

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

Twin Falls District
Shoshone Field Office
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DECISION RECORD
for the
Blue Fire Wilderness Therapy Special Recreation Permit

NEPA No. DOI-BLM-ID-T030-2015-0004-EA

I. Decision

I have decided to select Alternative 1 (that includes 84 stipulations), 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 Blue Fire Wilderness Therapy (Blue Fire) Special Recreation Permit Environmental Assessment (EA) DOI-BLM-ID-T030-2015-0004-EA. This decision allows for Blue Fire to conduct a commercial special recreation permit for hiking, camping, and storing water and supplies in the Bennett Hills on public land to support staff and clients. Operations could occur year round, unless stipulated otherwise, with an average client treatment period of 60 days. Group size could range from 3-15 with a 4:1 student/staff ratio. Stipulations are as follows:

Administrative

1. The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the special recreation permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, and spectators under the permittee's supervision.
2. A special recreation permit authorizes special uses of the public lands and related waters and, should circumstances warrant, may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a special recreation permit if necessary to protect public resources, health, safety, the environment, or because of non-compliance with

permit stipulations. Actions by the Bureau of Land Management (BLM) to suspend or terminate a special recreation permit are appealable.

3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.
4. Unless expressly stated, the special recreation permit does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose. The BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
7. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's special recreation permit.

9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the special recreation permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
12. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
13. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.
14. The permittee shall submit trip logs on a monthly basis, to include specific information on llama groups. The information should be accurate enough to allow BLM personnel to conduct compliance checks along the routes followed by the expedition groups. The trip log is due on the 25th of the month unless otherwise coordinated through the authorized officer. Monthly fee payments should also follow this schedule.
15. Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
16. The permittee shall provide upon request the name(s) and address(es) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
17. The authorized officer reserves the right to put a permittee on probation, suspend, or revoke a permit for reasons such as, but not limited to, noncompliance with stipulations, failure to provide services specified in the operation plan or untimely permit reporting or use fee payment.
18. A specified level of insurance must be obtained by the permittee, and a copy of the insurance policy or certificate of insurance must be on file 10 days prior to the authorized use. The policy shall list the US Department of Interior, Bureau of Land

Management as an additional insured. The Certificate of Insurance must stipulate that the authorized officer will be notified at least 30 days prior to termination or modification of the policy.

19. Blue Fire will make available all operational stipulations to their staff prior to using public lands.

Camping and Hiking

20. The permittee shall vary spring, summer and fall campsite locations to minimize impacts on one area.
21. Summer and winter campsites will be monitored according to the following campsite condition classes:
 - Class I: Ground vegetation flattened but not permanently injured. Minimal physical change except for possibly a simple rock fireplace.
 - Class II: Ground vegetation worn away around fireplace or center of activity.
 - Class III: Ground vegetation lost on most of the site, but humus and vegetative litter still present in all but a few areas.
 - Class IV: Bare mineral soil widespread. Tree roots exposed on the surface.
 - Class V: Soil erosion excessive (>50 percent of the area). Trees reduced in vigor or dead.

Campsites must be moved or not used when determined to be class IV and V.

22. Camping, day use activities and grazing are not authorized within exclosures.
23. Camps, latrines, cat-holes, day use activities and all activities associated with the pack operation (including llamas) are not authorized within 300-feet of all perennial and 303(d) streams or within 50-feet of all intermittent streams. Three hundred feet is approximately 105 adult steps and 50 feet is approximately 18 adult steps.
24. Camping and day use activities are not authorized within 150 feet, approximately 50 adult steps, of wetlands.
25. During the spring, summer and fall (when ground is not frozen), the permittee will use the cat-hole technique to dispose of human waste.
26. Reclamation for all heavy use areas devoid of vegetation should be revegetated with a perennial native vegetation seed mix specified by the BLM. Compacted soil

should be scarified prior to seeding to assist with seed germination. Heavy use areas include, but are not limited to, fire and cooking areas, tent locations and social trails to and from the latrine areas.

