

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

Twin Falls District
Jarbidge Field Office
2536 Kimberly Road
Twin Falls, ID 83301

**Decision Record and Finding of No Significant Impact
Jarbidge Field Office Programmatic Shrub Planting
NEPA No. DOI-BLM-ID-210-2008-EA-359**

DECISION

I have decided to select the proposed action for implementation as described in the Jarbidge Field Office Programmatic Shrub Planting Environmental Assessment (EA). Based on my review of the EA and project record, I have concluded that the analysis provided sufficient detail to allow me to make an informed decision. I have selected the proposed action because this alternative will meet the overall purpose and need for the action. The overall purpose of the action is to re-establish native shrubs in areas of the Jarbidge Field Office that were historically occupied by shrub communities and are currently dominated by desirable herbaceous vegetation. The need for the action is the substantial loss of shrub communities due to frequent and large fires in the Jarbidge Field Office. The proposed action allows for planting of upland and riparian shrubs by hand or mechanical planting methods in appropriate locations, on a project-by-project basis. All design features associated with the proposed action are included in this decision. Increased shrub cover would move vegetation in the Jarbidge Field Office towards the historical fire regime, improve ecosystem function, improve native shrub habitats for special status species and wildlife, and provide a future seed source to support natural dispersal.

RATIONALE FOR DECISION

Relationship to Planning

The proposed action conforms with the *1987 Jarbidge Resource Management Plan and Final Environmental Impact Statement*. The proposed action also contributes towards meeting Idaho Standards for Rangeland Health by diversifying vegetation composition and structure.

Relationship to the Environmental Assessment

The proposed action will increase upland and riparian shrub cover and continuity in the Jarbidge Field Office through hand and mechanical shrub planting. Implementation of design features for project planning and implementation contained within the proposed action will reduce or eliminate potential impacts to sensitive resources, including special status plants, animals, and aquatic species; wildlife; and cultural and historical resources. Additional design features will reduce the potential for livestock grazing impacts to new shrub plantings. Planting would not occur in the

Bruneau-Jarbidge Rivers Wilderness or designated corridors for the Jarbidge or Bruneau National Wild Rivers. Plantings would not occur in the Saylor Creek Wild Horse Herd Management Area.

FINDING OF NO SIGNIFICANT IMPACT:

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the Jarbidge Field Office Programmatic Shrub Planting EA. I have also reviewed the project record for this analysis. The EA described the Proposed Action and No Action alternatives and disclosed the effects of these alternatives. I have determined that planting upland and riparian shrubs will not have any significant impact, individually or cumulatively, on the quality of the human environment. Because there would not be any significant impact, an environmental impact statement is not required.

In making this determination, I considered the following factors:

1. The activities described in the proposed action do not include any significant beneficial or adverse impacts (40 CFR 1508.27(b)(1)).

The EA includes a description of the expected environmental consequences of upland and riparian shrub planting and includes design features to reduce or eliminate potential impacts to sensitive resources. The EA disclosed that there will be short-term effects in the form of localized soil surface and vegetation disturbance and potential temporary displacement of wildlife species that utilize perennial grassland communities during treatment implementation, approximately one to two weeks in duration. Long-term, localized effects will include gradual changes in fine fuel abundance and continuity, special status species and wildlife habitat quality, special status animal and wildlife use patterns, and livestock forage availability as a result of increased shrub cover and continuity. Planting an average of 25,000-50,000 seedlings a year would restore shrubs on 25,000-50,000 acres, or approximately 2% to 4% of the Jarbidge Field Office in a 10 year period.

2. The activities included in the proposed action would not significantly affect public health or safety (40 CFR 1508.27(b)(2)).

This decision will have no effect to public health and safety. Appropriate shrubs will be planted by hand or with mechanical equipment in areas that are naturally expected to support those species. No hazardous materials are expected to be used or generated as the result of implementing the proposed action, beyond fuel and other chemicals used to operate vehicles and motorized equipment.

3. The proposed activities would not significantly affect any unique characteristics (40 CFR 1508.27(b)(3)) of the geographic area such as prime and unique farmlands, caves, wild and scenic rivers, designated wilderness areas, wilderness study areas, or areas of critical concern.

Shrubs would not be planted in the Bruneau-Jarbidge Wilderness, which contains the designated Wild and Scenic River corridors for the Bruneau and Jarbidge Rivers. Shrub planting will not occur in any location where a proposed project would conflict with management objectives. Shrubs could be planted in BLM-designated special management areas where projects would be consistent with BLM policy and meet management prescriptions for those areas.

4. The activities described in the proposed action do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27(b)(4)).

Shrub planting is a common treatment utilized repeatedly in the Jarbidge Field Office and adjacent BLM field offices. Effects of shrub planting activities are fully analyzed in the EA. Effects disclosed in the EA are not significantly different from what has been experienced in past treatments. Only one letter was received in response to scoping, indicating that the proposed action is not highly controversial.

In addition, the project was introduced at the March 24, 2011 Wings and Roots Meeting between the Twin Falls District and the Shoshone-Paiute Tribes. Comments were received at the April 28, 2011 meeting. The Tribes supported the shrub planting proposal because it would restore native shrubs. Consultation was concluded on April 28, 2011.

