacred Sites. The proposed action is in compliance with the aforementioned authorities.

Southwest Idaho is the homeland of two culturally and linguistically related tribes: the Northern Shoshone and the Northern Paiute. In the latter half of the 19th century, a reservation was established at Duck Valley on the Nevada/Idaho border west of the Bruneau River. The Shoshone-Paiute Tribes residing on the Duck Valley Reservation today actively practice their culture and retain aboriginal rights and/or interests in this area. The Shoshone-Paiute Tribes assert aboriginal rights to their traditional homelands as their treaties with the United States, the Boise Valley Treaty of 1864 and the Bruneau Valley Treaty of 1866, which would have extinguished aboriginal title to the lands now federally administered, were never ratified.

Other tribes that have ties to southwest Idaho include the Bannock Tribe and the Nez Perce Tribe. Southeast Idaho is the homeland of the Northern Shoshone Tribe and the Bannock Tribe. In 1867 a reservation was established at Fort Hall in southeastern Idaho. The Fort Bridger Treaty of 1868 applies to BLM’s relationship with the Shoshone-Bannock Tribes. The northern part of the BLM’s Boise District was also inhabited by the Nez Perce Tribe. The Nez Perce signed treaties in 1855, 1863 and 1868. BLM considers off-reservation treaty-reserved fishing, hunting, gathering, and similar rights of access and resource use on the public lands it administers for all tribes that may be affected by a proposed action.

1.6 Scoping and Development of Issues

This proposal has been listed on the Idaho BLM NEPA Database since May 2009 to notify the public of this proposal and solicit public input on the proposal. A Notice of Reality Action;

Recreation and Public Purposes Act Classification and Lease/Sale of Public Lands will be published in the Federal Register to solicit additional public input.

2.0 Description of the Alternatives

2.1 Description of Proposed Action and Alternatives

2.1.1 Alternative 1 – No Action/Continue Current Management

Reject the subject application.

2.1.2 Alternative 2 – Proposed Action

Basin School District #72 desires to acquire this land for the construction, use and maintenance of an outdoor classroom/amphitheater, picnic area, and foot trails for environmental education and a future school site. Part of this proposal includes the restoration of the riparian area on the tract and use of it for a study area. Although not specifically planned at this time they are also considering the development of baseball and soccer fields. The District's plan of development includes the construction of a picnic area and outdoor classroom to accommodate 60 people and will include two vault toilets, eight picnic tables and primitive seating for the outdoor classroom; construction of 1.3 miles of trail, 3 foot wide, along Spanish Fork and Elk creek and a footbridge across Elk Creek; planting of riparian species along banks and rehabilitation of stream channel structures and development of aquatic lab stations along Elk Creek and Spanish Fork; and construction of high school regulation size softball and soccer fields and a gravel parking lot. The ball fields and parking lot are planned to encompass both a portion of the subject lands and existing District land. Acquisition of this parcel would move the District toward meeting the acreage and facilities that the State Board of Education believes are necessary for schools. The size of the area they lease and later purchase is dependent on determining the exact location of mining claims on the tract (up to 96.08 acres).

2.1.2.1 Alternatives Considered But Not Analyzed in Detail

The only other alternative is selection of different public lands for this proposal. Other public lands in the area were considered and found not suitable for the proposal.

3.0 Affected Environment and Environmental Consequences

3.1 Air Quality

3.1.1 Affected Environment – Air Quality

The subject lands are located approximately one mile north of Idaho City, Idaho. The use in the immediate vicinity is for the School District's football field and related facilities, residential home sites, both primary and second homes, recreation and mining. Lands to the south in and around Idaho City are residential and commercial development. The lands further from Idaho City are predominantly forested lands used for timber production and recreation use. Land

ownership in the immediate vicinity of Idaho City is private with scattered parcels of Forest Service and BLM administered lands. The lands further away from Idaho City include mostly Forest Service timber lands with blocks of State and private lands.

Access to the parcels is via paved State Highway 21 to Idaho City, then via paved public roads to Elk Creek Road. Air quality is generally good due to the rural nature of the area, except during times of high winds when blowing dust may be present and during wildland fires in the area when smoke may be present.

3.1.2 Environmental Consequences – Air Quality

Alternative A

No new impacts would occur to the public lands as present management continues. However, if mining claims were staked and the area mined, air quality could be impacted. Further, on-going dispersed recreation could also impact air quality.

Alternative B

Soils may be damaged during construction and maintenance activities. Air quality may also be lessened if winds are blowing before the area is revegetated.

3.2 Vegetation

3.2.1 Affected Environment – Vegetation

Terrain is flat to moderately rolling terrain in the vicinity of the project area. The subject parcels are in an area just above houses in Idaho City, along Elk Creek. This area was placer mined in the past and the vegetation has regrown on gravel tailings. There is a young Ponderosa pine forest on the uplands with an understory of bitterbrush. The creek has a solid willow riparian band along it with some alder and has developed pools and riffles. The area for the outdoor class is a gravelly flat with scattered ponderosa pines next to the creek. The area for the athletic field is a large, bare, gravel flat. The area for the school is a ponderosa pine flat with bitterbrush and scattered willows between the road and the hill. The creek is about 8 to 12 feet across and 6 inches to 2 feet deep with riffles, pools and curves developed in it and a thick band of willows and alders along it.

