

Worksheet  
Determination of NEPA Adequacy (DNA)  
U.S. Department of the Interior  
Bureau of Land Management

---

OFFICE: Upper Snake Field Office, Idaho Falls District Office

TRACKING NUMBER: DOI-BLM-ID-I010-2015-0005-DNA

CASEFILE/PROJECT NUMBER: IDI-037506

PROPOSED ACTION TITLE/TYPE: Empey-Johnson Conservation Easements Acquisition

LOCATION/LEGAL DESCRIPTION: The property is located on the western side of Henrys Lake in Fremont County, Idaho. The legal description for the property is Township 15 North, Range 42 East, sections 1, 12 and 13, Boise Meridian (Maps 1-3).

APPLICANT (if any): Bureau of Land Management

**A. Description of the Proposed Action and any applicable mitigation measures**

The proposed action is to acquire two conservation easements on approximately 565 acres located on the western side of Henrys Lake in Fremont County, Idaho (Figures 1 and 2). The conservation easements would be acquired using Land and Water Conservation Funds (LWCF) appropriations for the Henrys Lake Area of Critical Environmental Concern (ACEC) project. The property is a private inholding within the Henrys Lake ACEC designation, an area containing one of the most unique and biologically diverse ecosystems in Idaho, and an active water-based recreation program. The property is bordered to the north and west by Forest Service lands and is adjacent to BLM land on the northern portion of its eastern boundary. The remainder of the eastern boundary is adjacent to private land which is conserved by the Wetland Reserves Program.

The two conservation easements are held by The Nature Conservancy (TNC). The first conservation easement, Empey-Johnson 1 (Duck Creek), was purchased by TNC in 2008 to protect 50 acres of the ranch. The second conservation easement, Empey-Johnson 2, was purchased in 2012 and protected the balance of the ranch, approximately 515 acres.

Henrys Lake ACEC's exceptional aesthetic and wildlife values have been an attraction to generations of Americans who have fished, hiked, hunted, skied and snowmobiled in the area. The area offers high quality open space, rangeland, streams, wetlands, and wildlife and fish resources to the approximately 4,000,000 annual visitors who pass through the project area. Antelope, elk, moose, and mule deer utilize the region for summer/winter range and as a migratory corridor connecting summer range in Yellowstone National Park with winter range in Idaho and Montana. The world-renowned Henrys Lake fishery is the last stronghold in the Henrys Fork basin for the Yellowstone cutthroat trout. White spruce/aspen forested wetlands on the east and north shores of the lake are globally rare and found nowhere else in the continental United States.

The 1877 flight of the Nez Perce from their homelands while pursued by the U.S. Army passed through this area. Chief Joseph, Chief Looking Glass, Chief White Bird, Chief Ollokot, Chief Lean Elk and others led 750 Nez Perce men, women, children and double the amount of horses over 1,170 miles through the mountains on a trip that lasted from June to October 1877.

Historically, the property has been a working cattle ranch although land uses have changed over the years. The property contains grass pasture, sagebrush steppe, willow riparian communities and aspen stands, most of which are grazed. The landowners kept a small herd of cattle on the property year round, utilizing Forest Service lands to the west of the ranch for grazing in the summer. Grass haying occurred on the property, but due to the extreme weather and conditions in the area during the winter months, livestock grazed on the property were moved to more suitable winter range from November through May and haying on the property ceased.

Conservation values intended to be preserved and protected for the public benefit under these conservation easements include, without limitation, 1) unplowed grasslands, 2) unfragmented open space and rangeland, 3) corridors for the unimpaired passage of wildlife and 4) natural communities that provide habitat for native wildlife species.

The owner of the property (Empey-Johnson) desires the area to be managed to conserve open space, wildlife habitat, and continue the traditional ranching activities. Conserving the Empey-Johnson property contributes to the unique ecological and visual resources that the ACEC provides the public. Under this proposal the two conservation easements would be assigned from The Nature Conservancy to the BLM and managed as part of the Henrys ACEC.

