

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

Twin Falls District
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352
Phone: (208) 732-7200
FAX: (208) 732-7317

Finding of No Significant Impact

**Blue Fire Wilderness Therapy Special Recreation Permit
NEPA No. DOI-BLM-ID-T030-2015-0004-EA**

I have reviewed the Environmental Assessment (EA) DOI-BLM-ID-T030-2015-0004-EA, including the explanation and resolution of any potentially significant environmental impacts regarding the EA. Alternative 1, with an extension of the restrictions for camping, hiking, and placing water barrels from March 15 to June 15, as described in Alternative 3 of the EA, would not have any significant impact, individually or cumulatively, on the quality of the human environment. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27 and have determined that the proposed action does not constitute a major federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an environmental impact statement is not required.

Implementing regulations for the National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. ‘Significant’, as used in NEPA, requires consideration of both context and intensity. The bold and italicized text is repeated from 40 CFR 1508.27 for completeness.

This project does not have international, national, region-wide, or statewide importance. The analysis has shown that the project significance is local in nature and that the special recreation permit would have no significant impact on existing resource values.

Context.

This EA has been prepared by the Bureau of Land Management (BLM) to analyze an application for a special recreation permit to operate a wilderness therapy program on public lands in southern Idaho. This special recreation permit is site-specific directly involving lands in the Bennett Hills area of southern Idaho. The 224,000 acre permit area would be used for hiking, camping, adventure activities, and storing water and supplies. Blue Fire Wilderness Therapy (Blue Fire) groups would participate in ongoing hiking expeditions year-round, camping at different sites each night during the summer and fall seasons. Groups would take multiday outings to areas in the southern Idaho region, which would offer a combination of adventure activity, learning, and volunteer work. Adventure activities depend on the season and include mountain biking, rock climbing, canoeing, horseback riding, snowshoeing, and cross-country skiing. Blue Fire would

utilize BLM, state, and private lands. All activities on public and private lands would incorporate a minimum impact approach and follow all guidelines, restrictions, and stipulations related to wildlife habitat, fire prevention, Idaho Health and Welfare, greater sage-grouse, cultural resources and other applicable resources on public lands.

Operations would run year round with an average client treatment period of 60 days. Expected client capacity in the summer is 60 and 20 in the fall/winter. It is expected to take a number of years to reach capacity. Group size would range from 3-15 with a 4:1 student/staff ratio.

Intensity.

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

1. *Impacts that may be both beneficial and adverse.* (40 CFR 1508.27(b)(1)).

The EA includes a description of the expected environmental consequences of the proposed Blue Fire activities; mainly hiking, camping, and storing water and supplies in the Bennett Hills on public and private land to support staff and clients. All resource values have been evaluated for direct, indirect, and cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of implementation of the proposed action. Current uses of the land included in the special recreation permit are expected to remain for the foreseeable future and it is unlikely that increases in these or other land uses would occur. I have determined that none of the direct, indirect, or cumulative impacts associated with the proposed action are significant, individually or combined. The EA evaluated both beneficial and adverse impacts of the proposed action.

After Blue Fire is expected to begin use of the public lands in their wilderness therapy operations, stipulations regarding cultural resources, riparian resources, and wildlife avoidance would ensure that impacts to those resources would be negligible.

All of the impacts from the identified alternatives are described and analyzed in detail in Chapters 3 and 4 of the EA.

2. *The degree to which the proposed action affects public health and safety* (40 CFR 1508.27(b)(2)).

A similar permitted operation in the same area was in place for more than 25 years prior to the BLM receiving Blue Fire's application. There would be no significant change in impacts to the environment from those of the previous permit. Base camps would be set up on private land. All groups would be established with a 4:1 staff to client ratio to ensure adequate supervision. Blue Fire would incorporate a minimum impact approach and follow all guidelines, restrictions, and stipulations as they relate to wildlife habitat, fire prevention, Idaho Health and Welfare, greater sage-grouse, and other applicable resources on public lands. Communications with groups would be monitored 24 hours per day, 365 days per year. Only dead, down, and detached vegetation would be used for fires during the fall, winter, and spring. Hiking would primarily be on existing roads with occasional cross country hikes. Maps of hiking routes would be restricted to Blue Fire

staff only. Human waste and garbage would be disposed of appropriately. Camping and day use activities would be prohibited within 300 feet of perennial streams and 150 feet of wetlands. Concentrated use areas would be prohibited to prevent activities that might spread noxious weeds and invasive plants. I have determined that effects of the proposed action to public health and safety would be negligible.