The proposed project area was surveyed for threatened and endangered and Bureau sensitive vascular plants by Mark Steiger, Four Rivers Botanist on June 2, 2005. No threatened and endangered or Bureau special status species were located during the course of the survey and none are known to occur within the proposed project area.

3.2.2 Environmental Consequences – Vegetation

Alternative A

No new impacts would occur to the public lands as present management continues. However, if mining claims were staked and the area mined, vegetation could be damaged or destroyed by the

mining operations. Further, on-going dispersed recreation could also impact vegetation on the tract.

Alternative B

Vegetation may be adversely affected in the short-term as construction activities occur. However, with proper rehabilitation, vegetation on the tract could be improved. Further, part of the proposal is to restore the riparian habitat on the tract.

There would be no impact to threatened and endangered or Bureau sensitive status plant as none occur within the proposed project area.

3.3 Wildlife

3.3.1 Affected Environment – Wildlife

Wildlife species in the surrounding area include big game such as elk, deer, mountain lion and bear, furbearing mammals such as beaver and various non-game birds and animals common to pine forest habitat. A field survey of the area was conducted by Four Rivers Wildlife Biologist, Helen Ulmschneider on October 15, 2009. Based on the field survey it was determined that the proposal would not adversely impact any special status animal species or their habitat.

The area is already extensively used by people judging by its proximity to town, campfire rings and the high school football field adjacent to it. The main gravel road through the middle access is a forest travel route and provides access to houses above and below the public land as well as into the surrounding forest. The whole area is gravel tailings from past placer mining. It is surrounded by extensive similar ponderosa pine and bitterbrush forest. There is only about 1/8 mile of creek on BLM administered land and it would be preserved as a natural area. No issues were identified from a wildlife perspective because it has no special habitat features that aren't abundantly available in the surrounding forest and creeks.

3.3.2 Environmental Consequences – Wildlife

Alternative A

No new impacts would occur to the public lands as present management continues. However, if mining claims were staked and the area mined, the impact to wildlife would be similar or perhaps greater than the proposed alternative depending on the mining operations. The impacts to wildlife from on-going dispersed recreation would continue.

Alternative B

The construction activities may cause wildlife species using these lands to move onto the nearby undeveloped (primarily Forest Service) lands. However, this impact would be minor as the area already receives a high amount of human activity which has already limited the wildlife species on it. Further, the nearby forest lands would be able to accommodate any displaced animals.

3.4 Cultural

3.4.1 Affected Environment – Cultural

The entire area all around Idaho City is a complex landscape of historic mining features dating to the early 1860s. Both BLM parcels selected for this R&PP transfer are complex mining landscapes.

The large triangular shaped parcel is almost entirely composed of placer mining tailings that are being naturally reclaimed by Ponderosa pine trees and bitterbrush bushes. These tailing are composed of granitic cobbles, gravels and sands that were washed down from hydraulic giants literally eroding away the hillside. The eastern border of this parcel displays a margin of older growth Ponderosa pines growing on steep ravines that were once placer washes that now exhibit accelerated erosion that transition into the reclaimed tailings noted above.

The other parcel is a more complex historic mining landscape with a series of mining ditches, eroded out mining ditches, placer faces, placer washes, water holding ponds, cobble tailings, sand washes, logging roads, modern access roads, user made camping spots and modern campfire rings. A county road and a power line also pass through the parcel.

Four Rivers Archaeologist, Dean Shaw surveyed most of the area in 1992 for a timber sale. Shaw concluded that an adequate survey was made in 1992 for the timber sale, but in 2009, he re-visited much of that area and then performed a Class III Cultural Resource Survey of the parcels that had not been previously surveyed for this proposed lease and later sale to the School District. Shaw re-recorded site 10B0677 and recorded two new historic scatter sites 10FRFO01A and 10FRFO01B. Shaw evaluated all three historic scatter sites as not eligible to be listed on the National Register of Historic Places. Shaw determined that leasing and eventually selling this land to the Boise Basin School District #72 would have a “No Effect” on historic properties.

3.4.2 Environmental Consequences – Cultural

Alternative A

No new impacts would occur to the public lands as present management continues. But, it is possible that mining claims may be staked so mining processes could impact cultural resources that may be located within those mining claims.

Alternative B

The BLM will consult with the Idaho State Historic Preservation Office (SHPO) about this R&PP Project. When significant cultural resource sites are transferred out of BLM management, those sites also lose the Federal Laws and Regulations that protect and preserve those cultural sites. However, Shaw determined that leasing and eventually selling this land to the Boise Basin School District #72 would have a “No Effect” on historic properties.