## **B. Land Use Plan (LUP) Conformance**

LUP Name: Medicine Lodge RMP and EIS, Approved: 1985

Other document: Land Use Plan Amendment for Henrys Lake ACEC Designation Environmental Assessment EA# ID-030-96-066, Approved: 1997

Although not specifically provided for, the proposed action is in conformance with Decision Record and Finding of No Significant Impact for the Medicine Lodge Resource Management Plan Amendment to Designate the Henrys Lake Area of Critical Environmental for the purpose of protecting the unique natural resources of the area.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

Medicine Lodge RMP and EIS (1985)

Land Use Plan Amendment for Henrys Lake ACEC Designation Environmental Assessment EA# ID-030-96-066 (1997).

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Deed of Conservation Easement (Empey-Johnson 1) (2008)

Deed of Conservation Easement (Empey-Johnson 2) (2012)

Pre-acquisition Liability Survey (PALS) (2014)

Mineral Potential Report Memo to the Idaho State Office (2014)

Title Commitment (2014)

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes, the new proposed action is within the same analysis area and is a component of all of the alternatives analyzed in the Land Use Plan Amendment for Henrys Lake ACEC Designation Environmental Assessment EA# ID-030-96-066.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, the range of alternatives analyzed in Land Use Plan Amendment for Henrys Lake ACEC Designation Environmental Assessment are appropriate with respect to the new proposed action because they were developed as a result of an extensive internal and external scoping and public review process. Since the plan was approved, environmental concerns, interests and resources values have remained essentially the same.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the existing analysis remains valid because environmental conditions and public sentiment have not changed since the approval of the plan. New information and new circumstances are not likely to change the analysis since the BLM and the public are committed to acquiring lands in this area for the protection of natural resource values.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the direct, indirect, and cumulative effects that would result from the new proposed action would be quantitatively and qualitatively identical to those described in the existing NEPA document.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, the Henrys Lake ACEC Designation Environmental Assessment was developed through an extensive internal and external scoping and public review process involving the U.S. Forest Service (USFS), Idaho Department of Fish and Game (IDFG), U.S. Fish and Wildlife Service (USFWS), the Shoshone–Bannock Tribes, Fremont County and many private individuals.

**E. Persons/Agencies /BLM Staff Consulted**

BLM Staff:

Joe Kraayenbrink, Idaho Falls District Manager  
Karen Rice, Idaho Falls Associate District Manager  
Jeremy Casterson, Upper Snake Field Manager  
David Beaver, BLM Washington Office LWCF Coordinator  
Richard Todd, BLM Idaho State Office Realty Specialist  
Jeff Cartwright, BLM Idaho State Office Realty Specialist  
Anne Wilkenson-Renaud , Office of Valuation Services  
Jason Wright, BLM Resource Coordinator  
Dan Kotansky, Environmental Protection Specialist  
Brandy Janzen, Natural Resource Specialist  
Monica Zimmerman, Outdoor Recreation Planner  
Joe Larson, Geologist

Agencies/organizations contacted or consulted:

Anne Briggs, Department of Interior Solicitor  
The Conservation Fund  
Teton Regional Land Trust  
Idaho Department of Fish and Game  
Fremont County  
Farm Services Agency

Natural Resources Conservation Service

Shoshone-Bannock Tribes

Individuals contacted or consulted:

Deborah Kay Empey, Personal Representative, Estate of Wayne Johnson

Steve Hall, appraiser

**Conclusion:** Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of Project Lead: /s/ Gloria Jakovac

Date: 11/18/2014

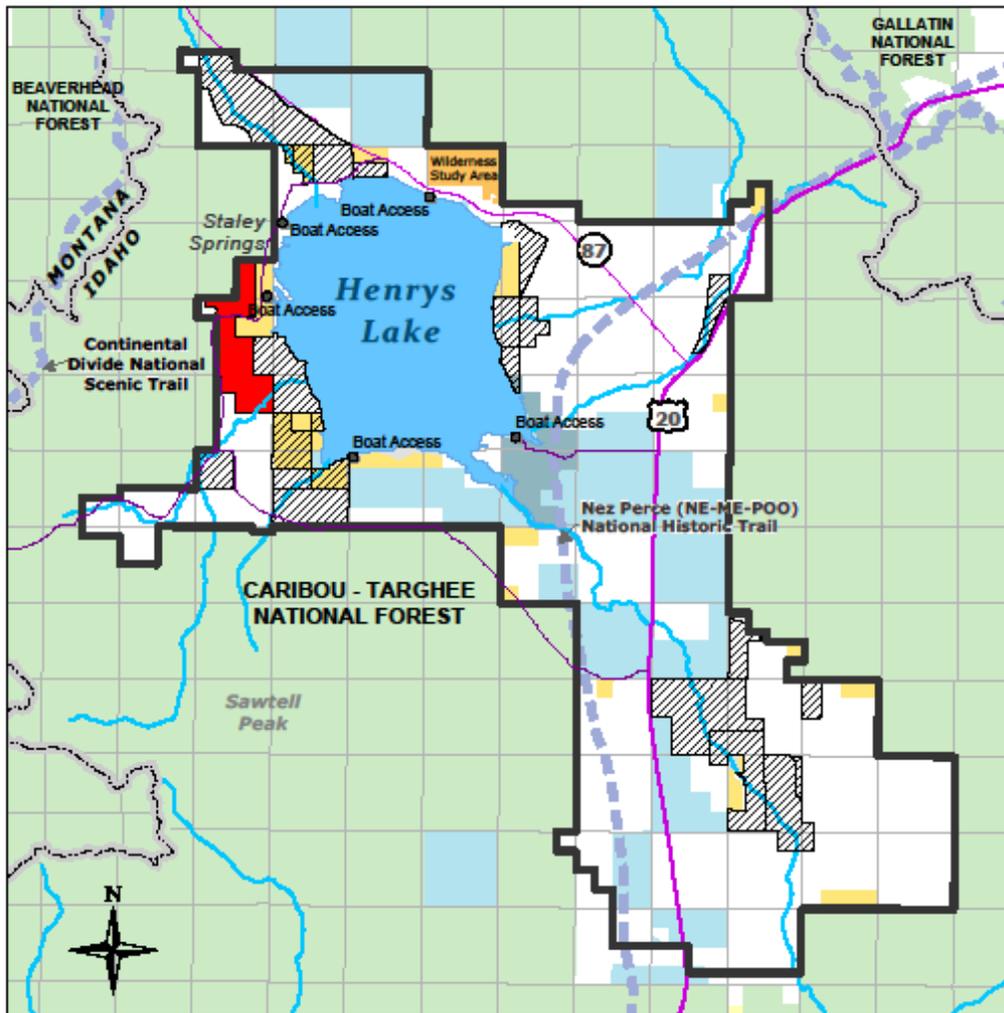
Signature of NEPA Coordinator: /s/ Marissa Guenther

Date: 11/18/2014

Signature of the Responsible Official: /s/ Jeremy Casterson

Date: 11/18/2014

# Henrys Lake ACEC Emergency LWCF Acquitision



**LEGEND**

Empey-Johnson Property	Surface Management Agency
Completed Acquisition	Bureau of Land Management
Project Boundary	Private
National Scenic/Historic Trails	State
	US Fish & Wildlife Service
	US Forest Service
	National Park Service
	Water