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* (40 CFR 1508.27(b)(3))

The BLM interdisciplinary team scoped the proposed action internally to determine if there would be any impacts to unique geographic characteristics in the vicinity. The EA documented that there would be no major effects on unique geographic features. There are no park lands, prime and unique farmlands, nor wild and scenic rivers within the permit area. There are, however, a number of cultural sites, caves, and Wilderness Study Areas (WSAs), and one Area of Critical Environmental Concern within the permit area. The dispersed nature of the proposed activities and additional resource-specific permit stipulations related to WSAs, caves, cultural resources, and other designations are intended to prevent adverse impacts to those resources.

Tribal consultation with the Shoshone-Bannock Tribes on February 19, 2015 (correspondence) and May 25, 2015 (face-to-face) did not bring forward any concerns. Concerns related to accessibility of cultural sites, specifically rock art, were brought forward during tribal consultation with the Shoshone-Paiute Tribes on September 25, 2014 and December 4, 2014. A follow-up meeting on February 28, 2015 resulted in concurrence from the Tribes following discussions and assurances about Blue Fire proposed operations and historic record of performance.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* (40 CFR 1508.27(b)(4)).

The special recreation permit includes non-controversial activities such as hiking and camping on public lands within a dispersed area and with minimal impacts. Blue Fire operations follow Leave No Trace land ethic principles. Stipulations in the special recreation permit will:

- Require Blue Fire to vary spring, summer, and fall campsites to minimize impacts over time.
- Prohibit Blue Fire from camping and day use activities within 300 feet of a perennial stream and 150 feet of a wetland.
- Permitted activities are prohibited within the following drainages, where riparian vegetation is present: Clover Creek, East Fork of Clover Creek, Deer Creek, Catchall Creek, Dry Creek, and Coyote Creek from May 1st to October 1. However crossing is allowed using existing roads. Also, collection of woody riparian vegetation/material within the aforementioned drainages is prohibited.
- Require reclamation of all heavy use areas.
- Require Blue Fire to follow Leave No Trace principles to minimize camping impacts.
- Require Blue Fire to use a rest-rotation schedule for winter campsites (wall tents) to minimize impacts.
- Require Blue Fire to remove all facilities associated with winter camps when not in use.

- Require all vehicles to stay on existing roads and ways.
- Require Blue Fire to close all gates and avoid interfering with livestock use.
- Prohibit Blue Fire from killing rattlesnakes, lizards, or any other form of wildlife except in extreme emergency cases where human life is threatened.
- Restrict Blue Fire from camping or placing water barrels within one mile of occupied and undetermined status Greater sage-grouse leks from March 15-June 15.
- Restrict Blue Fire from hiking and using vehicles within one mile of occupied and undetermined status Greater sage-grouse leks from 6 p.m. to 9 a.m., March 15-May 1
- Require Blue Fire to remove campsite structures within one mile of occupied and undetermined status Greater sage-grouse leks by March 15.
- Require Blue Fire to hike on existing roads during the sage-grouse breeding season from March 15-June 15.
- Restrict Blue Fire from camping or day use activities within 0.2 miles (300 meters) of pygmy rabbit burrows.
- Restricted from camping or day use from February 1 – July 31 within:
 - 0.5 miles of golden eagle nest sites.
 - 0.5 miles of prairie falcon nest sites.
 - 0.33 miles of red-tailed hawk nest sites.
 - 0.125 miles of American kestrel nest sites.
 - 0.125 miles of long-eared owl nest sites.
 - 0.125 miles of northern saw-whet owl nest sites.
- If nests of other raptors species are documented near the proposed permit area, the size of spatial buffers will follow Whittington and Allen (2008), per IM 2010-039.
- Prohibit disturbance or excavation of cultural or vertebrate paleontological resources.

These and other stipulations or project design features would mitigate impacts of the proposed action on the human environment.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* (40 CFR 1508.27(b)(5)).