3.4.2.1 Alternative A - No Action/Continue Current Management

No new impacts would occur to the public lands. However, the School District would have to look for private lands to construct their facilities. Further, due to the limited amount of private lands in the vicinity, it would be difficult for them to find suitable lands which are available for purchase.

Other - Impacts are acceptable for the area as long as appropriate construction and maintenance techniques are used. The long term productivity of the land affected by the proposed action should not be noticeably affected, and there would be no irreversible or irretrievable commitment of resources.

3.5 Cumulative Impacts

“Cumulative impacts” are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

3.5.1 Environmental Consequences – Cumulative Impacts

3.5.1.1 Alternative A

It is anticipated that this alternative may have some effect on cumulative impacts in the project area due to the potential of mining exploration on the tract. Classification of the lands under the R&PP Act would close them to mineral entry and cease further mineral exploration on the lands; thus terminating surfacing disturbing activities caused by mineral exploration.

3.5.1.2 Alternative B

Past or ongoing actions that affect the same components of the environment as the proposed action and alternatives include development of the adjoining and nearby private lands and mining on the nearby public lands. It is anticipated that the major impact of allowing this proposal is the positive effect on the economy of this community. Failure to provide adequate schools has a detrimental impact on the economy of a community and slow growth in the area. However, slowing growth would not stop that growth over time, but it may result in more second homes instead of primary residences, less business and commercial development and thus a negative impact to the economy.

4.0 Consultation and Coordination

The Idaho State Historic Preservation Office will be sent a Cultural Resource Inventory Report and all cultural site forms to allow the SHPO to comment on the cultural sites and any possible impacts to them by the R&PP Project.

4.1 List of Preparers

Effie Schultsmeier, Realty Specialist
Helen Ulmschneider, Wildlife Biologist
Dean Shaw, Archaeologist
Mark Steiger, Botanist
Pat Kane, Weeds Coordinator
Matt McCoy, NEPA Specialist
Clint Hughes, Geologist
Paul Seronko, Soil Scientist
Allen Tarter, Riparian Specialist

4.2 List of Agencies, Organizations, and Individuals Consulted

Idaho State Historic Preservation Office
City of Idaho City
Boise County

4.3 Public Participation

The original application included letters of support from the Mayor of Idaho City, the Boise County Commissioners, the Idaho City Council, the Board of Trustees of Basin School District #72, and numerous teachers in the School District. There has been ongoing support for this proposal from people in the community associated with the School District.

Finding of No Significant Impact
Basin School District #72 Recreation and Public Purposes Act Lease/Sale IDI-33187
Environmental Assessment ID-110-2009-EA-3762

I have reviewed the Council on Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) and have determined the actions analyzed in EA #ID-110-2009-EA-3762 would not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not required. This finding was made by considering both the context and intensity of the potential effects, as described in the above EA, using the following factors defining significance:

1) Impacts that may be both beneficial and adverse.

EA #ID-110-2009-EA-3762 documents the environmental impacts of the proposed action which is the issuance classification of a tract of public land for lease or sale under the Recreation and Public Purposes Act for a future school site and related facilities. These impacts include short term impacts to soils, vegetation, air quality and animals. These impacts are acceptable for the area.

2) The degree to which the proposed action affects public health of safety.

No public health and safety issues were identified in EA #ID-110-2009-EA-3762.

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.

No unique characteristics of the assessment area were identified. No cultural resources, parklands, prime farmlands, or wild and scenic rivers are found within the area. The subject lands are located approximately one mile north of Idaho City, Idaho. The use in the immediate vicinity is for the School District's football field and related facilities, residential home sites, both primary and second homes, recreation and mining. There is about 1/8 mile of creek on BLM administered land and it would be preserved as a natural area. No issues were identified because it has no special habitat features that aren't abundantly available in the surrounding forest and creeks.

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

The scoping and NEPA processes identified no controversy or disagreement concerning effects on the quality of the human environment.

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

No highly uncertain effects to the human environment or effects that involve unique or unknown risks were identified in the EA.

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.*

Implementation of the proposed action would neither establish a precedent nor trigger other actions. Activities authorized by this decision would not be connected to other future actions.

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

EA #ID-110-2009-EA-3762 identified no known significant direct, indirect, or cumulative impacts associated with implementation of the proposed action.

8) *The degree to which the action may adversely affect properties 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.*

EA #ID-110-2009-EA-3762 showed that the proposed R&PP lease/sale would not result in adverse effects to natural, scientific, cultural, or historic resources.

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

EA #ID-110-2009-EA-3762 showed that no threatened, endangered plants or animals, or their habitat would be adversely affected.

10) *Whether the action threatens a violation of Federal, State, and local laws or requirements imposed for protection of the environment.*

The proposed action analyzed in EA #ID-110-2009-EA-3762 is consistent and compatible with all known Federal, State, and local laws, regulations, or requirements imposed for protection of the environment.



Michael O'Donnell
Acting Four Rivers Field Manager

2-11-2010
Date