27. The permittee shall Follow Leave No Trace principles to minimize camping impacts. This includes dismantling fire rings and temporary shelters, and packing out all garbage. The seven basic principles of Leave No Trace are:
 - Plan ahead and prepare
 - Camp and travel on durable surfaces
 - Dispose of waste properly
 - Leave what you find
 - Minimize campfire impact
 - Respect wildlife
 - Be considerate of others
28. If camps are degraded additional stipulations will be imposed. These include but are not limited to:
 - Reduce group sizes
 - Seasonal restrictions
 - Campsite/area reclamation
29. When camps or other facilities are dismantled, the lands must be restored as nearly as possible to pre-existing conditions.
30. Individual water sites (barrels) will not exceed 100 gallon capacity (two 50 gallon barrels). Relocating or adding new water barrel locations requires authorized officer approval.
31. Water barrels must be darker than the surrounding landscape. The BLM recommends Sudan Brown or Shadow Grey as found on the Standard Environmental Color Chart. The chart can be found at:
http://www.blm.gov/style/medialib/blm/mt/blm_programs/energy/oil_and_gas/operations/gold_book.Par.82194.File.dat/Stand_Enviro_Color.pdf
32. The permittee may use existing water sources to filter water.
33. All Blue Fire activities are prohibited in areas where exploration, development, or reclamation is underway or where reclamation has taken place within the previous five years. A five year period of non-disturbance is necessary for the maturation of vegetation in the reclamation area.

Winter Campsites

34. Winter campsites/wall tents may not be used past March 15th to minimize impacts on public land during spring thaw period.

35. Winter campsites (wall tents) will use a rest-rotation schedule. Two years of use followed by a minimum of two years rest will be required. The permittee will monitor winter campsites with the BLM each spring and fall to assess impacts and determine if the site is ready for use. If a winter campsite is located on an existing hardened surface such as bedrock or salt lick and the surrounding areas vegetation and soil is not being degraded the site may be used for several years in a row.
36. All facilities associated with the temporary winter camps must be removed when not in use.
37. At each winter campsite two holes shall be dug and used as a toilet for human waste. Each hole should be approximately two feet wide and two feet deep.
38. Winter camp sites (wall tents) must be established between Portuguese and Preacher Creeks and below 4600 feet in elevation with the exception of one camp (Jeep) located in the NW ¼ Section 31 Range 17 East Township 3 South.
39. Wall tents must be darker than the surrounding landscape. The BLM recommends Sudan Brown or Shadow Grey as found on the Standard Environmental Color Chart. The chart can be found at:
http://www.blm.gov/style/medialib/blm/mt/blm_programs/energy/oil_and_gas/operations/gold_book.Par.82194.File.dat/Stand_Enviro_Color.pdf

Travel and Access

40. Vehicles must stay on existing roads and ways. No cross country use of motorized or mechanical vehicles is authorized except in an emergency situation. Motorized vehicles are not allowed to use roads that access mining exploration operations or associated roads that have been reclaimed.
41. The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.

Conflicts with other Resource Uses

42. Close all gates.
43. To avoid interference with livestock use, camping or extended visitor use within 1/8 mile (220 yds.) of natural or developed springs or isolated water sources (stock reservoirs, playas, wildlife guzzlers, etc.) is prohibited. No camping, day use or grazing use will be authorized in exclosures.
44. Blue Fire employees and/or clients will not harass or herd livestock.