Analysis provided in the EA does not indicate that the proposed action would involve any unique or unknown risks. Impacts to relevant components of the human environment which would be either affected or potentially affected by the alternatives were addressed through the effects analysis in Chapters 3 and 4 of 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.* (40 CFR 1508.27(b)(6)).

While the proposed action is not specifically provided for in the 1980 Bennett Hills/Timmerman Hills Management Framework Plan (MFP), the MFP recognizes that “Interest in recreation on the National Resource Lands within these units has increased over the past few years and is expected to increase more as time passes.” It states that “The overall objective of the recreation activity should be to provide for the future since existing recreation use is not intense.” The proposed

action provides for recreation use and is consistent with the MFP, however, it neither establishes a precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* (40 CFR 1508.27(b)(7)).

The connected and cumulative impacts of past, present, and reasonably foreseeable actions are considered in *Cumulative Impacts* section (p. 45-50) in Chapters 3 & 4 of the EA. Analysis did not identify any known significant cumulative or secondary effects. Stipulations in the special recreation permit would include allowances for additional stipulations should unusual degradation occur. In addition, non-compliance with stipulations would result in probation, suspension, or revocation of the permit.

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 historic resources.* (40 CFR 1508.27(b)(8)).

The proposed action would not adversely affect or cause loss or destruction of scientific, cultural, or historical resources. A Class I inventory, involving a review of existing cultural resource and site data, was conducted for the entire permit area to identify cultural resources that may be affected in Alternative 1. In addition to the Class I inventory, some intensive (Class III) surveys were completed in areas where Blue Fire groups would be concentrated, specifically the winter campsites. Based on the results of the Class I inventory, numerous previously recorded sites are located within the permit area. These established campsites were subject to Class III inventories for cultural resources in 2012 and no eligible cultural resources were noted. Because any ground disturbance associated with temporary hiking would be limited to less than 5 cm. and the winter campsites have no sites present, this action would have no effect on buried, intact cultural deposits that may contribute to a sites' eligibility to the NRHP. This permit authorization should have no adverse effect to historic properties (EA page 18-19).

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.* (40 CFR 1508.27(b)(9)).

The USFWS lists Canada lynx (*Lynx canadensis*), a threatened species, and Greater sage-grouse (*Centrocercus urophasianus*), a candidate species, as potentially occurring in the three counties (i.e., Camas, Gooding, and Lincoln counties) affected by the proposed Blue Fire special recreation permit. The yellow-billed cuckoo (*Coccyzus americanus*), a threatened species, is not identified as occurring in the counties affected by the proposed Blue Fire special recreation permit. However, cuckoos have been documented north and east of the project area near the Big Wood River in Blaine County. However, both the Yellow-billed cuckoo and Canada lynx were considered from detailed analysis but removed due to no effects

Canada Lynx:

The proposed Blue Fire permit area is not designated as lynx critical habitat, but the USFWS lists the Canada lynx as potentially occurring in Camas County, which encompasses northern portions (36,079 acres, 15%) of the proposed Blue Fire permit area. However, the proposed permit area does not contain suitable habitat for the Canada lynx, and the closest documented occurrence of a Canada lynx to the Blue Fire proposed permit area is 18 air miles to the northeast. The suspected very low, incidental-use level of the project area by the species is expected to result in “no effect” to the Canada lynx.

Yellow-billed Cuckoo:

The proposed critical habitat unit encompassing the Big Wood River (Stanton Crossing Vicinity) is known to be occupied by Yellow-billed Cuckoos during the breeding season (79 FR 48547 48652). This critical habitat unit is the closest critical habitat unit to the Blue Fire Permit Area, which is approximately 8 miles from the north eastern periphery of the Blue Fire Permit Area. Cuckoos have been observed approximately 4 - 10 air miles north and east of the proposed Blue Fire permit area in the Big Wood River corridor. Recent cuckoo occurrences include just south of Magic Reservoir (2009) and the Big Wood River near Stanton Crossing (2001 – 2004). Range distribution maps indicate Yellow-billed Cuckoos have a limited distribution within Idaho, and are only present during the breeding season (Hughes 1999). Yellow-billed Cuckoos are known to breed in riparian habitat associated with large perennial lotic systems (79 FR 59991 60038; Groves et al. 1997, Gaines 1974) which support thick woody herbaceous vegetative communities (Gaines 1974; Groves et al. 1997, Hughes 1999), including cottonwood/willow complexes (Gaines 1974). Yellow-billed Cuckoo’s construct nests in the canopy of trees or shrubs (Hughes 1999; Groves et al. 1997). In one study in the Sacramento Valley of California, researchers inventorying a portion of the Sacramento River found Yellow-billed Cuckoos to only be present in close proximity to water and where dense woody herbaceous understory persisted (Gaines 1974). In addition to dense herbaceous understory, the extent of habitat (Patch size) appears to be an important component of breeding habitat as well (Laymon and Halterman 1989; Gaines 1974). For example, Gaines (1974) only identified Yellow-billed Cuckoos “...where the extent of riparian vegetation exceeded 300 m in length and 100 m in width.”