5. The activities described in the proposed action do not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).

The implementation of the proposed action, as described in the EA, will not produce effects that are highly uncertain or involve unique or unknown risks. Shrub planting is not an uncommon activity and the potential effects of the proposed action are fully disclosed in the EA. Monitoring of past shrub planting projects in the Jarbidge Field Office and adjacent BLM field offices indicates that projects would be successful and not involve risks or impacts beyond those described in the EA.

6. My decision to implement these activities does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).

The decision to plant upland and riparian shrubs in the Jarbidge Field Office does not establish a precedent for future actions or present a decision in principle about future considerations. The alternatives and analysis of impacts considered only the public land in the Jarbidge Field Office. The proposed action includes methods and design features that are similar to prior treatments in the Jarbidge Field Office and adjacent field offices.

7. The effects of implementing the proposed action will not be significant, individually or cumulatively, when considered with the effects of other actions (40 CFR 1508.27(b)(7)).

The analysis contained in the EA disclosed that no other connected or cumulative actions will cause significant cumulative impacts. In addition, the proposed action includes design features to lessen the environmental impacts of individual planting projects.

8. I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)).

Each proposed treatment area will be evaluated for potential effects to cultural resources in compliance with Section 106 of the National Historic Preservation Act and the statewide protocol agreement between Idaho BLM and the Idaho State Historic Preservation Officer. Site-specific analyses will be completed during project planning. Compliance with Section 106 will be completed prior to the initiation of each individual treatment. Archaeological, historic, and traditional cultural properties identified in the Section 106 process will be avoided during shrub planting operations. Any area where adverse effects are unavoidable will not be treated. Potential impacts to cultural and historical resources are disclosed on pages 31 and 32 of the EA.

9. The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).

Design features based in current consultations and conservation agreements were included in the proposed action to reduce or eliminate potential adverse impacts to species listed under the 1973 Endangered Species Act (ESA), as amended (see pages 4-10 of the EA). To comply with the ESA, a Biological Assessment (BA) was prepared to assess the potential direct, indirect and cumulative impacts of the proposed action on ESA-listed species. BLM initiated Section 7 consultation with the U.S. Fish and Wildlife Service (Service) with submission of the BA on January 10, 2012. The BLM also requested concurrence with the determination that the proposed action may affect, but would not likely to adversely affect bull trout (*Salvelinus confluentus*) and its critical habitat, the Bliss Rapids snail (*Taylorconcha serpenticola*), the Snake River physa snail (*Physa natricina*), the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*), and slickspot peppergrass (*Lepidium papilliferum*). The Service supported this determination with a letter of concurrence dated January 27, 2012. The letter also serves as the Conference Report for the Program as it provides concurrence for BLM's determination that the proposed action is not likely to adversely affect proposed critical habitat for slickspot peppergrass.

10. The proposed activities will not threaten any violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

The proposed action does not violate or threaten to violate any Federal, State, or local laws or requirements imposed for the protection of the environment. The proposed action is in conformance with applicable statutes, regulations or other plans, as described on pages 4-6 of the EA.

OTHER ALTERNATIVES CONSIDERED

The EA (pages 6-10) described two alternatives: the Proposed Action and the No Action alternative.

I did not select the No Action alternative because it does not address the issue of declining shrub communities and special status species and wildlife habitat in the Jarbidge Field Office and does not meeting the purpose and need for the action.

The interdisciplinary team also considered seeding of shrubs as a method of establishment. The alternative was unfeasible because seeding would require reduction in cover and competition from existing vegetation, creating a need for additional treatment methods, including prescribed fire and possibly chemical treatments. This would have resulted in a greater potential for environmental impacts and would not have been consistent with the purpose of the action to re-establish shrubs in areas of the Jarbidge Field Office that were historically occupied by shrub communities and are currently dominated by desirable herbaceous plant communities. This alternative described on page 10 as considered, but not analyzed in detail.

PUBLIC INVOLVEMENT

The BLM posted the Jarbidge Field Office Programmatic Shrub Planting EA on the Idaho NEPA Register in March, 2008. Scoping letters were sent to 18 members of the interested public on April 5, 2010, to identify potential issues and develop alternatives. One comment was received via email on April 14, 2010, in response to scoping efforts. There was concern over lack of detailed information regarding where the shrubs would be planted, potential impacts of livestock grazing, and the spread of noxious weeds due to mechanical planting. These issues are addressed in design features of the proposed action (pages 6-10) and the analysis of potential impacts related to livestock grazing (pages 29-31).

In addition, the project was introduced at the March 24, 2011 Wings and Roots Meeting between the Twin Falls District and the Shoshone-Paiute Tribes. Comments were received at the April 28, 2011 meeting. The Tribes supported the shrub planting proposal because it would restore native shrubs. Consultation was concluded on April 28, 2011.

APPEALS

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with me, the Field Manager, Jarbidge Field Office, 2536 Kimberly Road, Twin Falls, ID 83301. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Jarbidge Field Office, Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision (see 43 CFR 5003.1(b)). If you wish to

file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

APPROVED

/s/ Brian Davis
Brian Davis
Field Manager
Jarbidge Field Office

2/2/2012
Date