Wildlife

45. Rattlesnakes, lizards or any other form of wildlife will not be killed except in the extreme emergency case where human life may be threatened or rabies or other serious problems might exist.
46. 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.
47. 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.
48. 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.
49. All hiking must be done on existing roads from March 15 – June 15.
50. Winter camp sites (i.e., wall tents) must be established between Portuguese and Preacher Creeks, and below 4600 feet in elevation with the exception of one camp (Jeep Camp) located in NW ¼ of Section 31 in Range 17 East, Township 3 South.
51. Camping and day use activities are prohibited within 300 feet of perennial streams, 150 feet of wetlands, and within riparian enclosures.
52. 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.
53. All activities are restricted to the winter use area from December 1 –May 1 to avoid disturbance to deer, elk and pronghorn. Specifically, winter camp sites (i.e., wall tents) must 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.
54. The permittee shall be 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. Nesting sites may be monitored by BLM personnel annually to determine raptor presence. If raptors are not present restrictions will be lifted until February 1st of the following year.

55. The permittee is restricted from camping or day use activities within 0.2 miles (300 meters) of pygmy rabbit burrows.

Wilderness Study Area Restrictions

56. Food, water and/or equipment caches will not be allowed in a WSA unless prior approval is obtained from the authorized officer. Location of proposed caches outside of WSAs must be described in the permit application or operations plan.
57. The permittee is responsible for knowing where Wilderness Study Area (WSA) boundaries are and use restrictions that may apply.

Cultural Resources

58. No disturbance or excavation of cultural or vertebrate paleontological resources is allowed. All members (staff/students) of a Blue Fire expedition shall abide by all current Federal regulations pertaining to antiquities use, collection, disturbance, or otherwise as provided in BLM Manual 8110. No antiquities can be removed from public land without a valid permit from the authorized officer.
59. Should human remains be inadvertently discovered on BLM lands, the remains should be left in place, a GPS position recorded, and the find reported to the BLM authorized officer immediately as required by the Native American Graves Protection and Repatriation Act (NAGPRA). Recorded locations of such finds shall be kept confidential, reported to the BLM, and any subsequent records disposed of after reporting.
60. Flint knapping is prohibited at any archaeological site, aboriginal quarry source, campsite, or non-site location that might be mistaken for an archaeological site as a result of such activities.
61. Should any illegal excavation or vandalism of BLM archaeological sites be discovered during the course of business, a GPS position will be recorded and reported to the BLM authorized officer immediately. Recorded locations of such finds shall be kept confidential, reported only to the BLM, and any subsequent records disposed of after reporting.

Safety

62. Per State of Idaho regulations Blue Fire is limited to one instructor for four students, with a minimum of two instructors and a maximum group size of 15. The maximum number of students at any one time is 120.
63. At least one instructor accompanying the group of participants will possess a current Red Cross Standard First Aid Certification or equivalent.
64. A first aid kit, capable of handling all likely injuries, will be carried by each group.
65. Staff and clients should be well marked with hunter orange while in the field throughout hunting season. Activities during the dawn or dusk should be curtailed.
66. All emergency rescue procedures are the responsibility of the permittee. This includes the evacuation of clients as a result of weather, wildfire, or other danger.
67. In the event that clients run away, a search and rescue program will be initiated by the permittee and involve the appropriate county sheriff.

Fire Management

68. All campfires must be attended and maintained at all times.
69. Camp fires are prohibited during periods of high fire danger.
70. The permittee will comply with fire management regulations (Idaho Fire Prevention Orders and Idaho Fire Restrictions) provided by the Twin Falls District Fire Management Officer or the authorized officer. Fire restrictions include but are not limited to:
 - a. Building, maintaining, attending or using a fire, campfire or stove fire is prohibited.
 - b. Smoking, except within an enclosed vehicle or building, a designated recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials is prohibited.
71. All suppression costs for wildfires caused by the permittee, employees, or clients are the liability of the permittee.
72. Use of gas stoves is encouraged, and packing of fuels may be necessary to supplement naturally available firewood.
73. Cutting or gathering firewood from historic structures or from standing trees (live or dead) is prohibited.
74. Immediately report wildfires to the BLM dispatch office. The permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be placed in effect by the BLM or the State of Idaho.