Cuckoos have been observed approximately 4 - 10 air miles north and east of the proposed Blue Fire permit area in the Big Wood River corridor. Recent cuckoo occurrences include just south of Magic Reservoir (2009) and the Big Wood River near Stanton Crossing (2001 – 2004). The incorporation of required design features is expected to result in “no effect” to Yellow-billed cuckoos.

- Required Design Feature 1: Camping and day use activities are prohibited within 300 feet of perennial streams, 150 feet of wetlands, and within riparian enclosures.
- Required Design Feature 2: Permitted activities are prohibited in the following drainages where riparian vegetation is present: Clover Creek, East Fork of Clover Creek, Deer Creek, Catchall Creek, Dry Creek, and Coyote Creek from May 1st to October 1. However, crossing this zone to access the landscape on either side of these drainages is permitted on established roads.
- Required Design Feature 3: No collection of woody riparian vegetation within the

creeks identified in required design feature 2.

Greater Sage-grouse:

To alleviate potential impacts to greater sage-grouse and their habitat, the proposed action would incorporate resource considerations in the authorization. Stipulations intended to minimize disturbance to sage-grouse during the breeding/nesting periods would require that:

- The permittee shall be restricted from camping and placing water barrels within one mile of occupied and undetermined status greater sage-grouse leks from March 15 – June 15.
- The permittee shall be restricted from hiking and vehicle use within 1 mile of occupied and undetermined status greater sage-grouse leks from 6 p.m. to 9 a.m., March 15 – May 1.
- All hiking must be done on existing roads from March 15 – June 15.
- Winter campsite structures (i.e. wall tents and associated infrastructure) within one mile of occupied and undetermined status greater sage-grouse leks shall be removed by March 15.
- Blue Fire activities would also be restricted to an identified winter-use area from December 1 to May 1 to minimize disturbance to sage-grouse during the wintering period. Specifically, winter camp sites (i.e., wall tents and associated infrastructure) would be placed between Portuguese and Preacher Creeks and below 4,600 feet in elevation with the exception of one camp (Jeep Camp) located in the NW ¼ of Section 31 in T3S, R17E. Restricting the area in which Blue Fire activities could be conducted during the winter (December 1 - May 1) would minimize potential disturbance and/or displacement of wintering and lekking sage-grouse related to Blue Fire activities across the majority of the proposed permit area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment* (40 CFR 1508.27(b)(10)).

The EA documents that Alternative 1 with extended restriction dates is consistent with federal, state, and local laws or requirements imposed for the protection of the environment. The proposed action is in conformance with the 1980 Bennett Hills/Timmerman Hills MFP, as amended, and other statutes, regulations and other plans (p. 1-2).

Finding of No Significant Impact.

I feel that issuing a special recreation permit containing stipulations found in Alternative 1 with extended dates for camping, hiking, and water barrel placement restrictions to June 15, does not constitute a major federal action that would significantly affect the quality of the human environment in either context or intensity. I have made this determination after considering positive and negative effects, as well as the direct, indirect, and cumulative effects of this action

and reasonably foreseeable future actions as disclosed in the EA. I have found that the context of the environmental impacts of this decision is limited to the local area and I have also determined that the severity of these impacts is not significant. This document is adequate and in conformance with the 1980 Bennett Hills/Timmerman Hills MFP, as amended.

APPROVED:

/s/ Codie Martin

Codie Martin
Field Manager
Shoshone Field Office

7-15-15

Date