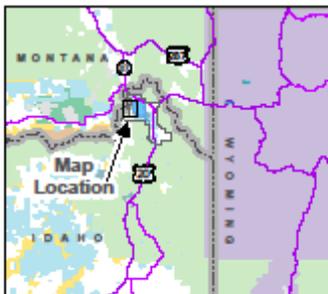
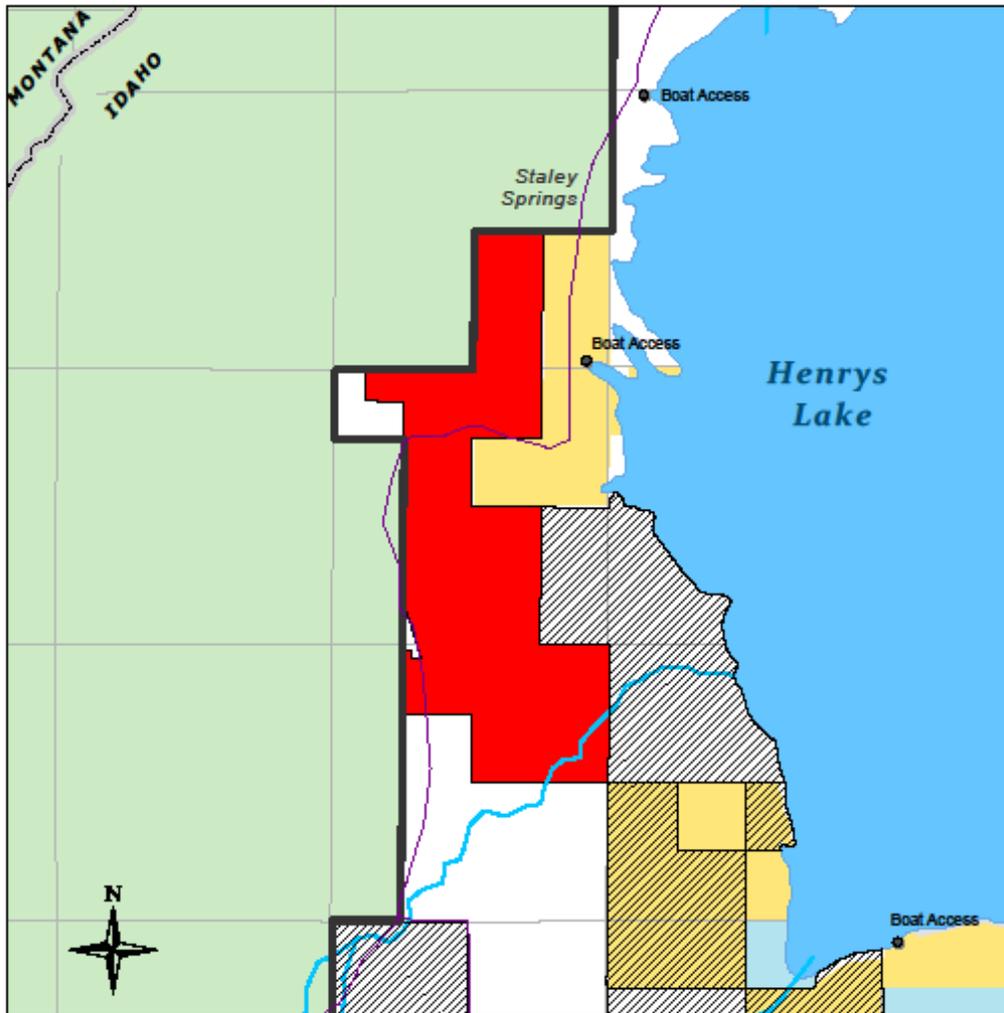


No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.



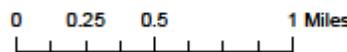
Map created Nov. 17, 2014 Idaho Falls, ID  
[/oc/gis/projects/lwcf/maps/2014/Printable\\_Maps/Emergency\\_Submission/](#)

# Henrys Lake ACEC Emergency LWCF Acquisition



LEGEND

- |                        |                                   |
|------------------------|-----------------------------------|
| Empey-Johnson Property | <b>Surface Management Agency</b>  |
| Completed Acquisition  | Bureau of Land Management         |
| Project Boundary       | US Forest Service                 |
|                        | State Lands; Fish and Game, Other |
|                        | Private                           |
|                        | Water                             |



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.  
Map created Nov. 17, 2014 Idaho Falls, ID



[/oc/gis/projects/lwcf/maps/2014/Printable\\_Maps/Emergency\\_Submission/](#)

Map 3 – Empey-Johnson Property