The permittee will provide the BLM with an updated contact list annually (i.e. when a wildfire occurs and an area needs to be evacuated, BLM needs to know who to contact in an emergency).

Cave Resources

75. Blue Fire Wilderness Therapy is allowed to use all general access caves within the permitted use area provided appropriate precautions are met before each trip. For access to cave systems outside of the permitted area Blue Fire will contact BLM no less than 14 days before entry; use and access will be analyzed on a case by case basis utilizing the current Shoshone Field Office Cave Management Plan system.
76. The BLM neither authorizes nor implies permission for the intentional or unintentional damage or removal of any cave resources, such as: archaeological and historical artifacts, natural materials or features, plant and animal life, or any item of public property. Violations of federal or state laws, general conditions or special stipulations are punishable, upon conviction, by fines up to \$10,000 or imprisonment not to exceed one year, or both (Public law 96-95, Federal Cave Resources Protection Act, 43 CFR 8360.0-7, 43 CFR 8364.1, 43 CFR 8365.1-5(2).
77. Group caving expeditions will be limited to no more than 8 persons including a Resource Monitor (if needed).
78. Blue Fire will access no more than one cave per day and follow all decontamination protocol as outlined by the National Speleological Society to guard against the transmission of White Nose Syndrome.
79. Each person in the caving party will wear a securely fitting safety helmet (hard hat) at all times while in the cave(s) and have in their possession at least three reliable sources of light.
80. At least one person in the caving group must be 18 years of age or older and will be responsible for the actions of younger members of the group.
81. The permittee agrees as a condition precedent to the issuance of this authorization, to indemnify, defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever including, but not limited to, damages to property, injuries to or death of persons arising directly or indirectly from or connected in any way the use of the lands and cave(s) described on this authorization.
82. All materials (flagging tape, litter, including human generated waste, etc.) taken into the cave(s) by the permittee must be removed and properly disposed of at the end of each cave visit.
83. All pets are prohibited from entering the cave(s).

84. All fences and gates that are equipped with locks are to be secured while the permitted group is in the cave and before they depart from the cave area. Mechanical problems with locks will be promptly reported to the authorized officer.

Based on my review of the EA and project record, I have concluded that all alternatives were analyzed in sufficient detail to allow me to make an informed decision. I have selected Alternative 1 with extended restriction dates because the proposed treatments meet the Bureau of Land Management's (BLMs) purpose and need to issue special recreation permits as a means to control visitor use, protect natural and cultural resources, and provide for the health and safety of visitors. Commercial special recreation permits are also issued as a mechanism to provide a fair return to the United States for the commercial recreational use of public lands. Selecting Alternative 1 with extended restriction dates will provide for the greatest protection of greater sage-grouse and big game, while allowing Blue Fire to operate a commercial business on public lands.

My decision is in conformance with the 1980 Bennett Hills/Timmerman Hills Management Framework Plan, although it is not specifically provided for. The MFP (p. 1) 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." Recreation use and the demand for recreation use has increased as anticipated. The MFP (p. 2) states "The overall objective of the recreation activity should be to provide for the future since existing recreation use is not intense." The proposed action would provide for recreation use and is consistent with the recreation objective in the MFP. My decision also complies with:

1. BLM Washington Office Instruction Memorandum No. 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures. The Special Recreation Permit section states:
 - a. Work with permit applicants to avoid impacts to Greater Sage-Grouse and its habitat.
 - b. It is BLM policy that where a field office determines that it is appropriate to authorize a proposed special recreation permit, the following process must be followed:
 - i. The BLM will document the reasons for its determination and require the permittee to implement measures to minimize impacts to sage-grouse habitat.
 - ii. In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the permit with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed permit and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the

proposed special recreation permit decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed special recreation permit, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed special recreation permit, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus. Field offices retain the discretion to not move forward with a special recreation permit application or defer making a final decision on a special recreation permit decision until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

2. Idaho and Southwestern Montana Sub-regional Greater Sage-Grouse (GRSG) Proposed Land Use Plan Amendment (Proposed LUPA) and Final Environmental Impact Statement (FEIS). The FEIS was released May 29, 2015. The Record of Decision is expected to be issued during the summer of 2015. The intent of the plan is to identify and incorporate appropriate conservation measures to conserve, enhance and/or restore greater sage-grouse habitat by reducing, eliminating, or minimizing threats to that habitat.
3. BLM Manual 6310 – Conducting Wilderness Characteristics Inventory on BLM Lands (Public) Policy outlined in this manual contains guidance and general procedures for conducting wilderness characteristics inventories under Section 201 of the Federal Land Policy and Management Act of 1976 (FLPMA). Managing the wilderness resource is part of the BLM’s multiple use mission. Lands with wilderness characteristics provide a range of uses and benefits in addition to their value as settings for solitude or primitive and unconfined recreation.
4. BLM H-2930-1 Recreation Permit Administration Handbook – Special Recreation Permits are authorizations which allow specified and often time-restricted recreational uses of the public lands and related waters. They are issued as a means to manage visitor use, protect natural and cultural resources, as a means to achieve the goals and objectives of the field office recreation program as outlined in a land use plan, and as a mechanism to authorize various types of recreational uses.
5. BLM Manual 6330 Management of BLM Wilderness Study Areas – The BLM’s management policy directs offices to continue resource uses on lands designated as WSAs in a manner that maintains the area’s suitability for preservation as wilderness. The BLM’s policy will protect the wilderness characteristics of all

WSAs in the same manner or better condition than they were on October 21, 1976 until Congress determines whether or not they should be designated as wilderness.

6. Clean Water Act 1972– The Clean Water Act (CWA) (33 U.S.C. §1251 et seq. (1972) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Sections 305(b) and 303(d) of the CWA require states to establish water quality standards and list the current conditions of all state waters (required by §305(b)) and those waters that are impaired and needing a total maximum daily load (TMDL) (required by §303(d)). The proposed action and alternatives were assessed in this EA as to the potential to impact water quality within the corresponding stream reaches.

II. Finding of No Significant Impact

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the EA for the Blue Fire Wilderness Therapy Special Recreation Permit. I have also reviewed the Finding of No Significant Impact (FONSI) and the project record for this analysis. I have determined that Alternative 1, with extended restriction dates meet BLM's purpose and need to respond to the Blue Fire special recreation permit application for a 10-year special recreation permit. Special recreation permits are authorizations which allow for recreational uses of the public lands and related waters. They are issued as a means to control visitor use, protect natural and cultural resources, and provide for the health and safety of visitors. Commercial special recreation permits are also issued as a mechanism to provide a fair return to the United States for the commercial recreational use of public lands. Alternative 1 with extended restriction dates as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

III. Alternatives Considered

Alternative 1 (including all 84 stipulations), with an extension of timing restrictions for camping, hiking, and placing water barrels from March 15 to June 15 as described in Alternative 3 of the Blue Fire Wilderness Therapy Special Recreation Permit Environmental Assessment (EA), is being selected as the Decision.

This decision protects greater sage-grouse and their habitat during the breeding and early brood rearing season by reducing the likelihood of disturbance through June 15. Extending the camping and water barrel placement prohibitions within 1 mile of an occupied or undetermined status lek until June 15 will provide the most protection during critical greater sage-grouse activities and allow Blue Fire permitted activities to occur within the permit area. Restricting hiking activities to existing roads through June 15 reduces impacts to nesting and early brood rearing habitat throughout the permit area as most roads in the permit area are devoid of suitable nesting vegetation.

The greater sage-grouse lek buffers analyzed in Alternatives 2 and 3 would prohibit the use

of public lands by Blue Fire within 2 miles of an occupied or undetermined status lek from March 15 – May 15, and within 4 miles of occupied or undetermined status leks from March 15 – June 15 respectively. Maps representing Alternative 2 and Alternative 3 buffer distances show that these distances would not allow an adequate area in which the Blue Fire Wilderness Therapy business could operate. The Alternative 1 activity restrictions within 1 mile of an occupied or undetermined status lek, with the Alternative 3 restriction dates of March 15-June 15 were selected for the following reasons: (1) To reduce the potential for disturbing sage-grouse during the lekking season (March 15-May1); (2) to reduce the threat of disturbing nesting sage-grouse Blue Fire is prohibited from hiking and vehicular use from 6 p.m. to 9 a.m., and is required to travel on existing roads during the breeding season (March15-Jun15). These stipulations are considered to appreciably reduce the threat of disturbance to nesting sage-grouse.

The timeframe and zone restrictions for big game (i.e. winter use area) from December 1 – May 1 as analyzed in Alternative 1 was selected to provide adequate wildlife protection for big game during the most critical period of the big game winter season. Moreover, this stipulation has a mutual benefit to sage-grouse because it minimizes permitted activities throughout the majority of the permit area during the lekking season (March 15-May1).

IV. Public Involvement

Blue Fire Therapy submitted an application to the BLM April 14, 2014. Their application was amended on July 17, 2014 to make adjustments to the base operating area. Scoping and public involvement included and described the proposed operations of Blue Fire Therapy and potential issues or resources of concern identified through internal scoping. Internal scoping identified 15 resources potentially affected by the proposed operation and these issues were identified in the February 2015 Scoping Information Package that was provided as part of the public scoping process.

On February 19, 2015, notification letters were mailed to the Idaho Department of Fish and Game, North Magic Valley Local Working Group, various other state and local agencies, as well as multiple interested individuals and businesses. The external scoping period was from February 19, 2015 through March 20, 2015.

As part of tribal consultation, the Shoshone-Bannock-Paiute Tribes were presented with information regarding the proposed Blue Fire Therapy operations to solicit comments. The Shoshone-Bannock Tribes were sent a scoping notification letter on February 19, 2015 and information was presented at a meeting on May 12, 2015. No objections to the proposed project were raised; however, no formal comments have been received from the Shoshone-Bannock Tribes.

The BLM Shoshone Field Office meets monthly with the Shoshone-Paiute Tribes on projects throughout the field office. Information on the proposed Blue Fire Therapy operations was initially presented to the Tribes on September 25, 2014 with multiple periodic updates. In general, the Shoshone-Paiute Tribes asked that stipulations to the permit be provided that would protect natural and cultural resources; however, no formal

comments have been received from the Shoshone-Paiute Tribes.

None of the Tribes provided information about, or expressed interest in, any particular historic properties of religious and cultural significance on the federal lands involved in the proposed Blue Fire Therapy operations.

Three comment letters were received from: Idaho Department of Fish and Game, North Magic Valley Sage-grouse Local Working Group and an interested citizen. Comments can be summarized as follows:

- Blue Fire winter operations are proposed to occur within big game winter range, within or near sage-grouse breeding habitat and areas that support wintering grouse, and areas that provide seasonal or year-round habitat for a variety of birds of prey including several Idaho BLM sensitive species and Idaho Species of Greatest Conservation Need.
- The need to monitor Blue Fire activities and adapt stipulations as necessary to further reduce impacts to wildlife.
- Would like to have specific stipulations related to sage-grouse and minimize the potential for human caused wildfires to be included in the permit.
- Evaluate impacts on existing permitted activities such as livestock grazing to not impact their operations and related infrastructure.

V. 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 Codie Martin, Shoshone Field Manager, 400 West F Street, Shoshone, ID. 83352. 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 Codie Martin, Shoshone Field 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. The decision can be implemented immediately according to 43 CFR 2931.8. 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.

/s/ Codie Martin
Codie Martin
Shoshone Field Manager

7-15-15
Date